

[श्री वल्लभ राय]

ने इस काम के लिए बहुत कम रकमा रखा है। चकबन्दों के बिना किसानों को खेती करने में बड़ी दिक्कत होती है, उसका अनुभव हम उनके प्रतिनिधि होते हुए भी पूरी तरह नहीं कर पाते हैं। एक किसान के लिए दूर दूर के खेतों में जाकर काम करना बड़ी समस्या होती है। इसलिए मेरा निवेदन है कि जहां पैदावार बढ़ाने के लिए फाटीलाइजर और सिंचाई आवश्यक है वहां खेतों की चकबन्दों भी अति आवश्यक है। इस समस्या को हल करने से किसान का बड़ा लाभ हो सकता है।

Mr. Deputy-Speaker: He can finish his speech on Monday.

16 hrs.

COMMITTEE ON PRIVATE MEMBERS' BUSINESS AND RESOLUTIONS

THIRTY-EIGHTH REPORT

श्री रामसेनक यादव (बाराबंकी) : उपध्यक्षा महोदय, मैं ३२वें गैर सरकारी समिति के प्रतिवेदन को प्रस्तुत करता हूँ और च.ह.त. हूँ कि सदन इसे स्वाकार करें।

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Thirty-eighth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th March, 1964."

The motion was adopted.

16.0½ hrs.

CONSTITUTION (AMENDMENT) BILL*

(Amendment of article 217) by Shri Abdul Ghani Goni.

Shri Abdul Ghani Goni (Nominated—Jammu and Kashmir): Sir, I beg

to move for leave to introduce a Bill further to amend the Constitution of India.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

Shri Abdul Ghani Goni: Sir, I introduce the Bill.

16.01 hrs.

PAYMENT OF WAGES (AMENDMENT) BILL*

(Amendment of sections 1 and 15, etc.) by Shri P. R. Chakraverti:

Shri P. R. Chakraverti (Dhanbad): Sir, I beg to move for leave to introduce a Bill further to amend the Payment of Wages Act, 1936.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Payment of Wages Act, 1936."

The motion was adopted.

Shri P. R. Chakraverti: Sir, I beg to introduce the Bill.

16.01½ hrs.

CONSTITUTION (AMENDMENT) BILL

(Amendment of articles 84 and 173) by Shri Hari Vishnu Kamath.

Shri Hari Vishnu Kamath (Hoshangabad): **Mr. Deputy-Speaker,** Sir, I rise to move:

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

*Published in Gazette of India, dated 28-3-64.

Sir, My Bill seeks to provide an upper age limit for the lower houses of legislatures at the Centre and in the States and secondly, to provide certain minimum educational qualifications for candidates to the Houses of Legislatures, candidates to Parliament and to State legislatures. As I have stated in the Statement of Objects and Reasons, this Bill is intended to discountenance the growth of gerontocracy in our young democratic republic, because it is antithetic or contradictory that in the modern age, in the later half of the 20th century in our young democratic republic, we should by any means, unwittingly though, countenance the growth of gerontocracy. What is gerontocracy? Its etymology goes back to the Greek language. Democracy, aristocracy, autocracy—these have their own connotation and they are well known to you, Sir, and to my colleagues in the Houses, but perhaps gerontocracy is not so well-known a term, and some of my hon. friends may not be familiar with this term—gerontocracy. Gerontocracy in short means Government by old people. There is a homophonous word in Sanskrit—I believe it is in Hindi also—jara, jaratha. I think the old Greek had some sort of affinity with Sanskrit, because the root word in both languages is similar jara, jaratha, geronto—So, in gerontocracy, there is this 'jara' and then 'cracy'. As democracy means rule by the people, 'demos'.....

The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C. R. Pattabhi Raman): The Sanskrit word is jara.

Shri Hari Vishnu Kamath: That is what I said; you have been absent minded; you were not attentive perhaps; I said jara, jaratha.

Shri Shinde (Kopergaon): Will Mr. Kamath define jara?

Shri Hari Vishnu Kamath: You have not read my Bill apparently, but I will try to enlighten you anyway. Have a little patience. Just as the word democracy means the rule by

the people, aristocracy, by rich people, aristocrats, and autocracy, rule by one man, dictator, so also gerontocracy means rule by old people. My hon. friend Shri Shinde ejaculated, what is old age, how do you define old age, what is the age limit you prescribe? I know there is no hard and fast rule. There are old men and women, who put younger people to shame by their energy and activity. We have, Sir, in our own country today, fortunately, the Prime Minister himself. He is not 75 yet and my Bill puts the limit at 75. But even at the age of 74 he displays much activity and energy,—and earlier he has demonstrated an activity and energy, physically, unsurpassed, if not unequalled. And we have got a living example here in the Houses, Babuji Aney, who is much older, who is 84. Any one of us who has been watching work in the House will be astonished at the energy and the attentive manner with which he listens to the debate, follows every word and every phrase and jumps up in his seat with a vigour which a younger man might envy, with vigorous gestures that mock at the Treasury Benches and also makes his own comments on various matters. But when we recognise, admire and honour the exceptional compatriots of ours, the law is made or is intended for the vast majority of the people; law does not take into account exceptions, but only the gearliness of mankind.

You are very well aware, Sir, that in England, some centuries ago, in the Napoleonic period, William Pitt the Younger became Prime Minister at the age of 24 and carried on till he was 44 when he died. Had there been a provision that nobody could enter the British Parliament unless he was 25 years of age, if that was the minimum age for election to the British House of Commons, poor Pitt the Younger would have had no chance at the age of 24 when he became Prime Minister.

But, Sir, we legislate for the vast majority of people and the law does

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not take into account exceptional individuals. Even then as a safety provision, I have sought to provide this upper age limit only for the lower houses and not for the upper House, Rajya Sabha here and the Vidhan Parishads in the States.

Dealing with the question raised by Mr. Shinde, our ancient scriptures have tried to deal with this question: who is a vriddha? He is not a vriddha, who is old only in years. Here inside the dome, Sir, there is a very impressive inscription which all of us who have eyes open must have seen. How does it read:

“न सा सभा यत्र न सन्ति वृद्धा
वृद्धा न ते ये न वदन्ति धर्मम्
धर्मस्यः नो यत्र न सत्यमस्ति
सत्यम् न यत् तत् छत्रम् गृहेति ॥”

Who therefore is a vriddha? Vriddhas are not those who do not speak Dharma; not necessarily those who are old in age but those who speak in accents of Dharma, they are the true vriddhas.

There is an old fable about Saraswati Muni in the Shanti or Anushasan Parva of the Mahabharata. When all the elders of Saraswati Muni fled for their lives, this young boy of 12 stayed on with courage on the banks of the Saraswati river. He braved; all those 12 years of terrible famine, on the banks of the river, living on fish only. He lived thus for 12 years, while the other Munis had left and fled away. When they came back after 12 years, they wanted to boss over him, now a young man. The elders had fled for their lives but this young man of 12 stuck on and he was now 24. What he said was:

न तेन वृद्धो भवति येनास्य पलितं शिरः ।

यो वै युवाश्चोद्यन्तस्तं देवा स्वविरे विदुः ।

That is, or you grey-haired people, white-haired people, you cannot teach me, because you have shown fear. You have shown cowardice in your action. I am your teacher, and so learn from me. They recognised

the force of his argument and sat at his feet and learnt,—the young man of 24.

Therefore, I would like to lay down a criterion, and that is, the old Hindu shastras, Indian Dharma, has recognised the four Ashrams: Brahmacharya, Grahastha, Vanaprastha and Sanyasa. One can be an activist in mind and body during the Vanaprastha stage, but Sanyasa, renouncing every mundane activity, commences according to the scriptural injunction, at the age of 75. Therefore, irrespective of whether the buddhi, is on the Vriddhi or not on the increase or decline, I want to provide that this age of 75 must be recognised as the upper age-limit when every Member, every person, a politician or otherwise, should take Sanyasa and may function as an adviser, if and when his advice is sought for. That is with regard to the first part of my Bill. That is to say, the upper age-limit should be 75 for membership of the lower Houses of the State Legislatures and of Parliament.

Now, I come to the second part of the Bill which is perhaps more controversial than the first part. That is with regard to the educational qualification which I seek to prescribe for Members of Parliament and State legislatures. This point, as you very well might recollect, was agitated in the Constituent Assembly and in the provisional Parliament also. In the subsequent debate it has not raised in that form, but in the Constituent Assembly it was raised in the form of amendments to the relevant articles, but ultimately you know it was defeated. But the President of the Constituent Assembly, Dr. Rajendra Prasad, in his valedictory address, his final address, to the Constituent Assembly—he made a long speech and I would not like to tire the patience of the House by reading long extracts—made a very cogent and a very fundamental observation. He said:

"There are only two regrets which I must share with the hon. Members of the Constituent Assembly. I would have liked to have some qualifications laid down for members of the legislatures. It is an anomaly that we lay down high qualifications to those who administer or help in administering the law, but for those who make the law we have no qualifications whatsoever..."

That is the part which is relevant to the subject-matter of my Bill.

Then, Dr. Ambedkar who replied to the debate once in the Constituent Assembly, and later in the provisional Parliament also when the resolution was moved by my then hon. colleague, Prof. K. T. Shah, in which many members on both sides of the House took part, dismissed this issue, may I say, half in jest and half in earnest—(Interruption). Shri K. C. Sharma perhaps recollects the manner in which it was done. Dr. Ambedkar said, "Let me make it clear at the outset, that I do not regard ignorance as a virtue." But then he went on to plead with the House a strange argument which was accepted later on; it was not accepted, I believe, in heart and mind, but he had his way; the majority accepted and the motion was defeated. Dr. Ambedkar said in effect: "Neither Mr. K. T. Shah nor Mr. Kamath nor I are the masters." We are not the masters in this democracy. The masters are outside the House, the millions of electors, who send us here; they are the masters in our democracy; and if they think that an uneducated person or even an illiterate person or even a deaf and dumb person can represent them better and more effectively, then we, the so-called educated people, then, if they think so, who are we to come in their way? We are mere servants; they are the masters. "Who are we to come in their way?" That argument passed muster at that time, but I do not think that should pass muster now, because much has hap-

pened, and much water has flowed down the Ganga and the Yamuna since 1950. Though I know the policy of the Government is halting and half-hearted, yet in spite of that, our Republic has made fairly rapid strides on the road to education and literacy, *saksharata*, and I think within another five to ten years, we can confidently look forward to illiteracy being wiped out, and some sort of minimum educational standards being attained in this country. Even the Constitution—I forget the number of the article—provides that the State shall endeavour to give free and compulsory education till the age of 14 to all citizens of this country. We hope that directive will be implemented in the very near future. It would not take very many years for this directive to be implemented, I trust.

