

**CENTRAL UNIVERSITIES (STUDENTS PARTICIPATION) BILL\***

श्री मधु लिमये (मुंगेर) : मैं प्रस्ताव करता हूँ कि विद्यार्थियों के संघ गठित करने तथा केन्द्रीय विश्वविद्यालयों के निकायों में उनके प्रतिनिधित्व का उपबन्ध करने वाले विधेयक को पेश करने की अनुमति दी जाये।

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to constitute Students' Unions and to provide for their representation in Central Universities bodies."

*The motion was adopted.*

श्री मधु लिमये : मैं विधेयक को पेश करता हूँ।

**UNIVERSITY GRANTS COMMISSION (AMENDMENT) BILL\***

*(Insertion of new section 12A, etc.)*

श्री मधु लिमये (मुंगेर) : मैं प्रस्ताव करता हूँ कि विश्वविद्यालय अनुदान आयोग अधिनियम, 1956 में संशोधन करने वाले विधेयक को पेश करने की अनुमति दी जाये।

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to amend the University Grants Commission Act, 1959"

*The motion was adopted.*

श्री मधु लिमये : मैं विधेयक को पेश करता हूँ।

**REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL\***

*(Amendment of section 62)*

श्री महाराज सिंह भारती (मेरठ) : मैं प्रस्ताव करता हूँ कि लोक प्रतिनिधित्व

अधिनियम, 1951 में आगे संशोधन करने वाले विधेयक को पेश करने की अनुमति दी जाये।

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1951"

*The motion was adopted.*

श्री महाराज सिंह भारती : मैं विधेयक को पेश करता हूँ।

**ADOPTION OF RELIGION BILL\***

श्री महाराज सिंह भारती (मेरठ) : मैं प्रस्ताव करता हूँ कि किसी व्यक्ति द्वारा वयस्क हो जाने पर अपने धर्म की घोषणा करने का उपबन्ध करने वाले विधेयक को पेश करने की अनुमति दी जाये।

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for declaration of religion by a person on attaining majority"

*The motion was adopted.*

श्री महाराज सिंह भारती : मैं विधेयक को पेश करता हूँ।

16.09 hrs.

**CONSTITUTION (AMENDMENT) BILL\***  
*(Amendment of articles 80 and 171)*

SHRI C. C. DESAI (Sabarkantha) :  
Sir, I beg to move :

"That the Bill further to amend the Constitution of India be taken into consideration."

This is a simple Bill. It relates to the

power of nomination both to the Rajya Sabha and to the Vidhan Parishads. Under article 80, the President is empowered to nominate 12 persons to the Rajya Sabha.

There is a similar provision for nomination on the Vidhan Parishads in those States where bicameral legislatures are in force.

I have gone through the proceedings of the Constituent Assembly in 1948 to see for myself what were the objects behind this particular provision, what was contemplated, what expectations were raised and what was intended to be done. The proceedings indicate that even then there were misgivings on the part of Members of the Constituent Assembly that this power may be abused or misused and the President may come into contempt because on the advice of the Council of Ministers he can appoint or nominate persons who may not be suitable and there may be cases of impeachment of the President because of wrong exercise of power. This is what you find in the proceedings of the Constituent Assembly.

It was also felt that the exercise of this power would lead to charges of favouritism and would lead to bickerings. We have had this provision in force for twenty years. We have seen the working of this provision. If I were to take you, Sir, through the gamut of nomination both to the Rajya Sabha and Vidhan Parishads it will relate a sorry tale. Take only the case of 1968. There were biennial elections to Rajya Sabha followed subsequently by certain nominations. Hon. Members would remember that in Uttar Pradesh the Uttar Pradesh Congress Committee or the Congress bosses wanted that one of the candidates for elections should be a certain gentleman, a sitting Member in the Rajya Sabha. His name was apparently not approved by the Party Bosses. But pressure came from top here and ultimately he was accommodated with this understanding that when the President comes to nominate twelve Members, or four Members in this case, to the Rajya Sabha, one of these persons who were dropped would

be accommodated. This intention of Government found mention in the newspapers and cannot be denied or challenged. In other words, the power of presidential nomination was the subject matter of political trafficking on the part of Government, on the part of the Prime Minister, because it is on the advice of the Prime Minister that apparently the President makes his nomination.

Once again, going through the proceedings of 1948 I find that nobody then had the slightest hunch or idea that power could not be exercised by the President as mentioned in the debate in his absolute discretion.

But we all know how the presidential nomination has been reduced from absolute discretion on the part of the President to merely saying ditto to what the Prime Minister says or rubber-stamping the decree of the Prime Minister. They have said that the President can do nothing in his discretion, or even absolute discretion, and whatever he does he must be on the aid and advice of the Council of Ministers, which means in this particular case the Prime Minister. In other words, what was intended to be a means of getting talented persons in Parliament, people who may not be expected because of their age or other disabilities to go through the strains and trouble of contesting an election, if it is felt, if it is found that their advice is necessary, is desirable for the wiser counsel of government, then there should be a provision for inducting such persons into Parliament through the process of nomination. This particular provision has been abused, it does not serve that purpose and it is now being used for political purposes.

I do not want to pick out names because that would be invidious, that would be somewhat uncharitable and embarrassing; but if you go through every nomination, there may be a stray nomination here or a nomination there which fits in with this provision, which says that the presidential nomination shall be used for purposes of inducting into Parliament people who have special

[Shri C. C. Desai]

knowledge or practical experience of literature, art, science and social services.

I can give you examples to show that many of these people who have been nominated to Rajya Sabha have no special knowledge, or no personal experience, or special aptitude for any of these four subjects except that anybody who reads literature can be said to be interested in, or having special knowledge of, literature and that way alone he can qualify for presidential nomination.

