

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 Hari Vishnu Kamath: I introduce the Bill.

15.37 hrs.

INDIAN PENAL CODE (AMENDMENT) BILL*

(Omission of Section 309)

Shri Hari Vishnu Kamath (Hoshangabad): I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860.

Mr. Deputy-Speaker: The question is:

“That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860.”

The motion was adopted.

Shri Hari Vishnu Kamath: I introduce the Bill.

15.37½ hrs.

LEGISLATIVE COUNCILS (COMPOSITION BILL)—Contd.

Mr. Deputy-Speaker: The House will now take up further consideration of the motion moved by Shri Shree Narayan Das on the 15th April 1965 to provide for the composition of the Legislative Councils of States and for matters connected therewith. The time allotted is two hours out of which one minute has been taken. Shri Shree Narayan Das will continue his speech.

Shri Hari Vishnu Kamath (Hoshangabad): Has the hon. Member taken the consent of Members before including their names?

Shri Shree Narayan Das (Darbhanga): Yes, Sir.

Shri Hari Vishnu Kamath: Because nobody declines, so it is presumed that they have no objection.

Shri Shree Narayan Das: Mr. Deputy-Speaker, the other day I moved that this Bill to provide for the composition of the Legislative Councils of States and for matters connected therewith be referred to a Select Committee.

In this connection, I have to say that in the Constituent Assembly the question whether it is necessary to have a second chamber at the State level or not was discussed threadbare. Some members were in favour of having Councils at the State level while others were against it. After some deliberation, it was decided that the representatives of the States concerned should meet and decide whether they would like to have a Council at the State level or not. Then, it was informally decided by representatives of some States that they should have Council at the State level while others decided that they should not have.

15.39 hrs.

[**SHRI SURENDRANATH DWIVEDI** in the Chair].

As a result, now some of the States have two chambers, a Legislative Assembly and a Legislative Council. At present, the following States have Legislative Councils, namely, Andhra Pradesh, Bihar, Madhya Pradesh, Madras, Maharashtra, Mysore, Punjab, Uttar Pradesh and West Bengal.

It was also decided at that time that if any of the States would not like to

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have this Council, they can, by passing a resolution in the Legislative Assembly, abolish it. There was also a provision that those States which do not have a Council, they can, in course of time by passing a resolution in the Legislative Assembly, have it.

Now, when the question of the composition, number of members etc. of the Legislative Council came before the Constituent Assembly, there was much controversy. A large number of amendment we moved by hon. Members and it was difficult for the Constituent Assembly to decide about all the amendments that were moved and the question was discussed for a very long time.

In the beginning Dr. Ambedkar, who was piloting the draft bill for the Constitution, came forward saying that there should be Councils in such and such States but that the composition and other things, that is, the qualifications and disqualifications of Members, should be decided by the future Parliament. But a large number of Members said at that time that the Constituent Assembly should decide the composition and other important matters with regard to the Councils. After a discussion for some time the discussion was postponed to a future date and then another draft was put forward by Dr. Ambedkar. That was in these words:—

“That for article 150, the following be substituted:—”

The present article is 171; when it was discussed in the Constituent Assembly it was article 150. The proposed article 150 read:—

“(1) The total number of members in the Legislative Council of a State having such a Council shall not exceed one-fourth of the total number of members in the Assembly of that State:

Provided that the total number of members in the Legislative Council of a State shall in no case be less than forty.

(2) Until Parliament may, by law otherwise provide, the composition of the Legislative Council of a State shall be as provide in clause (3) of this article.”

The proposed provision was practically accepted by the Constituent Assembly. The present provision in the Constitution relating to the composition of the Legislative Council of a State is that as nearly as may be, one-third of the members are to be elected by members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify; as nearly as may be, one-twelfth shall be elected by electorates consisting of persons residing in the State who have been for at least three years graduates of any university in the territory of India; as nearly as may be, one-twelfth shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions within the State, not lower in standard than that of a secondary school; as nearly as may be, one-third shall be elected by the members of the Legislative Assembly of the State from amongst persons who are not members of the Assembly; and the remainder was to be nominated by the Governor.

In the Constitution there is a provision, that is, clause (2) of article 171, which says that the composition will remain as such until Parliament by law otherwise provides.

Coming to why the necessity for this Bill of mine, there have been some changes in the structure of local bodies. We have introduced democratic decentralisation and there are other bodies which have come up like the co-operative societies. A large

number of persons are taking part in them and we have to encourage co-operative societies. At the time when it was discussed in the Constituent Assembly, as I said just now, there was much controversy. A large number of amendments were moved with regard to the composition of the Councils. Then it was decided—a compromise was arrived at—that some provision for the time being should be made and the future Parliament should be authorised to deal with this matter when the time comes. Now, I think, after 15 years the time has come that the composition of the Legislative Councils should be considered. It is with that view that I have brought forward this Bill which I want the House to consider and pass.

I do not say that the provisions that I have made in the Bill should remain as they are. The important point is that Parliament should now consider whether the time has not come when some changes should be made with regard to the composition of the Legislative Councils at the State level. As I have said, at present there are four categories of representation in the Councils. One-third of the members are elected by the Assemblies.