As I have said, in the Statement of Objects and Reasons to my Bill, we should consider the incongruity of the position which requires high educational qualifications in the case of those administering the law and those who judge and interpret the law,—the same sentiments which Dr. Rajendra Prasad expressed in the Constituent Assembly while the law-maker is under the Constitution exempt from any educational qualification whatsoever.

I remember a jocular remark made by a colleague in the Constituent Assembly or in the provisional Parliament when this matter was before the House. He said that the only qualification which a law-maker at that time—not now, I hope,—had to have was that he should be good at law-breaking, and a good law-breaker could become a law-maker as well. I do not think that holds good today, with so much progress in education and literacy in our country.

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There are four amendments in my name. Two of them are verbal and are minor ones: namely, to substitute "Fifteenth" for "Fourteenth" year, "1964" for "1963". Amendments Nos. 3 and 4, however, seek to exempt the Scheduled Castes and Scheduled Tribes who were unfortunately kept very backward and have been denied all facilities, even human treatment, not to speak of civilised treatment, during the 150 to 200 years of foreign rule, British rule—so it is not their fault—from the operation of this provision relating to the educational qualifications, both for membership of Parliament and State legislatures, for such period or as long as period as the reservation of seats for them in Parliament and the legislatures remains in force. I have sought to make the period of exemption coterminous with that period. I do recognise that they are at the moment labouring under severe handicaps with regard to education, but I look forward to that day when all these reservations will disappear and they and the so-called caste Hindus and the other Indian people will become one in every sense, culturally, socially and educationally. We will be really happy to usher in that dawn when the reservations will have been done away with, having regard to the fact that the scheduled castes and scheduled tribes have attained the same standards....

Shri Nambiar (Tiruchirapalli): (Khammam): On a point of order, Sir. There is no quorum.

Some Hon. Members: There is quorum.

Shri Nambiar (Tiruchirapalli): Probably the Lady Member being new to the House may not know the conventions. Generally question of quorum is not raised during Private Members' business.

Shrimati Lakshmikanthamma: I counted and there are only 34.

Mr. Deputy-Speaker: There is quorum. He may continue.

An Hon. Member: Very bad at counting.

Shri Hari Vishnu Kamath: I was referring to my amendment seeking to exempt scheduled tribes and scheduled castes from this educational qualification.

Before I close, may I invite the attention of the House to the fact that I have collected some material with regard to the age of Ministers of Governments of various countries. The U.S.A., which is one of the two most powerful countries in the world, has got the youngest Cabinet, so to say, whose average age comes to less than 54. Even in the U.K. the age of the Prime Minister today is only 60, and the age of no Minister is above 67 or 68. In most of the countries whose figures I have got here—the Reference Branch could not give me more material—so far as the Commonwealth countries—Australia, Canada and U.K. etc., are concerned, the ages of the various Prime Ministers are 69, 66 and 60.

An Hon. Member: What about West Germany?

Shri Hari Vishnu Kamath: I have not got it here.

The President of the United States is only 55 and the other Members of his team—the Secretaries,—are aged 55, 54, 47, 38, 44, 44, 45, 52, and 53. My hon. friends are interested in U.K. The age of the Prime Minister Sir, Alec Douglas Home is 60. The ages of other Ministers are 61, 56, 58, 47, 60, 56, 47, 54, 59, 53, 43, 56, 55, 51, 40, 50, 46, 43, 39, 45 and 44. I would not tire the House by reading the figures regarding other countries.

I would like to say just one word about the educational qualifications obtaining in other countries of the world where there are written Constitutions.

In Britain, we have no written Constitution, but there is universal literacy in U.K. and USA, and the question therefore does not arise. But let us see the position in the so called backward countries, compared to which our country is far advanced. In Bolivia, a Deputy, i.e., a Member of Parliament must be able to read and write Spanish. A person who can only sign his name and write certain characters shall not be deemed to be able to write. In Ceylon the position is that any person not otherwise disqualified shall be qualified to have his name in the electoral rolls, provided he is able to read and write English, Sinhalese or Tamil. That is the position in Ceylon, which is a backward country compared to ours.

Shri Hanumanthaiya (Bangalore City): Now Tamil has gone.

Shri Hari Vishnu Kamath: I do not know about that. In Chile, a candidate to Parliament must know how to read and write. In Guatemala, to be a Deputy of the Congress, a person must enjoy all his rights of citizenship, be over 21 years of age and also know how to read and write. In some countries, they should be educated, and also have an educational diploma.

In our Constitution there is no provision for even a minimum qualification of literacy for candidates. I am not talking about the prescription of qualifications for electors in our country, because we have got to make a lot of leeway and it will take years for hundred per cent electors to be literate. But certainly as Dr. Rajendra Prasad said in the Constituent Assembly, it is very anomalous that the Constitution should lay down that on the one hand, we should have high qualifications for those who administer, judge and interpret the law, but no qualifications whatsoever for the makers of law. I think it is high time that this anomaly was ended, and this Parliament gave serious thought to this matter and took the first step on the road to real progress.

I would only like to add before I close that this Bill that I have placed before the House does not necessarily represent the view or the policy of the party which I have the honour to represent in this House—the Praja-Socialist Party. I, Sir, have been a fighter for this in the Constituent Assembly and also in the Provisional Parliament and it is in the spirit of following up what I did till 1951 that I have moved this Bill before the House. I do hope that my colleagues on both sides of the House, on the Congress Benches as well as on this side, will lend their weighty support to the measure which I have brought before the House. I, therefore, commend it for the unanimous acceptance of this House.

Mr. Deputy-Speaker: Motion moved:

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

Shri Khadilkar (Khed): **Mr. Deputy-Speaker,** Sir, I do not know whether the mover of this Constitution (Amendment) Bill is serious or he has just brought forward this motion in a somewhat half-hearted or light-hearted.

Shri Hari Vishnu Kamath: Are you serious in opposing it or even in speaking on it

Shri Khadilkar: He has announced that so far as his measure is concerned his party has dissociated itself from the measure that he is sponsoring. In our country, traditionally, we have reverence for age and we have gone to such a limit that there is a well known adage:

वृद्धास्ते न विचारणीयं वरितं

It means that those people who are advanced in age, their doings need not be questioned. It means that in our country old age and wisdom are supposed to go together. Therefore, to lay down a law that man must be of such and such an age to function properly in this House is something which it is very difficult to support. When I look at both the Houses, I

[Shri Khadilkar]

find that there are—because modern legislative business has become too technical and the subjects are so vast—many of us who are, without any disrespect to any hon. Member of this or the other House, in many respects, politically or economically or from the point of view of making law, illiterate. Therefore, mere literacy to be made a qualification has very little meaning.

We know—perhaps the hon. Member, Shri Kamath will recall what qualification his mother had—that most of our mothers though illiterate—I am very serious about it—

Shri Hari Vishnu Kamath: I am talking of the candidates and not of the voters.

Shri Khadilkar: Though they were illiterate, they were having a greater commonsense and wordly wisdom to guide their own families and advise their children. After all, law is codified commonsense, as it is said. If we are to look at it from this angle, there are many hon. Members who might be silent but who grasp the meanings of certain measures that are brought before the House.

An Hon. Member: Let us hope so.

Shri Khadilkar: Let us take any other country, for instance, the mother of Parliament, Britain. He has quoted several instances, Take West Germany. We know the man who recently retired—Dr. Adenauer. He was 85. Churchill when he retired was more than 75. But after that age he was able to produce a monumental book called the History of the English-speaking people. What does it indicate? Even in this House—he may not be functioning as enthusiastically as some others; he may not be raising points of order or compelling the House to raise the question of quorum—we have Dr. Aney. He is 85. He may not play all those things that I mention on the floor of the House. But still I maintain that he is equally alert or more alert than my hon.

friend Shri Kamath who stands on his head in the morning and looks at the world from a different angle.

Shri Hari Vishnu Kamath: Your Prime Minister also does it. You are not in good company. I am in good company.

Shri Kapur Singh (Ludhiana): Sir, I rise on a point of order. Is it permissible and parliamentary to make invidious distinctions between individual Members of this against House as the speaker is doing?

Shri Khadilkar: Not at all.

Shri Hari Vishnu Kamath: If he did that *asna* he would function better than the way in which he does.

Shri Khadilkar: Sir, therefore, in all seriousness, I or any Member of this House who has given sufficient thought to this question, would not take this measure very seriously. That is my approach to the Constitution (Amendment) Bill that he has brought before this House.

I want to make only one more point. In the public life of India, it is not merely age that is important. Sometimes we come across situations where quick action is called for. There may be a certain view point or a certain perspective that a young mind is capable of taking, and perhaps age sometimes might be his handicap. Therefore, there should be a combination of age and youth so that the ship of the State would be kept on an even keel.

I would plead with Shri Kamath on this occasion that he is raising a good discussion by bringing forward this measure. So far as literacy is concerned, as I said, in this country we are pledged to have hundred per cent literacy in the next Plan. Let us hope that we shall reach that target. But mere literacy has very little meaning. There are so many other things

in life like the capacity and receptivity of mind to understand things, understand the implications of measures that come before the House. That is more important than mere literacy. Therefore, prescribing qualification of literacy or qualification of age and barring people after 75 has very little meaning.