This power of nomination applies not only to the Centre but also to the States. When we look at the way in which this power is exercised by the States, we find it is even worse. We have the classic example in Bihar. Only in 1967, when a particular gentleman who happened to be at that moment a Member of Parliament, who was the leader of a particular group which claimed majority in the Bihar Legislature, when he wanted to be the chief Minister, as he was a Member of Parliament and not a Member of the State Legislature, he could not be elected leader of the state Legislature party and he could not be made the Chief Minister of the State. So, what did he do? They put up a nominal leader for leadership. That leader was sent for by the Governor and made the Chief Minister. The first and only act of that Chief Minister was to recommend to the Governor the appointment of the particular individual as a member of the Vidhan Parishad. He was nominated to the Vidhan Parishad. Then the Chief Minister obligingly resigned and the new nominated member of the Vidhan Parishad was elected the leader of the State Legislature Party and he was sworn in as Chief Minister. This is what is happening in the matter of nominations today not only at the Centre but also in the States.

[MR. SPEAKER *in the chair*]

Why do we want nomination? Even in 1948 there were objections to the introduction of the principal of nomination in a system which was based on the elective principle. As they said, the

symmetry of elections was marred, was spoiled by the introduction of the principle of nomination. Be that as it may, we can give the benefit of good intentions to the members of the Constituent Assembly at that time. But, since then, twenty years have passed and we have seen how the power of nomination has been exercised, how it has been abused and how it is capable of being abused, particularly in the States.

We have now a system where different parties are in power in different States and at the Centre. Some of these parties are highly politically motivated. They have no principles; their only principle is how to improve their strength and how to increase their power. It does not matter to them whether the nomination is based on principle, is qualified and is within the four corners of the intentions of the framers of the Constitution. What they want is how to get further accretion to their power, position and strength in Legislature. This is what is now the guiding factor and the guiding principle of nomination. That is why I say, let us depend wholly and solely on elections; whichever party is chosen by the electorate, the people, must have the right to govern and must be conceded the right to govern. Let that right to govern not be based partly on the elective principle and partly on the nominative principle. Let the elective principle not be diluted by these nominations which are undemocratic to begin with and which are perverse in practice as we know in all these cases.

My hon. friend, Shri Lokenath Misra was a member of the Constituent Assembly. He had a different angle on these nominations. He said, let us have nominations for the purpose of reflecting the glory of the past, for resuscitating the traditions of ancient India. It is this gentleman who has been nominated only in 1968.

SHRI P. K. DEO (Kalahandi): He is another Lokenath Misra.

SHRI C. C. DESAI: I am sorry. Anyway, one Lokenath Misra said that. What I want to say is that even that noble and high thought, that we should have

some people in Rajya Sabha so as to reflect the glory of the past or the ancient traditions of India, has not been fulfilled because not one of these people, who are sitting in the other House and who have been nominated, can qualify under that principle. They do not qualify under the principle of literature, art, science or social service; they merely qualify under the principle of patronage of the Congress Government. That is the principle on which these nominations have been made. What they do today the other parties will do in the States tomorrow. So, do not think that by accepting this Amendment Bill you are depriving yourself of some power for all time to come. If we think that this is a wrong principle, let us all get together and say that now after 20 years of experience we are in a position to say that this particular power of nomination should be abolished.

The clause that is to be deleted, in so far as Rajya Sabha is concerned, is clause (3) which says:—

"The members to be nominated by the President under sub-clause (a) of clause (1) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:—

Literature, science, art and social service."

Similarly, for the States clause (5) should be omitted from article 171. In other words, there should be no provision for nomination. This is a simple Bill which I have brought forward and which, I hope, will commend itself to the Government and to the other Members of the House. All I am seeking is to honour and abide by the elective principle which should be acceptable to everyone and let there be no need now to dilute that elective principle by nomination.

I commend the Bill to the House for acceptance.

Mr. Speaker: Motion moves :

"That the Bill further to amend the Constitution of India, be taken into consideration."

16.25 hrs.

#### WITHDRAWAL BY MEMBER OF CERTAIN REMARKS\* MADE BY HIM DURING QUESTION HOUR

MR. SPEAKER: Before we proceed further, I would like to mention about the morning incident. I have gone through the morning's proceedings and, as Mr. Madhok has also gone through it, he may say a few words. I find Mr. Ebrahim Sulaiman Sait is not here. But that does not matter.

SHRI BAL RAJ MADHOK (South Delhi): Sir, I have gone through the transcript of the morning's proceedings. I thought I had made a general kind of remark. But I find there is a particular remark. I do not want to call any Member of Parliament as a traitor. Therefore, I withdraw that remark.

16.26 hrs.

#### CONSTITUTION (AMENDMENT) BILL— Contd.

(Amendment of articles 80 and 171)

SHRI S. KANDAPPAN (Mettur): Mr. Speaker, Sir, my hon. friend, Mr. C. C. Desai's Bill is very important in the sense that this particular provision of the constitution is very much abused. But still I am not going to totally support the Bill. There are certain facts to which Mr. Desai himself has drawn attention, namely, there are certain sections which need to be represented and which may not be in a position to manoeuvre sufficient votes to get either into the Council or in the Rajya Sabha. For example, there is an Anglo-Indian community which finds a place, by way of nomination, in my State in the Madras Assembly. It would be difficult for them to get representation in the Assembly without that kind of a provision.

SHRI C. C. DESAI: That is a different provision for nominations to the Assembly. That is not being touched.

SHRI S. KANDAPPAN: In the Rajya

\*Please see col. 19.