While this Bill was being considered for circulation some hon. Members expressed the opinion—in the past also opinions have been expressed in this House—that there is no necessity for the Councils at the State level. Here also we have two Chambers—one is the Council of States and the other is our Lok Sabha. This question has also been raised that there is no necessity for the second Chamber here also. But in its favour there is at least one point, because we have a federal form of government and there are some subjects in which the States are very much interested and there are some subjects in the Constitution

which are not to be changed without the consent of the States and because the Council of States represents in a sense the various States which comprise the Indian Union, that there may be some necessity for it. But at the State level as the Councils are constituted, it may be said that the representation is based on functional representation. Some of the organisation, like local bodies district boards etc., have been given representation; some interests, like teachers and graduates, have been given representation and some of them are nominated by the Governor.

I would like to point out that now the time has come when we should reconsider the whole question of the composition of the Legislative Councils. Personally I believe that there is no necessity because the assemblies are there in the States and these Councils perform no purpose. Sometimes it is stated that it is necessary to revise the enactments passed by the Lower Houses, that the Upper House should scrutinise them and make necessary changes as they may pass an Act without much consideration. That function is not being performed by the Councils at present. Therefore I hold the opinion that there is no necessity for the Councils at the State level. But if it is accepted that there should be the Councils, it is necessary to make changes in the composition of the Councils.

Now I would come to the provisions of my Bill. In the beginning I will point out that at present teachers belonging to secondary schools are represented in the Councils but a large number of primary school teachers are not represented. If teachers are to be given representation in the Councils, then why not the primary teachers? Therefore I have provided in my Bill that pri-

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mary teachers should also be given representation in the Councils.

Then, under the present democratic set-up now the three-tier system has come, namely, the Panchayats, the Panchayat Samities and the Zila Parishad. Formerly there were only district boards and some other Panchayats. They have been provide with some rights for electing members to the Councils. But the Panchayat Samitis and the Zila Parishads, while in some States they might have been given representation, in others have not been given any representation. So, I have suggested that as nearly as one-sixth of the total members of the Councils in States should be elected by the Zila Parishads and Block Samitis.

I have made provision separately for the Panchayats. There would be an electoral college chosen by the members of the Panchayats within the State and one-twelfth of the members will be elected by that electoral college.

Then, as you know, Mr. Chairman, we have been encouraging the co-operative societies. A large number of co-operative societies have been formed in the country and they play a very important part in our economic affairs. They are also to be encouraged and their point of view should also be heard while making enactments in the States. Therefore I have made provision for the representation of co-operative societies also through an electoral college chosen by members of co-operative societies within the State.

While the Bill was being considered last time, I admit that there was an omission and now I would like to provide that the labour organisations should also find some place in this body. Further, I have provided for the representation to be given to the organised organisations or commerce, industry, trade and bus-

ness. They should also be represented in this body. It had been contended that it has become very cumbersome. But the provisions that I have made are for the consideration of this honourable House. If this Bill is referred to the Select Committee and its various provisions are considered in view of the discussions that were held during the time of the Constituent Assembly and various amendments that were made at that time—they are also to be looked into—and if in the present circumstances, in the present set-up, the Select Committee thinks that certain changes are to be made and incorporated in this Bill, then those changes will be made accordingly.

If there is any place for a second chamber at the State level, I think, that will be only based on functional representation. The present provision of the one-third of its Members being elected by the Legislative Assembly has, I think, given rise to some patronage being given for those who are in the majority party in the State Legislative Assembly. It is the majority party in the Assembly which has to elect one-third of the Members. In the present circumstances, I think, that is not necessary and that should be abolished altogether and in that place certain other interests should be given representation and we should make the composition of the Legislative Council as broad-based as possible. If that is not found workable, then, I think, there is no necessity of Legislative Councils at the States level and that there should be only one chamber functioning in the State.

Lastly, I would like to say that this Bill was circulated for eliciting public opinion and a number of opinions have been received which have been laid on the Table of the House. As I pointed out, a large number of opinions of those who are interested and concerned with this are in favour of this Bill saying that the Councils should be broad-based. But the various

State Governments have not supported this measure. They say that the present provision should continue. And that is quite obvious. It is because at present they enjoy the right of electing one-third of its Members by the Members of the Legislative Assembly. Therefore, at no time, I think, the Government at the State level would support any change in the composition of Legislative Council. But, on the other hand, a large number of persons and a large number of organisations who are interested in this have given their opinions in favour of it that some necessary changes should be made, that panchayats, trade unions and other interests should be given representation in the Council.

I do not want to take much time of the House. I hope that hon. Members will make necessary suggestions and support my measure. I do not say that all the provisions that I have incorporated in the Bill should be supported. This Bill is for reference to the Select Committee and then necessary changes could be made by the Select Committee so that the Bill may become as useful as it is required to be.

With these words, I move the Bill and I think the House will support it.

Mr. Chairman: Motion moved:

"That the Bill to provide for the composition of the Legislative Councils of States and for matters connected therewith, be referred to a Select Committee consisting of 16 members, namely:—

1. Shri Ramchandra Vithal Bade.
2. Shri C. R. Basappa
3. Shri Basanta Kumar Das
4. Shri Gauri Shankar Kakkar.
5. Shri K. L. More
6. Shri Shankarrao Shantaram More.
7. Shri V. C. Parashar

8. Shri Jaganath Rao
9. Shri S. C. Samanta
10. Dr. Sarojini Mahishi
11. Shri Sheo Narain
12. Shrimati Ramdulari Sinha
13. Shri T. H. Sonavane
14. Shri Radhelal Vyas
15. Shri K. K. Warrior, and
16. Shri Shree Narayan Das.

with instructions to report by the last day of the first week of the next Session."