I may give you one instance. Take the case of the former Deputy Chairman of the Planning Commission, Shri V. T. Krishnamachari. I have seen him functioning on occasions. His mind was so alert that perhaps he would have put to shame many of us including Shri Kamath, because he grasped all the intricacies of planning and all the economic implication of planning. Take the instance of Sir C. P. Ramaswami Aiyar, a man of very high standing in the world of scholarship and one of the leading academicians, if I may say so. Leave aside his activities in some other fields. He has functioned and he is today functioning with alertness. When I heard him at Viswabharati, when he delivered his address there, I could realise that his mind is capable of grasping not only the problems, not only the petty matters that we discuss here on many occasions, but he is capable of grasping all the implications of wider issues that are facing humanity.

As I said before, Shri Kamath has done one good thing. He has brought this measure before the House and given us an opportunity to put forward our views on this important matter.

Shri Nath Pai (Rajapur): Sir, may I point out that Shri Khadilkar, unwittingly, inadvertently, perhaps without meaning it, cast aspersions on the deliberations of the House, in the last sentence, if I heard him correctly, he said "on the petty matters this

House discusses". I would like to say, Sir, that this House discusses nothing but what is of the highest importance.

Shri Khadilkar: I qualified that by saying "on many occasions" and I am prepared to stand by it.

श्री रामसेवक यादव (बाराबंकी) :
उपाध्यक्ष महोदय, मुझे इस बात की खुशी है कि श्री कामत ने जो विधेयक प्रस्तुत किया है वह उन के दिल की नीति नहीं है और इसी लिए मुझे उस का विरोध करने में दुःख नहीं है, नहीं तो मुझे बड़ी मुश्किल पड़ जाती क्योंकि निकट भविष्य में मैं और श्री सुरेन्द्र द्विवेदी एक होने जा रहे हैं।

इस विधेयक में जो माननीय कामत ने...

Shri Khadilkar: The period of courtship is going on?

श्री रामसेवक यादव : हम कम उम्र हैं नहीं तो औरों से भी कर सकते थे।

इस विधेयक में दो व्यवस्थायें हैं, एक तो उम्र की और एक शिक्षा की योग्यता को। जहाँ तक शिक्षा की योग्यता की बात है वह लोक सभा के लिये कुछ रखी है और राज्य विधान सभा के लिए कुछ रखी है। उन्होंने कहा कि हाउस आफ पीपल के लिए शिक्षा का स्तर सैपेन्डरी एजुकेशन कम से कम होना चाहिये। इस का मतलब हम यह समझते हैं कि वह आदमी अंग्रेजी पढ़ा लिखा होना चाहिये।

एक माननीय सदस्य : जी नहीं।

श्री रामसेवक यादव : हिन्दुस्तान के सिलसिले में तो इस का यही अर्थ होगा कि वह आदमी अंग्रेजी पढ़ा लिखा हो और जब हम अपने देश को देखते हैं तो पाते हैं कि यहां अंग्रेजी पढ़े लिखे लोगों की प्रतिशत २ है और उन में भी बहुसंख्या ऐसे लोगों की है

[श्री रामसेवक यादव]

कि जो पढ़ तो गए हैं लेकिन ठीक से मुंह तोड़ मरोड़ नहीं पाते हैं। ऐसे लोगों को वह सदस्य होने का अधिकार देना चाहते हैं। यह तो उस एडल्ट फ्रेंच इज के सिद्धान्त के, जिसको हम ने स्वीकार किया है, विपरीत जाता है और इस से जनतन्त्र को जबरदस्त खतरा पहुंच सकता है।

अभी अगर कोई आदमी उर्दू, या हिन्दी जानता हो, तामिल जानता हो; तेलगू जानता हो, बंगला या मराठी आदि जानता हो, तो वह इस सदन का सदस्य हो जाता है। पर चाहे उस में इतनी योग्यता हो कि वह किसी भी मंत्रालय को ठीक तरह से चला सकता हो, लेकिन अगर वह अंग्रेजी नहीं जानता तो उस को मंत्री नहीं बनाया जा सकता। तो अब तक तो यह अंग्रेजी भाषा की रोक केवल मंत्री बनने के लिये ही थी, लेकिन माननीय कामत साहब ऐसे व्यक्ति को जो अंग्रेजी पढ़ा लिखा न हो, इस सदन का सदस्य बनने से भी बाँधत करना चाहते हैं। इस विधेयक का अर्थ तो यही है। योग्यता का क्या मतलब होता है? अभी श्री खाडिलकर ने बतलाया कि कानून का सीधा सम्बन्ध बुद्धि से होता है, साधारण बुद्धि से सम्बन्ध होता है। इस तरह के कानून को समझने की सब को बुद्धि होती है। गांधी जी ने तो कहा था कि ज्ञान मनुष्य और जानवर के बीच विवेक किस से होता है, और उस का विवेक उन्होंने बतलाया कि मनुष्य का होता है बुद्धि, साधारण बुद्धि, चीजों को समझने की क्षमता और जानवर को यह क्षमता नहीं होती है लेकिन कामत साहब से मुझे दुःख के साथ कहना पड़ता है कि उन का आखिर को तो आई०सी०एस०दिभाग ही ठहरा जो उन्होंने मनुष्य मनुष्य में भी भेद कर डाला। उन्होंने एक बगैर पढ़े मनुष्य और एक अंग्रेजी पढ़े लिखे मनुष्य के बीच में यह प्रतिबन्ध लगा कर भेद किया है। यह जो उन्होंने

मनुष्य मनुष्य में भेद किया है उस के कारण मैं उन के इस सुझाव का विरोध करता हूँ। मैं कामत साहब से निवेदन करूंगा कि वह अपने तर्क को सिद्ध करने के लिए कभी भी सरकार के उस तर्क को मजबूत न करें क्योंकि जब हम शिक्षा पर बोलते हैं तो यह कहते हैं कि प्रारम्भिक शिक्षा देशवासियों को देने की रफ्तार बहुत धीमी है और वह तेज नहीं है और लोगों को शिक्षित करने में काफी समय लगेगा। आज इस तरह का प्रतिबन्ध विधायकों के लिए जब लगाना चाहते हैं तो वह इस के लिए यह तर्क दे रहे हैं कि अगर लोगों को यह मालम हो जाएगा कि विधायक की उम्मीदवारी के लिए उन का शिक्षित होना आवश्यक शर्त है तो उस मारे लोग जल्दी ही शिक्षित हो पायेंगे। लेकिन मैं उन से निवेदन करूंगा कि उन का यह तर्क सही नहीं है।

श्रीमन्, इस देश में एक बार इस तरह की चीज आई थी कि और कहीं यह उसी दिमाग की उपज तो नहीं है जो इस तरह का प्रतिबन्ध लगाने का मुझाव श्री कामत दे रहे हैं? इस देश के कुछ बड़े नेताओं ने यह तर्क दिया था कि इस देश में जनतन्त्र इसलिए सफल नहीं हो सकता है, कामयाब नहीं हो सकता है क्योंकि यहां पर अनपढ़ लोगों को भी वोट देने का हक हासिल है। इसलिये वोट देने का हक केवल पढ़े लिखे लोगों को ही होना चाहिये। जो अनपढ़ हैं और जो शिक्षित नहीं हैं उन्हें यह अधिकार नहीं मिलना चाहिये। अगर यह उस की शुरुआत है तो उस के बहुत भयंकर परिणाम निकलेंगे। हिन्दुस्तान जैसे देश में जहां अंग्रेजी या अपनी भाषा कभी चलती है और जिन को कि केवल १ प्रतिशत: या दो प्रतिशत: व्यक्ति ही जानते थे और वह ग्राम तौर पर एक जाति विशेष के होते थे, तो इस तरह से एक जाति विशेष के उन लोगों का दूसरी तमाम जातियों पर वर्चस्व कायम है। इस तरह से इस देश में जनतन्त्र टूट

जायगा और तनाशाही कायम हो जायेगी;
क्योंकि एक ही बादशाहत रहेगी।

अगर श्री कामत अपने देश के इतिहास के पन्नों को उलटें तो उन्हें पता चल जायेगा कि इस देश में ऐसे ऐसे योग्य और कुशल शासक हो गये हैं जिनको कि आप शिक्षित नहीं कह सकते हैं और हालांकि वह क, ख, ग, या अलिफ़ वे, पे भी नहीं पढ़े थे लेकिन वे योग्य शासक अपने जपाने के सिद्ध हुए। इसलिए विधायकों के लिए इस तरह का शिक्षा का प्रतिबंध लगाना जनतंत्र के विकास के लिए बहुत खतरनाक है और यह उस पर कुठाराघात ही करेगा।

दूसरी कैंद उन्होंने उम्र की लगाई है। मैं यह निवेदन करूँ कि यह उम्र का कम होना या अधिक होना उस आदमी की कर्मण्यता या अकर्मण्यता के बारे में निश्चय नहीं करती है। यह हो सकता है कि एक २५ साल और ५० साल की अपेक्षा ६० या ६५ साल का व्यक्ति इस जगह के लिए अधिक योग्य सिद्ध हो सकता है। वह अपने से कम उम्र वालों की अपेक्षा इस जिम्मेवारी को हो सकता है अधिक अच्छी तरह से निभा सकने में समर्थ हो। इसलिए मैं समझता हूँ कि यह शिक्षा और उम्र सम्बंधी शर्तें जो कि विधायकों की उम्मीदवारी के लिए कामत साहब ने लगाई हैं वे बिल्कुल निरर्थक और बेमतलब हैं। मैं पुनः चेतावनी देना चाहूँगा कि इन शर्तों के बहुत से खतरनाक नतीजे निकलेंगे और मैं माननीय सदस्य से अपील करूँगा कि वे अपने इस बिल को वापिस लेंगे और आगे इस पर चर्चा नहीं चलायेंगे।

Shri Brajeshwar Prasad (Gaya): Mr. Deputy-Speaker, I rise to support this Bill. Parliamentary democracy will degenerate into mobocracy if educational qualifications are not laid down for legislators. Attempts should

be made to approximate to the ideal of the philosopher-king, as envisaged by Plato in his Republic, as far as it is possible to do so under the existing circumstances. In the Constituent Assembly I had suggested that educational qualifications should be laid down for legislators.

A candidate for the post of a deputy magistrate must be a graduate. Are we to understand that the office of a legislator is less important than that of a deputy magistrate? A member of the Lok Sabha has to grapple with the problems of foreign policy, defence, banking, currency, trade and commerce. Unless he is a graduate, he cannot do so.

Shri Kamath's Bill is the first step in the right direction. The position today is that Ministers and Government servants rule this country. This state of affairs cannot continue for long. Bureaucratic rule will lead to totalitarianism in this country. We stand for administrative decentralisation. The M.P. and the M.L.A. will have to exercise all the powers of a Chief Minister and a Cabinet Minister in their constituencies if the goal of administrative decentralisation is to be achieved. They can perform this task if they are highly educated. If only educated people are to stand as candidates for the legislative bodies, the result will be utter simplification of the machinery of election. Today all kinds of people stand as candidates to confuse the judgment of the elector.

श्री बड़े (खारगोन) : उपाध्यक्ष महोदय,

श्री कामत जो यह बिल लाये हैं मैं उस बिल का समर्थन नहीं कर सकता। कामत साहब ने इस में पहले ही यह ब्रैकैट डाल दिया है कि यह बिल मेरी पार्टी की तरफ से नहीं आया है क्योंकि वे अच्छी तरह जानते हैं कि साधारण जनता उस हालत में प्रजा सोशलिस्ट पार्टी को कोसेगी और वह उसके विरुद्ध हो जायेगी। इसी वास्ते उन्होंने यह ब्रैकैट डाल दिया है कि यह मेरी स्वतंत्र ओपीनियन है और यह

[श्री बड़े]

मेरी पार्टों की तरफ से नहीं रखा जा रहा हूँ। मैं कहना चाहता हूँ कि कांस्टिट्यूट असेम्बली में कांस्टिट्यूशन बनाने में कामत साहब का काफ़ी हाथ था और मैं चाहूँगा कि जब इस पर व्हस हुई थी तो उन्होंने इस बारे में अपना क्या मत दिया था? अगर इस तरह से हायर सेकेंडरी आदि का स्टैण्डर्ड हम लेजिस्लेटर्स के वास्ते रख दें तो उसका तो मतलब यह हो जाता है कि केवल हिन्दी पढ़ा हुआ उतकी उम्मीदवारों के योग्य हो नहीं पायेगा क्योंकि वगैर निचली जमातों से अंग्रेजी में शिक्षा लिये वह हायर सेकेंडरी पास ही नहीं हो सकता है। अगर उसे इंग्लिश नहीं आती है तो वह हायर सेकेंडरी पास ही नहीं हो सकता है। ऐसा होने से केवल २० प्रतिशत लोग ही पाँलिग्रामेंट अथवा विधान सभाओं में जगह मिल सकेगी बाकी ८० फ़ीसदी को वहाँ पर जगह नहीं मिलेगी।

श्री कामत ने बहुत से अन्य देशों का उदाहरण दिया है लेकिन मैं कहना चाहता हूँ कि हमारे देश की परिस्थिति उन देशों से भिन्न है। उनका मालूम होना चाहिए कि हमारे यहां के जो काश्तकार हैं वे हम लोगों से कहीं अधिक प्रैक्टिकल विजडम रखते हैं। वे इतना ही नहीं बकोलों को आकर बतलाते हैं कि आप ऐसे नहीं बल्कि इस तरह से आरगू कोजिये। वहाँ तो बुक्स इन बुक्स एंड सरमन्स इन स्टोंस वाली बात है। उन अनाड़े लोगों को जो अक्ल और प्रैक्टिकल विजडम रखती है वह यहां बहुत से पढ़े लिखे लोगों को नहीं रखती है। उन्होंने यह तर्क दिया कि आखिर इन्हीं विषयकों से ही तो मिनिस्टर्स होते हैं इसलिए यह जरूरी है कि वे मैट्रिक या ग्रेजुएट हों। लेकिन मैं उनसे पूछना चाहूँगा कि कांग्रेस जो कि देश की सब से बड़ी पार्टी है उसका अध्यक्ष कहां ग्रेजुएट है? यदि कोई व्यक्ति बिना ग्रेजुएट हुए कांग्रेस का अध्यक्ष बन सकता है और देश का नेतृत्व कर सकता है तब एक विधायक बगैर ग्रेजुएट या मैट्रिक हुए किस तरह से लेजिस्लेचर में अपनी जिम्मेदारी नहीं

निभा सकता है? कांग्रेस अध्यक्ष ही तो कांग्रेस गवर्नमेंट्स के लिए पालिसी ले डाउन करते हैं और उनका अनुसरण कांग्रेस सरकारों को करना पड़ता है और जब इतने बड़े पद पर एक ऐसा व्यक्ति रह सकता है जो कि ग्रेजुएट नहीं है तो फिर एक विधायक के लिए इस तरह की शर्त क्यों लगाई जा रही है? इस तरह की शिक्षा की शर्त रखने से तो हमारे आदिवासियों और हरिजन भाइयों के लिए जो कि शिक्षा की दृष्टि से बहुत ही पिछड़े हुए हैं, उन लोगों के लिए पाँलिग्रामेंट और विधान सभाओं के दरवाजे बंद हो जायेंगे। इसलिए यह शर्त रखने की उनकी पालिसी ठीक नहीं है।

एक माननीय सदस्य : हरिजनों और आदिवासियों को इससे एग्जम्प्ट कर दिया है।

श्री बड़े: लेकिन भाइ जाति जो बिल्कुल बैकवर्ड है वह इसमें नहीं आते हैं। मैं चाहूँगा कि इनको भी इसकी छूट मिले और यह भी हरिजनों और आदिवासियों की कैटेगरी में आ जायें। मेरा कहना है कि इस प्रकार से ८० परसेंट लोगों को इस तरह की शर्त रख के जो बंचित किया जा रहा है वह ठीक नहीं है।

जहाँ तक ७५ वर्ष की एज लिमिट रखने का प्रश्न है, माननीय सदस्य ने अगे साहब का नाम लिया और कहा कि ऐसी दो चार एक्सेम्पशन्स हो सकती हैं। लेकिन कोई एज ग्रुप तो होना चाहिये। मैं ने देखा है कि वृद्धावस्था में लोग जब इकट्ठे होते हैं, तो उन में अधिकतर डाइवाटीज, रमेटीज्म और हाई ब्लड प्रेशर वगैरह का ही डिस्काशन चलता है। मैंने ५५ साल से उपर के बहुत से आई० ए० एस० और आई० सी० एस० अफ़सरों को देखा है कि जब वे मिलते हैं, तो अपने कपटों और दुखों आदि की बात करते हैं और उन में डाइवाटीज, रमेटीज्म और हाई ब्लड प्रेशर की ही चर्चा ज्यादातर चलती है उन आफ़िसरों को ५५ या ६०

वर्ष के बाद रिटायर कर दिया जाता है। इस बिल में माननीय सदस्य, श्री कामत, ने जो ७५ वर्ष की एज लिमिट रख दी है, उस से मेरा विरोध नहीं है।

जहां तक एडुकेशन का सम्बन्ध है, क्या हमारे दोस्त, श्री कामत, यह चाहते हैं कि मिनिस्टर होने के लिए व्यक्ति को पब्लिक सर्विस कमीशन के सामने जाना चाहिये और जब पब्लिक सर्विस कमीशन कहे कि वह व्यक्ति मिनिस्टर बनने के योग्य है, तभी उस को मिनिस्टर बनाया जाये? मेरी दृष्टि में माननीय सदस्य, श्री कामत, बहुत ज्यादा योग्यता रखते हैं, लेकिन मैं समझता हूं कि यद्यपि वह आई० सी० एन० हैं, किन्तु ऐसे बहुत से लोग होंगे, जोकि उन से अधिक योग्यता रखते हैं और फिर भी आई० सी० एन० नहीं बन पाए हैं। क्या हमारे माननीय सदस्य उन को यहां आने से रोकना चाहते हैं? मैं समझता हूं कि इस देश में एडल्ट फ्रैंचाइज होते हुए लोगों को इस सदन का सदस्य बनने से वंचित करना ठीक नहीं है। मैं कहना चाहता हूं कि यह जो बिल आया है, वह पिछड़ी हुई मन की दशा का एक निर्देश है। माननीय सदस्य ने कहा है कि दूसरे देशों में इस प्रकार की लिमिट रखी गई है। लेकिन हम को देखना चाहिए कि उन देशों में एडुकेशन किन्ती है। लिटरेसी का परसेंटेज ज्यादा होने के कारण वहां यह व्यवस्था ठीक हो सकती है, लेकिन जब यहां पर एडुकेशन ज्यादा नहीं है, तो फिर इस प्रकार की लिमिट रखना ठीक नहीं है।

माननीय सदस्य, श्री कामत, ने कहा है कि जो लोग एड्युकेटेड नहीं हैं, उन को बोट देने का अधिकार तो होगा, लेकिन वे पार्लियामेंट में नहीं आ सकते हैं। इस वक्त पार्लियामेंट में जो मेम्बर हैं, उन में बहुत से ऐसे हैं, जो मजदूर क्लास के हैं। क्या माननीय सदस्य उन को बाहर रखना चाहते हैं?

Shri Nath Pai: It does not apply to the present Parliament.

श्री बड़े : आगे चल कर वह उन को यहां आने से रोकना चाहते हैं, यह ठीक नहीं

है। यह समझ में नहीं आता है कि कांस्टीट्यूएण्ट एसेम्बली में उन के जो विचार थे वे क्यों बदल गए हैं। मैं एज लिमिट का विरोध नहीं करूंगा, लेकिन एडुकेशन के सम्बन्ध में जो प्रतिबन्ध वह लगाना चाहते हैं, उस का मैं विरोध करूंगा।

Shri K. C. Sharma (Sardhana): Mr. Deputy-Speaker, Sir, I oppose this Bill. It is wrong in intellectual conception and does not accord well with human experience. What the human organisation should be was first defined by Aristotle. He used two expressions, namely, *isonomia* and *democratia*. *Isonomia* meant equal justice to everybody and *democratia* meant that every citizen will have equal right in the governance of his country. So, equal justice implies equal right and equal right implies and includes the right to governance. So, it is wrong in conception that such a provision should at all have been allowed in any Constitution in the modern age of any country whatsoever.