Shri Yashpal Singh (Kairana): I beg to move:

"That the Bill to provide for the composition of the Legislative Councils of States and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 30 members, 20 from this House, namely:—

1. Shri Ramchandra Vithal Bade
2. Shri C. R. Basappa
3. Shri Basanta Kumar Das
4. Shri Shree Narayan Das
5. Shri Gauri Shankar Kakkar
6. Shri K. L. More
7. Shri Shankarrao Shantaram More
8. Shri Muzaffar Husain
9. Shri V. C. Parashar
10. Shri Jagannath Rao
11. Shri S. C. Samanta
12. Dr. Sarojini Mahishi
13. Shri Sheo Narain
14. Shri Krishnapal Singh
15. Shrimati Ramdulari Sinha
16. Shri T. H. Sonavane
17. Shri Vishram Prasad
18. Shri Radhelal Vyas
19. Shri K. K. Warrior, and
20. Shri Yashpal Singh.

and 10 from Rajya Sabha;

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that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 10 members to be appointed by Rajya Sabha to the Joint Committee."

Mr. Chairman: The motion and the amendment are before the House.

Dr. L. M. Singhvi (Jodhpur): Mr. Chairman, Sir, I shall be brief in endorsing the laudable object underlying the Bill and also in supporting the motion for reference to a Select Committee.

The object of the Bill, to the extent to which I agree with it, is stated by the learned author of this Bill in these words:

"The object of this Bill is to provide for representation to as many organised interests as are functioning in the State. By giving such representation to these interests the Council would not only become more representative but the functioning of such organisations would be encouraged and would get impetus and their working will become beneficial to the community at large."

I do not, however, agree with the earlier enunciation that cooperative societies which according to the author of this Bill are destined to play

a vital role in our economy and in our country should also, at the present juncture, be given such representation. I say this because I do not think that cooperative societies have yet proven their merit in this country by and large and—I am sure you are aware, Sir—we find that the functioning of the cooperative societies has been of a nature which has very little to commend itself to us. It would, therefore, be disastrous if we were to allow representation in Legislative Councils to societies such as cooperative societies in some of the State, the credentials of which are highly dubious.

The very quintessence of democracy is that legislatures should be more representative and that popular will should find expression in legislatures both in their composition and in their deliberations. The Bill which is before us proposes for a more appropriate and a more balanced composition of Legislative Councils in some respects. It enshrines, I think, a pluralist and a functional approach to political organisation which derives its validity in modern political thought and to that extent, I think, it is worthy of our support in principle.

It is interesting to find and go through the various comments received from various parts of India where Legislative Councils exist and also from parts of India where there are no Legislative Councils. In particular it is interesting to read the comment from the State of Uttar Pradesh which has opined:

"... that the State Government is of the view that the composition of the Legislative Council should not be on the basis of functional representation. As an Upper House, it should be composed of elder state men and experts on various spheres of national life. It

should reflect the views and opinion of intelligentsia and such other interests which cannot otherwise be represented in the Lower House...."

I think this is a very old-fashioned and a very old-fangled expression of the assumption underlying second chambers. I do not think even in the United Kingdom today the second chamber is based on the assumption that it is an elder House which has a second-say in most matters concerning legislation. It is only right and proper that Legislative Councils in the States in which they exist, and if they are found to be useful as organs of expression of popular will or of the will and the opinions of the intelligentsia, should be reconstituted. It is not my intention to suggest that the intelligentsia or the elder statement should not be represented or should not belong to these Legislative Councils but certainly it is necessary to activate these Legislative Councils in various States and that they be reorganised partly at least on a functional and a pluralist basis in order that various organisations, organised interests, in the country find a legitimate reflection in our State Legislatures. It is in this context that I should also like to suggest that a real study is made of the functions that these Legislative Councils have performed in various State levels and whether they continue to be useful organs of legislation and of expressions of popular will in the different aspects.

16 hrs. ..

[SHRI SONAVANE in the Chair]

It is very necessary for us to consider this, because it seems that we have continued various Legislative Councils mainly because of historical reasons. If it is found on a proper scrutiny that they are not serving any useful purpose then they should be scrapped, but if it is found that

they are performing some essential and useful functions, then there is no reason why at least in logic such Legislative Councils should also not be introduced in States which do not have them.

I do not have any definite views in the matter of abolishing Second Chambers, and certainly I would not be so rash as to suggest to this august House that Second Chambers should be abolished everywhere overnight. But it is a matter on which the Government and the country should bestow their attention and make a proper study. If these Legislative Councils are not performing useful functions, it should be investigated why they are not able to perform useful functions and what might be conducive to enable them to perform useful functions in our society. But if it is found even after such steps as might be taken to improve their position or their quality or the quality and content of their deliberations and the impact that they make on legislation, that there is nothing to justify their continuance, then there is no reason for us to continue them. But in this matter I think that Government have done very little thinking. They have gone in terms of accepting these Second Chambers in some of the States and they went by historical precedents in terms of continuing them. They have not considered or scrutinised the functions that these legislative chambers have performed. I would very much like to hear from the hon. Minister what efforts or what proposals Government have in view for ascertaining the role which these Chambers are playing in the different States, whether they have deteriorated to the level merely of a Second Chamber which is packed by nominations of Chief Ministers and other political people or persons in politics who are frustrated or whether they are enabled in every possible way to contribute towards the fulfilment of the purposes which justify at

[Dr. L. M. Singhvi]

least in principle their constitution and their continuance.