Explaining this position I may come to the practical experience of man. There are two things, namely, strong commonsense and the keen sensitiveness of man. They are not even limited by literacy. A man who does not go by letters may have strong commonsense and may have keen sensitivity to learn things from experience if his eyes are open. Mere literacy means learning things from experience. The more educated a man is the more he depends upon the experience of other people. It was right some 50 or 100 years back but to depend upon the experience of others and the view of the learned men now when the world passes so swiftly is not safe. Every day every minute the world is changing and the man who writes the book works for ten years. By the time the book goes to the press and comes into the hands of the literate men, the world has changed and that book has very little value. So, it is not very safe to depend upon the educated people. It is much better to depend upon the

[Shri K. C. Sharma]

strong commonsense and strong sensitivity of the human experience. So, mere literacy or even education does not go far enough.

As to age, modern medical aid and environmental control have done away practically to the fullest extent the debility of age. There are two great instances of Churchill and Adenauer, the architects of modern international structure. They did their best even in old age. Some very great works of art and literature are written by people in their old age. So, in the modern age, age does not at all affect the capacity of man. Therefore this proposition of Shri Kamath does not hold good in the modern set of circumstances and I oppose the Bill.

Shri A. N. Vidyalankar (Hoshiarpur): Mr. Deputy-Speaker, Sir, at first I thought that I would support Shri Kamath's Bill but after mature thought, I think, I cannot support it. What do we need in our legislatures? We need wisdom and commonsense. This gift is enjoyed even by those who are called uneducated. I have noticed and, I think, all friends must have noticed it that the peasants in the rural areas talk much more commonsense than our so-called educated people. They have keen commonsense. They have power of observation. They have the capacity to profit from experience. This, I think, our educated people lack very much today. Most of our educated people today are—I do not want to use a strong word myself—but Huxley called them, "educated fools". Many modern educated people lose their commonsense. Their education has rather degenerated them than improving them. In history we find many instances of so-called illiterate people being very good administrators. For instance, Maharaja Ranjit Singh is said to be absolutely "illiterate", and uneducated in the sense in which we nowadays call men educated. But he was a very good and capable administrator. Prophet Mohammed was "illiterate"; in the sense Shri Kamath would define one as "literate"; but

still we know how he changed the whole course of thought of humanity. Therefore, I think that this condition which Shri Kamath wants to impose will not work; on the contrary, it will rather take away a valuable right from the masses.

17.00 hrs.

At present, our educated people have formed a kind of aristocracy of the educated people who cannot express their thoughts properly in the language of the people. We the educated people are at present cut off from the masses. If we impose such a condition as Shri Kamath has in mind, then it would mean that we shall practically disqualify all those people; and millions of people would be disqualified who are capable and who have the capacity to properly run the administration. Although we educated are in a minority, we call them incapable and uneducated and so on, but really speaking, we are only an educated aristocracy and nothing more. I do not want that this so-called aristocracy, the educated aristocracy who because of their qualification in a particular language, namely the English language, have begun to call themselves educated, should take away all the rights from the masses.

Our Constitution gives the people the right, and it expects that they should exercise their right in unhindered and unhampered manner. I think that that right should remain. At present they have the choice, and they should continue to exercise that choice. We should try to develop the capacity among the people so that they could exercise a better choice. They should be the judges. Why should we arrogate to ourselves the judgment and say 'No, we shall decide who should come and we should decide what should be his qualifications'. Therefore, I think that the people's right to choose should be left unhindered and unfettered. Our Constitution gives that right to them. If we want things should improve, we

should educate the masses, and we should improve the quality of the present-day education which is merely literacy and not education. Proper education is that which gives the people the capacity to run the affairs of the State and to run their own government. At present our education is not giving us that capacity. That capacity should be improved, and we should evolve a method by which we can improve that capacity.

I am, therefore, opposed to the Bill that Shri Kamath has moved for consideration.

Shri Jashvant Mehta (Bhavnagar): My hon. friend Shri Kamath has moved an important amendment to the Constitution. He has rightly clarified that he does not represent the viewpoint of the PSP. I also would like to clarify that as the PSP stands, this is not the policy of the PSP. As I am opposing the Bill, I want to place before the House the policy of the party in this regard.

Shri Hari Vishnu Kamath: I made my position very clear in my speech.

Shri Jashvant Mehta: As Shri Kamath has rightly said, this is a period allotted for private Members' Bills, and any private Member can say whatever he likes. So, there should not be any barriers of any party.

Shri Hari Vishnu Kamath: And no party whips also.

Shri Jashvant Mehta: Every Member has freedom. My hon. friend Shri Kamath goes to the further extent of saying that there should not even be party whips as far as private Members' business is concerned. If that policy is approved by the ruling party, it would be a good thing. As Acharya Vinoba Bhave has rightly said, there should not be whip after the elections. We cannot expect the ruling party to stop issuing the whip on all matters, but as far as the private Members' Bills or resolutions are

concerned, if the ruling party and all the parties can sit across a table and decide to remove the whips, it would be better, and a new tradition and a new convention will be created and a healthy democracy will develop.

Shri Shinde: Will democracy be workable then?

Shri Hari Vishnu Kamath: You may give it a trial.

Shri Jashvant Mehta: At the time of the framing of the Constitution, Dr. Ambedkar had rightly said that we had no right to take away the privilege of the millions of people who were uneducated. They are the masters and we cannot deprive them of the right to become the Members of the Legislative Assembly or of Parliament only on the ground that they are not educated.

If you look at the statistics, less than 23 per cent of our people are educated. So if we deprive the majority of the population of this right, what will happen?

Dr. M. S. Aney (Nagpur): Nothing will happen!

Shri Jashvant Mehta: At the same time, look at the progress of education. To achieve the target of 100 per cent we will not be able to eradicate illiteracy. If you look at the census figures recently published, the number of illiterate persons in 1961 is more than it was in 1951.

An Hon. Member: Growth of population.

Shri Jashvant Mehta: Growth of population, and failure to remove illiteracy combined. This Government could not remove or decrease illiteracy in the last ten years.

Shrimati Rau Chakravartty (Barackpore): Population will grow. What can you do?

Shri Jashvant Mehta: Illiteracy will also grow. If we go on at this rate,

[Shri Jashvant Mehta]

even in the next 25 years we will not be able to remove illiteracy from the country. On the other hand, there will be more illiterates.

So this amendment of Shri Kamath's should not be accepted, and I oppose it.

Mr. Deputy-Speaker: Shrimati Lakshmikanthamma.

Shri Tyagi (Dehra Dun): The proportion should be maintained according to age. All young Members only should not be allowed.

Shrimati Lakshmikanthamma: The country cannot afford to lose the benefit of the wisdom and experience of people above the age of 75. Even when Shri Kamath, who as some friends have said, is wise and intelligent, attains the age of 75, we would still like to have his counsel.

Shri Hari Vishnu Kamath: I would not like to come here then.

Shrimati Lakshmikanthamma: We see Dr. Aney in the House. I am sure people who are 30, 35 or 40 are nowhere near him in energy and enthusiasm. Certainly, we would like to have the experience and advice of people like Dr. Aney.

Here I am reminded of what is said in the first chapter of the Gita. Duryodhana was feeling depressed because of his own sins. He was afraid to face the mighty army of the Pandavas. So he said: "See, every one of them is a mighty warrior equal to Bhishma". Seeing the predicament of Duryodhana, the aged Kuru, Bhishma, chieftain of the Kauravas and the great grandfather of Kauravas and Pandavas, roared like a lion and blew his conch.

It is also said that age is what one feels, not what one appears to be. In other countries, big countries, like America, Britain and Russia, they do not impose any such restrictions on

age. They use the wisdom and experience of old people for the benefit of their countries.

As regards education, I think Shri Kamath is also interested in study of spiritualism. What is the mind? There are great faculties in the hand. Mere possession of an SSLC qualification is not going to add to or subtract from the intelligence, integrity or wisdom of a person. It is from birth to birth, if we have faith in the cycle of births and rebirths. It is an accumulation which is released at a certain stage. Certainly we have had such an experience in the field of administration. Kamaraja Nadar has shaken the whole world by his plan, he is not an SSLC or a graduate. Sometimes all the graduates have to bend their heads before illiterate persons whose capabilities and intelligence are far superior, which we cannot account for. I would even go to the extent of saying that life is the real teacher. For instance, a woman of experience in the house cooks much better than any of us can. Nobody is a *sarvajna*. A man may have the qualification of SSLC but still be imperfect because he lacks vast experience in life, and it is experience that is the real teacher.

The great Prophet Mohammed was an illiterate, and he gave Islam to the whole world. Joan of Arc was also an illiterate, but she could lead masses. So, I feel it is no use insisting upon such qualifications.

At the same time, I would assure our friend Shri Kamath that in due course we are going to eradicate illiteracy, and I am sure in future, in ten years or so, whoever comes to this House will be only educated and not uneducated.

Shri Shinkre (Marmagao): I am afraid I am not able to support the Bill seeking to amend the Constitution as proposed by my hon. friend

Shri Kamath, on account of the very grave and serious possibilities that such an amendment holds out to the very existence of democracy in this country, because once we accept or adopt any classifications or distinctions, no matter whether it relates to education or age, we run the risk of rit behind the amendment moved by future ruling parties to the detriment of democracy itself and for establishing in this country the so-called democracy of the elite.

Obviously, I can appreciate the spirit behind the amendment moved by my hon. friend Shri Kamath, but imposing such a condition is dangerous and risky, and by adopting any such distinction we may be playing into the hands of the future rulers of this country. Therefore, I oppose this Bill.

The first and foremost consideration is this. If the electorate feel enough confidence in the people who want to represent them either in the Lok Sabha or the legislative assemblies, they will vote for them. The criteria of age, education etc., will definitely weigh with them when they decide to vote for a particular candidate or not. They are the best judges of those whom they would like to have as their representatives in the legislative assemblies or Parliament.

I may recall here that years ago this very question had been posed before the Father of the Nation, and, as far as my information goes, he ruled that everybody who was an adult must have his say in the affairs of the country. This principle should continue as laid down by him, because as already another hon. friend has pointed out, we are not going to have full literacy in this country very soon, not even in another hundred years.