Shri Oza (Surendranagar): As the hon. Mover of the Bill has pointed out, there are two schools of thought about maintaining the Second Chambers in this country. Some question the utility of these Second Chambers, and some others question the functions that they are discharging, but I, for one, am of the opinion that we should have Second Chambers not only in the States, but we should also maintain the Second Chamber that we have at the Centre. I believe that there are some interests in the country, cultural, educational and social or those who are taking part in social activities who would not be in a position to contest direct elections. After all, life in a country does not consist only of economic or political problems, but the legislature has at one time or the other to consider so many other questions, social, cultural and others, and it is but necessary and proper that those interests who are not capable of directly participating in the general elections should be given some chance of placing their view points before the State or before the country. I think that it is a happy thing that life which is diversified in its existence should also be represented in these various Chambers. As the hon. Mover has pointed out, when this idea was conceived of, at that time our social and economic life was of a particular pattern. But, now after the attainment of freedom, during the last so many years, it is having a different pattern, and many other interests are growing up, and it is but necessary that we should give a second thought to the composition of these Legislative Councils. But I have got some difference of opinion on the question of including certain interests.

For example, the hon. Mover has said that panchayats, co-operatives

and primary teachers should also be given representation in these Second Chambers. I humbly differ from him here. Up to the level of the zilla parishads, I would concede that they should be given some representation in the Legislative Councils. But beyond that, to drag the village panchayats into the turmoil of all these indirect elections would not be in the interests of the healthy growth of the panchayats that we envisage. As it is today we find that these panchayats are becoming cock-pits of intrigues, and it is said that every village is split up into two factions or sometimes more than two factions. I do not want to say for a moment that I am against the panchayats or the panchayati raj. These are all processes. If democracy is to be installed in this country at the basic level, we have got to pass through this process. Simply because we are having some troubles in the beginning, I do not want to suggest that we should give up the idea. But in the very interest of the healthy growth of these institutions, I would submit that the time is not ripe when we should drag these institutions into these indirect elections to the Legislative Council. Therefore, I am against giving the village panchayats any representation in these Legislative Councils.

The hon. Mover has also thought it fit to provide for representation to the co-operative societies in the Legislative Council. As has been rightly pointed out by the previous speaker, the co-operative societies today have not reached a mature stage. Even otherwise, even if they have achieved that maturity, I am against giving any representation to them. They have a peculiar function to discharge, and I think that we should see that they keep away from active politics. Co-operation has nothing to do with any ideology, and I do not think that we should give them so much interest

or we should create any interest in their favour whereby their hands may be diverted to things which are not directly their concern.

Then, my hon. friend the Mover also wanted representation for primary teachers. As you know, primary teachers are spread all over the country and in every village, and they have got such a great responsibility. Looking to their present calibre, I do not think that it would be proper to bring them into the fray and into the arena of the political field. Therefore, I am against giving them any representation.

Shri R. G. Dubey (Bijapur North): Then they will give up teaching.

Shri Oza: As my hon. friend remarks, then they will give up teaching and they will start doing something else, which is not desirable.

Then it has been suggested that where the Legislative Councils are discharging proper functions they should be maintained and where they have failed to discharge proper functions they should be abolished. I am not of that view. In course of time, the Legislative Councils also will improve. After all, democracy is a process, as I have said at the beginning of my speech. We have not been accustomed to all these things in the past. These have come to us and we want to develop them. We cannot develop them overnight. It will take some time to develop them, just as it has taken some time in other countries. For instance, even in the U.K., it has broadened only from precedent to precedent, and it is during the last several hundred years that it has grown to what it is today. So we should not get impatient in regard to the growth of our democratic institutions. Some people who are impatient and who are irritated after looking round and seeing the intrigues that are going on this country get frustrated and some of them are of the view that we should give up this experiment of democratising our institutions at the basic level. But I, for

one, am of the opinion that we should watch this process with great patience, and we should nurse these democratic institutions in this country, for ultimately we want to see that democracy succeeds in this country. Therefore, I am of the view that the mere fact that the Legislative Councils in some States are not discharging their functions properly is any reason for abolishing them. Slowly, steadily and gradually, they will also acquire some maturity and they will also be able to discharge their functions properly, and I am of the view, therefore, that every State must have a Legislative Council. Even in States where there are no Legislative Councils this Parliament should give a directive for the setting up of such Legislative Councils. For, as I have said, today politics has monopolised the public life of this nation. I would say, monopolised too much the public life of this nation. There are so many interests in the country which are feeling frustrated and irritated that they have got no point of vantage where they can express their ideas and their sentiments. For, it is not only the social and economic problems which are coming before us, but so many other diversified problems are coming before us and before the legislative bodies, and it is but proper that all these elements in the public life of our country should be given representation. Let not politics dominate our national life. I am therefore of the opinion that Legislative Council should be maintained. By and large, I support the motion of the hon. Mover, with this exception that I am not of the view that all the bodies which he has contemplated for representation should be given representation.

With these few words. I lend my support to the Bill and urge that the matter may be taken up seriously by Government, because, as I said, times are running very fast and what was contemplated or conceived of a long time ago is not now applicable; much water has flowed down the

[Shri Ora]

Jamuna since then. I am sure a second thought will be given to this matter by Government and they will accept the main purpose behind the Bill.

श्री यशपाल सिंह : सभापति महोदय मैं इस सुन्दर बिल के लिये अपने मित्र श्री श्रीनारायण दास जी को बहुत मुबारकबाद देता हूँ। भारत का बड़ा हित कर के उन्होंने यह रेजोल्यूशन यहां रक्खा है। ऐसी आज की हालत है कि हमें मानना पड़ेगा कि लेजिस्लेटिव कौंसिल में और जो हमारी राज्य सभा है उस में ऐसे लोग चुन लिये जाते हैं जिन का देखना भी बन्द हो जाता है और सुनना भी बन्द हो जाता है। उन की जिन्दगी और कही तो कटती नहीं है यहां ही रक्खे जाते हैं। यह रेजोल्यूशन बहुत सुन्दर है और मैं इस का समर्थन करता हूँ।

अभी पिछले साल हम ने देखा कि एक ऐसे मेम्बर को नामजद किया गया राज्य सभा के लिये जिस बेचारे को यह भी पता नहीं था कि राज्य सभा कौन सी है और लोक सभा कौन सी है। वह यहां आ कर बैठ गये और एक घंटे तक बैठे रहे। कोई दूसरा देश होता तो उन को डिस्क्वालिफाई कर दिया जाता, लेकिन चूंकि यहां वन पार्टी सिस्टम आफ गवर्नमेंट है, एक पार्टी का रूल सदा चलता है इस लिये उस पर ५०० वोट का जुर्माना जो होता है वह भी नहीं किया गया।

मेरी भ्रज यह है कि इन में काम करने वाले लोग लिये जायें। जो हमारे कोआपरेटिव क्षेत्र हैं उनके कोआपरेटिव यूनिट्स के मेम्बरान लिये जायें खासकर जो लोग प्राइमरी टीचर्स बनते हैं उन के रिप्रेजेंटेटिव को लिया जाये। हमारा हिन्दुस्तान ही एक ऐसा अभाग्य देश है जहां प्राइमरी स्कूल के टीचर्स की कोई इज्जत नहीं है।

इंग्लैंड में ऐसा होता है कि अगर एम्पयर खुद भी आ जाये, क्वीन खुद आ जाय, बादशाह आ जाये तो वह स्कूलों के प्रिन्टर हैट उतार कर सलाम करता है क्योंकि अगर बच्चों के दिल पर यह इम्प्रेशन हो गया कि टीचर से भी बड़ा कोई है तो उस के अनुशासन का निर्माण नहीं हो सकेगा। आज सब से ज्यादा जरूरी है कि प्राइमरी स्कूल के टीचर्स के लिये स्थान हो, जिन को आज तक नेगलेक्ट किया गया है लेजिस्लेटिव कौंसिल में उन्हें जरूर लिया जाना चाहिये।

हमारे देश की एकानामी कोआपरेशन पर बेस करती है, इस लिये कोआपरेटिविज्म से भी जरूर रिप्रेजेंटेटिव लिये जाने चाहियें। यहां पर लोगों को पार्टी पालिटिक्स के आधार पर नहीं लाना चाहिये पार्टी पालिटिक्स का आधार गलत है। जो काम कर के दिखला सकता है उस को लिया जाना चाहिये। दस साल बाद या पांच साल बाद वं वक्त आयेगा जब यहां यह हो कर रहेगा। हमारा धर्मशास्त्र कहता है कि शराबी को वोट डालनेका हक नहीं होना चाहिये। क्योंकि शराबी को वोट से चुन कर जो आयेगा वह धर्म और देश की रक्षा नहीं कर सकेगा, उस में पैट्रियाटिज्म पैदा हो नहीं सकता। हमारा भ्रम यह कहता है कि अश्लील सिनेमा देखने वालों को और झूठ बोलने वालों को वोट देने का हक नहीं होना चाहिये। इसी तरह हम जा रहे हैं और श्री श्रीनारायण दास

का जो बिल है वह इसी प्रसूल पर आया है।

आज सब से ज्यादा जरूरत इस बात की है कि जो लोग बेकार हो गये हैं उन को पार्टी पालिटिक्स के नाम पर न लिया जाये जो सर्विस कर चुके हैं, आई० सी० एस० और आई० ए० एस० रह चुके हैं, जज रह चुके हैं उन को न लिया जाये क्योंकि अगर उन्हें यह उम्मीद रहेगी कि वह नामिनेट हो जायेंगे तो वह इन्साफ नहीं कर सकेंगे। सब से बड़े दुःख का कारण यह है कि इस तरह के हालात पैदा कर दिये गये हैं रिटायरमेंट के बाद हर एक को इमदाद की जरूरत होती है। जब इमदाद की जरूरत होती है तो किस से इमदाद ली जाती है। रूलिंग पार्टी से ली जाती है। और इस लिये बेइन्साफी होती है। किसी दूसरे देश में ऐसा नहीं होता कि इम० एल० एज० और एम० पी० जा कर के जुडिशियरी में दखल दें सिर्फ हमारे देश में ऐसा होता है। अगर माननीय श्री श्रीनारायण दास यह बिल न लाते तो यहां बड़ी भारी कमी रह जाती, अगर इस हाउस में यह बिल न लाया जाता तो लोग समझते कि लेजिस्लेटिव काउंसिलस की तर्फ से हमारे दिल दिमाग का दरवाजा बन्द है और हम इधर कुछ सोच नहीं रहे हैं।

मैंने अपनी आंखों से देखा है, मैं सुनी हुई या अखबार में पढ़ी हुई बात नहीं कहता, मैं खुद अपनी तर्फ से नहीं कहता, जो खुद मैंने देखा, जैसा मैंने एक्सपीरियंस किया वह बतलाता हूँ। जब मैं यू० पी० असेम्बली में था तो एक दिन लेजिस्लेटिव काउंसिल के लिये ४३० लोग वोट डालने के लिये गये। उन ४३० से मैं १४ एम० एल० एज० के वोट्स इन्वैलिड हो गये। उन बेचारों को पता नहीं था कि निशान दाई तर्फ लगाया जाता है या बाई तर्फ लगाया जाता है अगर यह हमारे जनतन्त्र का उपहास नहीं तो क्या है। उन लोगों में वोट डालने और नामिनेट करने का सेन्स पैदा हो इस के लिये हम ने कोशिश ही की। इन सब बातों को देखते हुए यह