As such I oppose the Bill.

Shri Tyagi: I beg to oppose this Bill. I may inform hon. friends in Parliament . . .

Shri Namblar: His hair is not yet grey, but mine is!

Shrimati Renu Chakravartty: There is nothing left!

Shri Tyagi: That is true. My hon. friend Shrimati Renu Chakravartty has a happy smile on her face because she thinks she will oust others. Being the youngest Member she is happy. In fact, this is a communist trick, supporting Shri Kamath. They always want to divide the country, and now they want to divide the country on an age basis.

Shri Hari Vishnu Kamath: This is not fair.

Shri Tyagi: For the educational qualifications, I protested; Mr. Kamath was there when the Constituent Assembly was discussing it. There was such a proposal to fix matriculation. I immediately protested. I said: how can you disqualify me; my highest educational qualification has been that I have passed the 7th class failure examination and I will be disqualified immediately. I protest on behalf of millions of illiterates. So, many people are disfranchised immediately as soon as this will be passed and then is it possible for this Parliament to be really democratic representative body, if these people are not represented? What are the villagers meant for? Only to vote for the urban people? As if the villagers have no right of citizenship here, they can only vote but they or their sons cannot come? It looks as if it is the day of Shajahan when Shajahan's sons were trying to dethrone Shajahan so that they can get the gadi. What is this? The younger generations are part and parcel of the family? Why do you create a cleavage between the old father and the son or the grandson, rivalry between them? Suppose there were Rabindra Nath Tagore here, he could not come.....

Shri Hari Vishnu Kamath: No, no; he could go to Rajya Sabha.

Shri Tyagi: Because Mr. Kamath would not allow that. This is un-

[Shri Tyagi]

necessary, ridiculous and we should have no such age. We must take the best benefit of the long experience of people who have seen things. It is for the electorate to decide as to who is fit and who is not fit to come. With these words, I oppose this Bill.

Shri Kapur Singh: Mr. Deputy-Speaker Sir, it was not my intention to take any special pains to come to the aid and assistance of my hon friend, Shri Kamath; he has not only strong legs of his own to stand on, but very strong arms to defend himself. But after having heard the arguments advanced in this House, I am persuaded that it is only proper that I should get up to have the pleasure of associating myself with the Bill of Mr. Kamath in its entirety.....

Shri Tyagi: What is my hon. friend's age? Younger Members are all associating themselves.

Shri Kapur Singh: Mr. Kamath strikes a very refreshing note of mature sanity, and the qualifications which Mr. Kamath purposes to impose upon the mature Members of this House should be considered as justified.

Shri Tyagi: They are both ICS people . . .

Shri Hari Vishnu Kamath: We were—not, we are.

Shri Kapur Singh: There are two elements in his Bill: one which seeks to impose an age limit upon the Members of the lower House and the other that seeks to impose certain minimum educational qualification on these Members. With regard to age, it has been argued that there have been aged people who have been in charge of administration and they have discharged their duties with great competence. True. It has also been said that age gives maturity, wisdom, and

other such qualities, and the traditions of our country support acceptance of guidance of the aged and also aged people being in places of authority. I concede the force of these arguments. But, my hon. friend, Shri Kamath's Bill does not negative or repudiate these contentions on the contrary, it seeks to meet certain peculiar requirements that the present political situation in this country has generated. It is the problem of gerontocracy that is assuming alarming proportions in this country which the hon. Member's Bill seeks to encounter. Therefore, to try to advance such arguments as have been advanced, is not altogether relevant to the aim and purpose which Mr. Kamath's Bill has in view.

With regard to the educational qualifications which this Bill seeks to impose, it must be understood and it must be remembered, as it does not seem to have been appreciated by many hon. Members, that these educational qualifications are sought to be imposed upon those who seek elections to one single House, namely, the House of the People, the House of people's representatives. It does not impose any such restriction on the other House and nor does it impose any restriction on the right of vote.

Shrimati Lakshmikanthamma: Does he want less qualified people in the other House?

Mr. Deputy-Speaker: The hon. Lady Member had her say.

Shri Kapur Singh: After I have finished, the hon. lady Member may be allowed to have her say once again. I will now finish. The educational qualifications which Shri Kamath's Bill seeks to impose are on those who want to seek admission to this particular House. It, therefore, is not proper; it, therefore, is not logical to say that this Bill amounts to an attempt to deprive any citizen from participating in the democratic

processes of this country. This argument has been advanced, and it is not only ill-conceived but is entirely irrelevant to the provisions of the Bill which is now before the House.

It has also been argued, and names have been mentioned, that many old people, many illiterate people, have shown great competence and that they have done great things for this country. This does not bear upon the basic argument on which the Bill of Shri Kamath is based.

Shri Bade: Shri Kamaraj's name has been mentioned.

Shri Kapur Singh: Shri Kamaraj and Maharaja Ranjit Singh have been mentioned. These people are exceptions. When we are trying to make laws, we think in terms of rules and not in terms of exceptions, and rules are never derived from exceptions.

Shrimati Lakshmikanthamma: 10 lakhs of people cannot sit in judgment over this House. (Interruptions.)

Mr. Deputy-Speaker: The hon. lady Member cannot get up like that and go on interrupting.

Shri Kapur Singh: As far as the hon. lady Member is concerned, I am prepared to add or accept some kind of amendment or proviso to this Bill to the effect that lady Members may not be subject to the type of restrictions which this Bill seeks to impose!

I would finish my speech by making a reference to Maharaja Ranjit Singh whose name was mentioned by Shri A. N. Vidyalkankar. Shri Vidyalkankar said something about Maharaja Ranjit Singh being illiterate and also not educated. It is not true, Maharaja Ranjit Singh could read fluently.

Shri A. N. Vidyalkankar: I did not say he was uneducated. I said he was not 'educated' in the sense in which Shri Kamath wants legislators to be educated.

Shri Kapur Singh: Maharaja Ranjit Singh may not have passed a secondary education test. But he could fluently read scriptures written in Gurmukhi. He could dictate elaborate memoranda in Persian language. Therefore, I would like to correct this wrong impression the hon. Member has sought to create. I support heartily the Bill introduced by Shri Kamath.

श्री श्रीकार सास बेरवा (कोटा) :
उपाध्यक्ष महोदय, मैं इस के बारे में बहुत संक्षेप में कहना चाहूंगा कि श्री कामत जो यह बिल हाउस में लाये हैं उस से मैं कदापि सहमत नहीं हो सकता हूं। मैं तो कहूंगा कि वे चाहते हैं कि इस हाउस के अंदर प्रजातंत्र खत्म हो जाए और पिछड़े आदमियों को बिलकुल चांस न मिले और केवल ५. १० फ्रीसदी लोगों का ही यहां पर अधिकार रहे।

देखने में तो यह आया है कि जितने अधिक कानून बने हैं उतने ही अधिक जर्म व तरह तरह की बेइमानियां बढ़ी हैं। जितने अधिक डाक्टरों और अस्पताल देश में बने हैं उतने ही अधिक इस देश में लोग रोगग्रस्त होते हैं और उतनी ही तरह तरह की नई नई बीमारियां पैदा हो रही हैं। जितने ज्यादा कंट्रोल्स और रेशनिंग आदि की जाती हैं उतनी ही अधिक जम खोरी और मनाफाखोरी देश में बढ़ी है और उतना ही अधिक महंगाई में वृद्धि हुई है। इसलिए जितने ज्यादा कानून बनते जाते हैं उतने ही ज्यादा अपराध भी बढ़ते जाते हैं। इसलिए मेरा तो कहना है कि अगर इसाक का क.म

[श्री अंकारलाल बेरवा]

उन से कराना है तो इसमें उन्होंने आदमियों को लेना चाहिये जोकि बहुत ज्यादा शिक्षित व बाहर के कानून न पढ़े हुए हों। यहां के कानून की व्यवस्था आप उन लोगों से करायें जोकि यहां गांवों में रहते हैं, गांवों के जीवन का उन्हें ज्ञाती अनुभव है वे इस काम को अधिक अच्छी तरह से कर सकेंगे। इसीलिए मांवी जी ने कहा भी था कि गांवों में न्याय दिलाने के लिए ग्राम पंचायतें होनी चाहियें और उन के द्वारा यह काम करवाया जाय। अगर जैसाकि श्री कामत चाहते हैं विधायकों की उम्मीदवारी के लिए यह हुंजर सैंकड़ों या ग्रेजुएट होने की कैद रखी गई तो इस का परिणाम यह होने वाला है कि देश का वह ५, १० फ्रील्डो ऊंचा तबक्का ही लेजिस्लेचर्स में आ सकेगा और जिस तरह से अंग्रेजों के वक्त में हम लोग गुलाम बने हुए थे अब इन की गुलामी करेंगे। ऐसी शतं लगा कर आप ८० फ्रील्डो जनता जोकि पिछड़ी हुई है और अशिक्षित है उन के लोगों का यहां पर आने का मौका नहीं देगे और यह थोड़ा सा ५, १० फ्रील्डो तबक्का उनको सदा के लिये गुलाम बना कर रखे रहेगा। इसलिए मैं श्री कामत के इस बिल का विरोध करता हूं।

17.23 hrs.

[SHRI KHADILKAR in the Chair.]

Shri C. R. Pattabhi Raman: Sir, I rise to oppose the Bill and in doing so, with your leave, I wish to draw the attention of House to the Statement of Objects and Reasons wherein it is stated that the Bill is intended to discountenance the growth of gerontocracy in our young democratic Republic. As has been pointed out by Shri Kamath, the very word is from 'jara'.

जरामरणमोक्षाय मामाश्रित्य यतन्ति ये।

is the sloka in Gita also. The Bill, according to the statement of objects

and reasons, seeks to discountenance the growth of gerontocracy and it also seeks to ensure that a Member of Parliament or of a State Legislature will possess a minimum qualification. Such minimum qualification, in the opinion of the mover of the Bill, is necessary and desirable, particularly in view of the incongruity of the position which requires high educational qualifications in the case of those who administer and judge the law, while the law-maker is, under the Constitution, exempt from any educational qualification whatever.