जरूरी है कि इस बिल को सेलेक्ट कमेटी के सुपुर्द किया जाये। हिन्दुस्तान की यह सब से बड़ी आवश्यकता है।

अब हम देखते हैं कि लाखों नहीं करोड़ों इन्सान ऐसे हैं जिन का एक भी रिप्रेजेन्टेटिव नहीं। जिन को हम गलती से कहते हैं कि पारिभ्रामक जातियां हैं या आदिवासी हैं। पूरे छः करोड़ गूजर हैं जिन को हिन्दुस्तान के अन्दर पारिभ्रामक जातियां कहा जाता है, या भ्रमणकारक जातियां कहा जाता है। छः करोड़ लोग हैं जिन का एक भी रिप्रेजेन्टेटिव यहां नहीं है। न लोक सभा में और न राज्य सभा में। एक तरफ तो हम कहते हैं कि हम चल करके उन की अधिकारों की रक्षा करेंगे और दूसरी तरफ उन लोगों को हम यहां रिप्रेजेन्टेशन नहीं देते हैं। उसूल यह है कि नो टेक्शेशन विदाऊट रिप्रेजेन्टेशन। लेकिन यह करोड़ों आदिमियों की कम्युनिटी है जो करोड़ों रुपये टैक्स देती है। उन का कोई नुमाइन्दा यहां नहीं है इस लिये उन को टैक्स से एग्जेक्ट किया जाये। इसी लिये यह बिल यहां लाया गया है कि जो पुराना ढाँचा है वह बेकार हो चुका है, वह ऐसा टिकट है जो चल नहीं सकता है क्योंकि वह पार्टि पालिटिक्स पर कायम किया गया है। अब देश जागृत हो गया है, हमारा देश पालिटिकली एवेकेन्ड है। ऐसी हालत में जो पुराना निजाम था, जो बंसीदा हो चुका है, जो आज के जमाने में फिट नहीं करता है, उस को बदलना पड़ेगा।

जिन प्रदेशों में लेजिस्लेटिव काउंसिल नहीं है वहां कमी रह जाती है। जहां विद्या, बुद्धि और प्रतिभा नहीं होती वहां काम नहीं चल सकता। खास बात यह है। धर्मशास्त्र में लिखा है:

“न सा सभा यत्न न सन्ति वृद्धाः
 वृद्धा न ते ये न वदन्ति धर्मम् ।
 धर्मस्य नो यत्न न सत्यमस्ति
 सत्यं न तद् यच्छलमभ्युपैति ।”

जब बड़े बूढ़े दिल दिमाग के मालिक किसी हाउस में नहीं जायेंगे तो बड़ी भारी कमी रह

[श्री यशपाल सिंह]
जायेगी। देश को इस वक्त नेतृत्व की जरूरत है, देश लीडरशिप चाहता है। कदम कदम पर हम बहक जाते हैं, कदम कदम पर हम भटक जाते हैं, रास्ता नहीं पाते। महात्मा गांधी ने हमें ज्योति दी थी, महात्मा गांधी ने अन्धकार में प्रकाश किया था। इतना बड़ा प्रकाश किया कि अंग्रेज को भी उस रोशनी में चला जाना पड़ा। यहां पर करोड़ों आदमी है जो गांधीजी का नाम तो लेते हैं लेकिन रेपिड डिसीशन नहीं ले सकते हैं। तात्कालिक निर्णय नहीं ले सकते हैं। तात्कालिक निर्णय नहीं होता इसलिये कदम कदम पर पिटते हैं। गीदड़ के हाथों से शेरों की मौत हो रही है, अजगर के बच्चे मेंढकों के हाथ से मारे जाते हैं। इसलिये देश के नुमाइन्दे अच्छे नामजद किये जाने चाहियें। हम को कोशिश करनी चाहिये कि दिल दिमाग के मालिक वहां आयें और वह लोग आयें जो कि सेवा कर सकें और देश को रास्ता बतला सकें।

इसलिये कोआपरेटिव यूनिट्स से खास कर प्राइमरी टीचर्स की तरफ से जिन लोगों ने खास तौर से विद्या बुद्धि और प्रतिभा से कुछ करके दिखलाया हो, जिन्होंने देश की सेवा की हो, उन को जगह दी जाय। हमारा ही देश है कि हम रवीन्द्र भूनाथ टैगोर को भूलते जा रहे हैं, अरविन्द घोष को भूलते जा रहे हैं, हमारे ही देश वाले नहीं समझते इस बात को कि नेताजी सुभाषचन्द्र बोस ने हमारे लिये क्या किया था, हम नहीं समझते कि लोकमान्य तिलक ने हमारे लिये क्या किया था। इसलिये जरूरी है कि ऐसे लोग वहां जायें जो दूरदर्शी हों, जो हमें रास्ता दिखला सकें और तत्काल निर्णय ले सकें, प्राम्ट डिसीजन ले सकें।

अन्त में मैं फिर श्री श्रीनारायण दास को इस बिल को लाने के लिये मुबारकबाद देता हूँ।