Both these provisions of the Bill seem to be based upon two assumptions neither of which is, however, warranted by facts. The first assumption seems to be that the number of members of the House of People or of a State Legislative Assembly who are more than 75 years of age is gradually increasing, but the hard fact is that in the present House of the People there is only one Member who is more than 75 years old. He is Dr. Aney. I always think of him as a wise rishi. He is as earnest and zealous as anybody else. Nobody is more zealous and more earnest than that great rishi, from whose advice we all benefit. Names of other elders have been referred to by other speakers and it is not necessary for me to repeat them. May God preserve in good health Dr. Aney for many years to come. He was born on 29th August, 1880 and he is in his 84th year. He has seen a thousand full moons and may he live to see many more full moons!

If out of a total strength of more than 500 Members of the House of the People, only one Member is more than 500 Members of the House of the said that gerontocracy is in a process of growth in our young democratic Republic. In the first and second Lok Sabha also, the position was not very different. Though no correct

figures are available about the State Legislative Assemblies in this respect, it is not unreasonable to presume that the position in the State Legislative Assemblies will also be more or less the same.

It may be mentioned here that in the Parliament of the United Kingdom, during the period between 1918 and 1951, about 7.5 per cent of the members of the House of Commons belonged to the age-group of 66 to 80. Sir Winston Churchill, who is in his 89th year still continues to be a member of the House of Commons. Gladstone was still Prime Minister at the age of 84 and Charles Pelham Villiers retained his seat in the House of Commons for 63 years until he died at the age of 96. Lloyd George was a member of the House of Commons at 81. Then, the value of wisdom and counsel which grow out of experience should not be lost sight of. To quote from the *Mahabharata*,

न सा सभा यत्र न सन्ति वृद्धाः

Shri Hari Vishnu Kamath: Vrid-dhas not by age, but those who teach Dharma.

Shri C. B. Pattabhi Raman: That has been our approach and we have not been the worse for it. It cannot be gainsaid that the experience of old men contributes to the general stock of collective wisdom of the community.

Thus, in the first place, there is no indication or evidence of the growth of gerontocracy in our young democratic Republic, and, in the second place, it cannot be postulated that presence of old men in a representative assembly like Lok Sabha or a State Legislative Assembly can prove to be a real obstacle to the growth of our young democracy.

For some reason which is not patent, he would like to reserve seats

in the Rajya Sabha for people above 75. But I do not wish to comment upon it. Many hon. Members have commented upon it.

The second assumption seems to be that the majority of the Members of Parliament have not passed the secondary education test and the majority of the Members of the State Legislatures have not passed the primary education test. While here also no figures are available in respect of the State Legislatures, the figures available in respect of the Houses of Parliament completely belie this assumption. The break-up on educational basis of the 488 members of the present Lok Sabha whose biographical sketches are available is as follows: Up to elementary standard, the number of members is 2; Middle to high school standard—56; above high school standard—369; educational qualifications not indicated—58. The percentages are: 0.39 per cent, 11 per cent, 72.1 per cent, 0.59 per cent and 11.6 per cent. The break-up on educational basis of the 474 Members of the Second Lok Sabha whose biographical sketches are available is as follows: Up to elementary standard—46 Members or 9.3 per cent; Middle to high school standard—64 Members of 13.6 per cent; Above high school standard—342 Members of 72.5 per cent and educational qualifications not indicated—24 or 0.5 per cent.

Sir, I would like to draw your attention to one thing. I was shocked when my learned friend who was referring to Columbia said that he was not going to draw on the examples of England, America or other advanced countries where there is practically no illiteracy at all. He gave the example of Columbia and other States and referred to them as, if I may use his expression, the "so-called backward countries". We in India may be poor in material possessions, but we are rich in culture and heritage. We have the oldest civilisation. You go to

[Shri C. R. Pattabhi Raman]

Rome today, you will not see Roman of the time of Caesar. It is a mixture now. If you go to Greece you will not see the Greek of the age of Pericles. My hon. friend, Shri Tyagi's many times great great grandfather might have lived during the *Mahabharata* time in India. So it is not right to call such an old civilisation as backward. When he said "backward" I am sure he referred only to material possessions.

The break-up on educational basis of the 232 members of the Rajya Sabha in 1962 whose biographical sketches are available is as follows: Up to elementary standard—2 members or 0.9 per cent; between elementary and high school standard—24 members or 10.1 per cent; above high school standard—191 or 80.6 per cent; educational qualifications not indicated—8 or 3.88 per cent. Incidentally I may say here that when Mr. Sitwell was asked to give his biographical sketch he said: "I belong to Eton and Oxford, but was educated privately away from these institutions during holidays". That is the approach of a real man of culture with regard to the so-called educational qualifications. The break-up on educational basis of the 229 members of the Rajya Sabha in 1958 is also available. There were 0.49 per cent up to elementary standard, 8 per cent up to high school standard and above high school standard there were 193 members or 83.5 per cent.

Thus the educational qualifications possessed by the Members of Parliament do not justify the second set of provisions of the Bill. With the spread of education among the electorate, it may fairly be expected that even the small percentage of Members of Parliament with lower educational qualifications will vanish within a short period of time.

In the Statement of Objects and Reasons, the mover of the Bill has

mentioned one specific reason in support of the provisions of the Bill relating to educational qualifications of the members of our legislatures. Some hon. Members also referred to it in support of the provisions of the Bill relating to educational qualifications. His reason is that whereas the members of the administrative and judicial branches of Government are required to have high educational qualifications, the members of the legislative branch are exempt under the constitution from any educational qualifications whatever. The argument is no doubt specious but not tenable on sound scrutiny. On account of the nature of the duties the administrative and judicial branches of Government are entrusted with, the members of these two branches of Government must necessarily be experts in their own lines and therefore possess the necessary technical knowledge and professional skill. The legislative branch of Government stands on a basically different footing. The legislative branch directs and formulates policy; the administrative branch carries it out and the judicial branch interprets and enforces it. The question, therefore, is—should the personnel of the legislative branch like that of the other two branches of Government be composed of experts technically trained for the job and making a profession of it?

Frequent references have been made to Shri Kamraj, the leader of the Congress Party to which I have the honour to belong. I do not think there can be any abler leader or administrator like him. I am glad they referred to him. That is one example. It needs little reflection to find the answer: it must be in the negative. From the very nature of their functions as the voice of the community the members of the legislative branch have to speak for the entire population, for all ages, classes and conditions of people. In that case, practically the whole of the rural

Bill

population, 82 per cent of the population of India, is shut out. Quite a large number of them will be kept out, if this is insisted upon. For this task experts with professional skill or technical knowledge are not necessary, but men of high qualities of mind, heart and character. Simply laying down a minimum educational qualification, such as the passing of a secondary or primary test, is not enough and cannot achieve these objectives. What is needed is that the people, the electorate, should be able and willing to choose men of the right type wisely and that means that education should spread as quickly as possible among the masses of the people so that they can make a choice of the right type of men and women as Members of Parliament and State Legislatures.

The mover of the Bill may, therefore, be requested to withdraw it; otherwise, it will be my painful duty to oppose it.

Mr. Chairman: Shri Kamath.

Shri Shree Narayan Das (Darbanga) May I say a few words?

Mr. Chairman: No, this is the time for the reply. The reply is over.

Shri Hari Vishnu Kamath: I will reply. Further, there is still time.

Shri C. R. Pattabhi Raman: I have concluded my speech early in order to enable the mover of the Bill to reply.

Shri Shree Narayan Das: The time allotted for this Bill is two hours. There is still time.

Mr. Chairman: If he wanted time at the time of the general discussion, he would have got it. Now the general discussion is over and the Minister has also made his speech. Now, only the mover has got the right of reply.

Shri Shree Narayan Das: In the case of non-official business, the Minister only intervenes. It is either the mover of the Resolution or the author of the Bill that replies when the discussion is over. So, I may be given an opportunity.

Shri Hari Vishnu Kamath: I agree with him.

Mr. Chairman: I am sorry, I have already called Shri Kamath.

Shri Kamath: Mr. Chairman, I am very grateful to my colleagues on both sides of the House for the keen interest they have taken in this Bill and the active contribution they have made to the debate. I am particularly grateful to those two discriminating colleagues of mine, Shri Brajeshwar Prasad and Shri Kapur Singh, who have accorded valiant support to the Bill. Democracy, as has been well said, will perish unless there is the right to dissent and the voice of dissent is loud and strong and clear. This is the fundamental postulate for the growth of democracy.

I am glad that in this House today we three at least and one colleague who, I think, has given partial support to the Bill,—so at least three or four members of the House among those who have spoken and there are many who have not spoken—heard melodies may be sweet but unheard melodies are sweeter,—and I am sure among those who have not spoken there may be a few at least who will support the Bill that I have brought before the House—so at least three or four colleagues have raised their voice of dissent from the majority and raised it loud, and their voices have been heard in this House. This augurs well for the future of parliamentary democracy in this House. Once the voice of dissent is stifled, then democracy will have no hope and no future.

I am glad, therefore, that this Bill of mine, this humble Bill of mine, as

[Shri Hari Vishnu Kamath]

you have. Sir, rightly stated when you were down here below—now you have just gone up above—has evoked a vigorous discussion in this House and, to that extent, I am glad that I have done a little bit of service by stimulating discussion on this very vital subject which had evoked, as I said in the course of my remarks at the time of my moving for consideration of the Bill, the interest of no less a person than Dr. Rajendra Prasad, as revealed in his final address to the Constituent Assembly. And, mind you, after he had heard the debate on all the articles which preceded before, everything was over, all the discussion was over, on the 26th November 1949 after the discussion was concluded, after the third reading was concluded, he delivered his valedictory address to the Constituent Assembly.

My hon. friend, Shri Tyagi, or someone else said that this had been debated in the Constituent Assembly and asked therefore why it should be raised again. But Dr. Rajendra Prasad, the President of the Assembly, said in his final address after considering all that had been said for three years in the Assembly, that he regretted that while qualifications should be laid down for judges and for administrators no educational qualifications whatever had been prescribed for the lawmakers. It was one of his sincere regrets, he said on that occasion.

Later on in a public address in Jabāpur. I think, in 1950 at the Rotary Club where I happened to be present, he also said that adult franchise without adult education was attended with serious pitfalls and dangers. That was his view, right or wrong. Some may not agree with it, but he did say so.

Shri Tyagi: Does my hon. friend challenge the statement that the amendment or the proposal that the minimum educational qualification

must be matriculation was rejected in the Constituent Assembly? Was it not rejected?

Shri Hari Vishnu Kamath: I said so. But after that Dr. Rajendra Prasad made the speech. In the Provisional Parliament when the Resolution of Professor K. T. Shah was on the anvil and I was making a few observations, Shri Tyagi interrupted to ask, "Would you prefer to have qualifications for Ministers also?" Then I said, "A Minister cannot be a Minister unless he is a Member of the House". If you want to be a Minister, you must first be a Member of the House, and so the qualifications apply to his case. Then Shri Tyagi said, "But would you have a higher qualification for the Minister?" Apparently at the back of his mind, he wanted a higher qualification for Ministers than for Members.

Shri Tyagi: My idea was that if Members were matriculates, Ministers should be graduates.

Shri Hari Vishnu Kamath: So, if Members have passed primary school test, you may have the secondary school test for Ministers. I hope, I have understood his mind clearly. Then, I said that the Committee could go into that. I think, Professor K. T. Shah wanted a committee to go into this matter. Thereupon Shri Tyagi said, "Include this also". that is the question of qualifications for Ministers must also be included in the terms of reference of that committee. Therefore, with all due respect to those friends of mine who have expressed a contrary view—I have great regard for them—I am really sorry today that the view expressed by an eminent patriot, a great leader, and educationist of the highest order—Dr. Rajendra Prasad, who presided over the Constituent Assembly—has not found acceptance even today.

There are some colleagues who question the propriety of having the secondary education test for Members of Parliament. Some of my colleagues said that it would make the study of English compulsory for intending candidates to Parliament. But if those colleagues had taken the trouble of moving an amendment to this and tried to make the qualifications uniform, like primary school test for Candidates to State Legislatures, I would have accepted the amendment. If they had moved an amendment to make the primary school test the minimum qualification for Members of Parliament also, I would have gladly accepted it.

I am sorry that in the earlier speech when I moved for consideration of the Bill I did not mention that even in some backward countries which have been emancipated or which have become free after India became independent, some years after that, like Laos, Syria, Sudan and Turkey—I gave the instances of some American and European countries earlier, illiterate persons are debarred from election.

Shri Tyagi: Bad.

Shri Hari Vishnu Kamath: I do not know, whether bad or good, but it is a fact. In Laos, a small, tiny, backward country when compared to India, the only persons who could be members of the National Assembly, their Parliament, are those holding certain degrees or diplomas and some classes of leading citizens.

Shrimati Renu Chakravartty: What will be the percentage of such people in Laos?

Shri Hari Vishnu Kamath: I do not know. But these are the qualifications prescribed.

An Hon. Member: It may be 1 per cent.

Shrimati Renu Chakravartty: That means that 99 per cent of the people would be debarred.

Shrimati Lakshminathanamma: Were such restrictions imposed during the British regime here?

Shri Hari Vishnu Kamath: I am talking of free countries; I am not talking of slave or colonial countries. These are not slave countries or countries under the colonial system, but these are free countries today. Laos, Syria, the Sudan and Turkey are all free countries. I do not know whether they still continue the old laws, but today the electoral laws of those countries prescribe a certain standard of literacy or some educational qualification with degrees or diplomas for intending candidates to their Parliaments.

I really cannot appreciate the argument advanced by my hon. friend with regard to the problem or the issue of gerontocracy. I have not sought, nor is it my intention to do so, and in fact, it is farthest from my mind, to debar our old, aged and respected people who can advice us and guide us on the right path of dharma from Parliament. Much has been said about those who fought on the battle-field. I also know that Dronacharya was 85 when he was on the Kurukshetra battle-field, but he fought like a sixteen-year old youth. The sloka says:

आवृणक्ति दशमो वयसा अश्रितिपंचकः ।

रणे पंचवत् द्रोणो बृद्ध योऽश वषट् ॥

When he was 85 and he was on the battle-field, as young as Bapuji Aney here, he fought like a sixteen-year-old youth, just as Dr. M. S. Aney does in Parliament. But as I have said, and as my hon. friend Shri Kapur Singh has said, and also as one or two other colleagues of mine have said, law is meant for the ordinary run of mankind; we do not legislate for exceptions. That is why I have said that we have to provide that those aged persons who put many young men to shame by their energy and by their activity must find a place in Parliament. We are sending today so many young persons to Rajya Sabha.

[Shri Hari Vishnu Kamath]

Why should young persons be sent to Rajya Sabha? Of course, it may be necessary to send some of them there; those who have been defeated in election to this House after find a place in the Rajya Sabha. I do not mean the Congress Party alone, but I would say that all parties try to find places for such people in the Rajya Sabha.

Shrimati Lakshmikanthamma: The Opposition also does it.

Shri Hari Vishnu Kamath: I do mean the Congress Party alone, but I have said that all parties do it. So, my hon. friend can be happy now, and this will give her some solace. But why should young persons be sent to Rajya Sabha? I am sure most of my colleagues will agree that those wise persons who are over 75, those who '*vadanti dharmam*,' who speak *dharma*, and who are *dharma-vits*, who are knowers of *dharma*, can certainly find an eminent place in the Rajya Sabha; they will be in Parliament and they will be in the legislatures, but in the Vidhan Parishad so far as the States are concerned, and in Rajya Sabha so far as Parliament is concerned. Therefore, I cannot understand the force of the argument 'Why do you debar them?' We are not debarring them at all, not at all, not even for a moment. They can come to Parliament, and they will be in Parliament, and they will be across the Central Hall in the other House, and we can always meet them, we can always seek their advice and guidance on various matters.

I have discovered that generally speaking, today, it is only in the primitive or tribal communities that gerontocracy reigns supreme. In the primitive or tribal communities in Africa and some parts of Polynesia and Melanesia they have gerontocracy. The older the person, 75, 80, or 85, the more is his prestige in that community. But that is so only among the primitive and tribal communities. We are aspiring for some

thing higher than that. We are not a tribal community nor are we a primitive community. Therefore, it is all the more essential, or rather I would say not 'therefore,' but *a fortiori*, for stronger reasons, that we who are on the high-road to a rigorous democracy and to becoming a mighty nation in this world, should, in agreement with what Dr. Rajendra Prasad had said as far back as 1949, when India was not as much educated or literate as she is today, —even then he uttered this sentiment—that Parliament should adopt some minimum educational qualifications for lawmakers. I am strongly of the opinion that today at least we should, in agreement with Dr. Rajendra Prasad's view adopt some minimum educational qualifications for candidates to Parliament and to State Legislatures.

One last word and I have done.

Shri Tyagi: As a representative of illiterates, I seek your permission to walk out.

(Shri Tyagi then left the House)

17.50 hrs.

Shri Hari Vishnu Kamath: I would only add before I close that the age limits now prescribed are arbitrary. The Constituent Assembly in its wisdom prescribed the lower age limit of 25. There was no logic or reason behind it. Some of us suggested 21, some other said 18, some others wanted 20 and still others 22. But arbitrarily, it was fixed at 25, even though in this warm, tropical country, we are supposed to mature quicker than in cold countries with Mediterranean or temperate climates. In some western countries, the lower age limit is 21. But here we fixed it at 25. There was, as I said no logic or reason behind it.

I would only like to emphasise that the *raison d'être* behind this move to fix an upper age limit for Members of this House, the Lok Sabha, and

the Vidhan Sabhas in the States, is to give scope for younger men and women to come up and take their seats in these legislative bodies. If this amendment is not accepted, it will block the entry, so to say, of younger men and women into the Lok Sabha and the Vidhan Sabhas. It is in their own interest, in the interest of the younger men and women who are members or aspirants, that I seek to prescribe this upper age limit of 75. I hope that when voting takes place, the younger Members of this House will take this aspect into consideration, and realise how I have been trying to fight for their interests, so that their path to the Lok Sabha and Vidhan Sabhas may not be blocked. Once this upper age limit is accepted, those above that will not be eligible for candidature to the Lok Sabha and the Vidhan Sabhas.

Therefore, I see no reason why I should reconsider my attitude to both the matters specified in this Bill, namely, the gerontocracy aspect....

An Hon. Member: His own Party has opposed it.

Shri Hari Vishnu Kamath: But others will agree. It is not a party matter; it cuts across party lines. It is a national matter; it is not a party matter.

Therefore, I see no reason to resile from the stand I have taken either on the issue of the upper age limit or on the issue of minimum educational qualifications, which I have to sought to prescribe for intending candidates to the Lok Sabha and the Vidhan Sabhas.

In the end, I appeal, with all the earnestness at my command with all the sincerity at my command, to my colleagues on both sides of the House to appreciate the manner in which the interests of democracy, of real progress and of national prosperity will be served by the acceptance of this Bill, and I hope that on reconsideration and mature thought....

Shri Shinkre: I hope he will withdraw the Bill as the House has not grown enough to appreciate his reasoning.

Shri Hari Vishnu Kamath: I hope Members on either side will vote wholeheartedly for this Bill, and that the Motion for consideration will be adopted by the House.

Mr. Chairman: May I take it that as the purpose of provoking discussion is served, the hon. Member is withdrawing the Bill with the leave of the House?

Shri Hari Vishnu Kamath: No, no. I am not withdrawing.

Mr. Chairman: I shall have to put the motion to vote.

Shri Hari Vishnu Kamath: Before that, we must have quorum.

18 hrs.

Mr. Chairman: Does he raise seriously the question of quorum.

Shri Hari Vishnu Kamath: Yes. Without quorum, how can we vote on it?

Shri C. R. Pattabhi Raman: He is referring to the Constitutional requirement.

Shri Hari Vishnu Kamath: It is very necessary.

Mr. Chairman: The quorum bell is being rung.

As there is no quorum the motion before the House will be put to vote next time. The House now stands adjourned till Monday.

18.01 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, March 30, 1964/Chaitra 10, 1886 (Saka) (Saka)