श्री सिंहासन सिंह (गोरखपुर) : सभापति महोदय, जो विधेयक श्री श्रीनारायण दास ने उपस्थित किया है मेरी समझ में

जहां उचित है वहां अधूरा है। जो विधान वह चाहते हैं प्रदेशों की कौंसिलों के लिये उसी तरह चुनने की कोई प्रथा हमारी राज्य सभा के लिये भी होनी चाहिये। राज्य सभा के बारे में इस बिल में कोई निर्देश नहीं है। राज्य सभा और विधान परिषदें समानान्तर हैं। एक प्रकार से दोनों ही हमारे संविधान के मुताबिक निरीक्षण भवन हैं। जो बिल हम पास करें विधान परिषद और राज्य सभा उस की देख रेख करें, इसी आधार पर उन का निर्माण हुआ है। हमारा संविधान जो बनाया गया उसमें कुछ खामियां रह गयीं। उनमें से कुछ खामियों को हमारे भाई श्री नारायण दास जी ने दूर करने की कोशिश की है। विधान परिषदों के एक तिहाई सदस्य चुने जाते हैं विधान सभाओं द्वारा, इसलिए जिस पार्टी का बहुमत विधान सभा में होता उसी के प्रतिनिधि विधान परिषदों में चले जाते हैं, जिनको काउंसिल भी कहा जाता है। वैसे ही आज राज्य सभा में भी होता है। बहुत से ऐसे चुन लिये जाते हैं कि जिन को रास्ता नहीं दिखलायी देता। जैसा कि श्री यशपाल ने कहा है। यह स्थान एक प्रकार से पुरस्कार की चीजें बन गयीं हैं। यह बन्द होना चाहिए। इसी तरह का सदन अमरीका में सिनेट है लेकिन उसका निर्वाचन जनता द्वारा होता है, लेकिन हमारी राज्य सभा का कुल निर्वाचन हमारी विधान सभाएं करती हैं और परिणाम यह होता है कि जिस दल की विधान सभाओं में बहुलता होती है उसी दल के लोग राज्य सभा में आ जाते हैं और वहां उनकी बहुलता हो जाती है। इस समय यह एक संयोग की बात है कि देश की विधान सभाओं में कांग्रेस की बहुलता है जो कि जनता का प्रतिनिधित्व करती है और जिस के पीछे जनता है, इसी कारण दोनों जगह कांग्रेस की बहुलता बनी हुई है, लेकिन ऐसा हमेशा नहीं रह सकता।

मेरा विचार है कि राज्य सभा का एक स्वतंत्र संगठन होना चाहिए, विधान परिषदों

का भी स्वतंत्र संगठन होना चाहिए ताकि उस में स्वतंत्रता से विचार किया जा सके और उसमें स्वतंत्र आदमी भी आ सकें और अपने विचार स्वतंत्रता से रख सकें, किसी पार्टी के बंधन में न बंधें हों। आज हम इस मामले में ब्रिटिश प्रणाली के आधार पर चलते हैं। वहां हाउस आफ कामन्स और लार्ड्स सभा है। लार्ड वहां परम्परा से चले आते हैं। कुछ को सत्तारूढ़ दल भी लार्ड बना देता है और वे अपने जीवन काल तक ही लार्ड रहते हैं, लेकिन उनके लिए जरूरी नहीं है कि वे सत्तारूढ़दल की नीति के मुताबिक ही चलें। वे कुछ अपना स्वतंत्र विचार रखते हैं।

हमारे यहां विधान परिषदों को या राज्य सभा को धन की स्वीकृति करने का अधिकार नहीं दिया गया है। उनको कानून बनाने का समान अधिकार अवश्य है। जो संशोधन माननीय सदस्य ने दिया है उसका हम स्वागत करते हैं। लेकिन माननीय सदस्य ने एक बड़ा लम्बा चौड़ा हिसाब किताब एक वटे बारह, एक वटे दस एक वटे तीन, आदि का लिखा है, यह ठीक नहीं मालूम होता। कांस्टीट्यूएन्सी बनाने के बारे में आपने लिखा है:

"The members to be elected under clauses (a) to (i) of subsection (2) shall be chosen in such territorial constituencies as may be prescribed, and the elections under the said clauses shall be held in accordance with the system of proportional representation by means of the single transferable vote."

इसमें उन्होंने टीचर्स को रखा है, मिडिल स्कूल के टीचर्स, हायर सेकेंडरी स्कूलों के टीचर, प्रेजुएंट और कोऑपरेटिव सोसाइटी और इन का अलग अलग प्रोपोरशन रखा है। अच्छा होता क्षेत्रीय कांस्टीट्यूएन्सी बनायी जाती, जैसे कि लोकसभा की हैं और इन लोगों को वोट का अधिकार होता। भिन्न भिन्न लोगों की परिधि बनाने से ओवर लैपिंग होने की आशंका है। और इसमें मुश्किल होगी। जो

अलग अलग वटवारा रखा गया है उसके बजाय इन सब को बोट का अधिकार दिया जाता और क्षेत्रीय आधार पर निर्वाचन क्षेत्र बनाया जाता तो अच्छा होता।

इसी सम्बन्ध में हमने एक सवाल अपने हाई कमांड के सामने भी उठाया है। हम ने देखा है कि विधान परिषदों में एक ही जिले के छः छः आदमी आ जाते हैं और कई हिस्से बिल्कुल अनरिप्रेजेंटेड रह जाते हैं। उसका कारण यह है कि जो पहुंच गया या जिसका भसर हुआ वह तो हो गया और जो पहुंच नहीं पाया वह नहीं हो पाया। अगर क्षेत्र फल के हिसाब से निर्वाचन क्षेत्र निर्धारित किए जाएं जैसा कि लोकसभा के लिए है तो यह चीज नहीं हो सकेगी और स्थानीय आदमियों को स्थान मिलेगा। हो सकता है कि कुछ बाहर के भी आ जाएं लेकिन अधिकतर स्थानीय लोगों को मौका मिलेगा।

इस बिल को सिलेक्ट कमेटी के पास भेजा जाए और सिलेक्ट कमेटी इस पर विचार करे और जो मैं सुझाव दे रहा हूं उन पर भी विचार किया जाए। अलग अलग चुनाव क्षेत्र न बना कर निश्चित क्षेत्र बना दिए जाएं कांस्टीट्यूएन्सी के लिहाज से। इससे स्थानीय आदमी को जगह मिल जायेगी। यही नियम राज्य सभा के लिए भी होना चाहिए। आज कल आप देखें कि राज्य सभा में उत्तर प्रदेश के 34 आदमी हैं और उत्तर प्रदेश में 52 जिले हैं, यानी डेढ़ जिले पर एक आदमी का औसत आता है। लेकिन हम देखते हैं कि कानपुर, इलाहाबाद, आगरा, मेरठ इन स्थानों के लोग इन 34 में से 20 होंगे। यह ठीक नहीं है। इसलिए मैं इस संशोधन का हृदय से स्वागत करता हूं और गवर्नमेंट से अनुरोध करता हूं कि इसको सिलेक्ट कमेटी को भेज दें और जो मैंने सुझाव ऊपर दिए हैं उन पर विचार किया जाए। सरकार को इन दिक्कतों को दूर करना चाहिए। जैसे लोकसभा में और विधान सभाओं में जनता का प्रतिनिधित्व होना है वैसे ही राज्य सभा में और विधान परिषदों

[श्री सिंहासन सिंह]

में भी होना चाहिए। वहां पर किसी को लादा नहीं चाहिए। यह नहीं होना चाहिए कि शर्मा साहब चाहे जिसको लाद दें और स्थायीय आदमी न आ सकें।

मेरा सरकार से अनुरोध है कि इस स्टेज पर इस बिल को मंजूर करले और इसको सिलेक्ट कमेटी को भेज दे जहां इस पर विचार हो। लेकिन मैं देखता हूँ कि मंत्री महोदय सिर हिला रहे हैं। मैं देखता हूँ कि सरकार दबाव पड़ने पर ही किसी बात को मानती है हमारा कहना है कि दबाव का ख्याल न किया जाए, सिर्फ यह देखना चाहिए कि सही बात क्या है। अगर सही बात अन्य दल से भी आती है तो उसको भी मान लेना चाहिए। जो दल ऐसा करता है वही जीवित और जाग्रत रहेगा। इसलिए मेरा अनुरोध है कि वह सिर न हिलाए और इसका स्वीकार करे। सिलेक्ट कमेटी को भेजने में कोई पाबन्दी नहीं हो जाये। मेरा अनुरोध है कि जो विचार ठीक है उसको समयमै मिलना चाहिए।

Mr. Chairman: Shri Heda. I think many Members are anxious to speak. So, I request hon. Members to confine their remarks within, say, seven minutes.

An Hon. Member: Five minutes.

Mr. Chairman: Yes, better five minutes.

Shri Heda (Nizamabad): Mr. Chairman, Sir, I congratulate my hon. friend Shri Shree Narayan Das for bringing forward this thought-provoking Bill. This Bill involves a fundamental thinking on a basic point, namely, the system of indirect elections. When the Constitution was envisaged and was framed, the conditions in those days were entirely different. Now, the

Constitution has progressed further; it has asserted and has created a new consciousness and, may I say, a new environment and a number of new democratic and very useful and assertive institutions. Therefore, the time has come when we should think whether we should allow any element of indirect elections.

What is the criterion of the progress that a democracy makes in any given country? One of the criteria is to find out the quantum of indirect election and the prestige that gets in that country. We have had three successful general elections. We assert that we are the greatest democracy in Asia and we have stabilised democratic traditions here. So, it is time for us to encourage the direct election system and discourage the indirect election system to both Houses in the Centre as well as in the States.

My next suggestion is that half the members of the council should represent the territories and half the number should represent the interests. When I say territories, I mean they should be elected direct by the electors in those territories. Mr. Sinhasan Singh referred to the Upper Houses in USA. At both the federal and State levels, the members are directly elected by the people. If you take the State Senates, they have got a demarcated boundary. Every Senator of that State is elected by that area and it is far greater than the area of that Congressman of that State. In UP for instance, it will be 1½ districts which will elect one legislative council member.

My suggestion is half the number of members of the council should come from the different territories—single-member constituencies—and they should represent different areas. The other half should necessarily represent the interests, by which I mean real

interests and not imaginary interests. In the old days, during British regime, to be a graduate or a teacher or an advocate was an interest. But I do not find there is anything particularly attached to those classes to be called as having particular interests. I am a graduate and an advocate. But I do not have any particular interest. The advocates represent others' interests; there is no particular interest for themselves as such.

I also oppose particular representation of teachers' interest. In those days when literacy was scarce, to be a literate was something. There was a time when the village teacher was the virtual leader of the village. He was considered the wisest man of the village and counsel was taken from him. But now our village panches are of as a high calibre as anybody. So, the interests of teachers as such should not be given particular representation. We have got the sorrowful experience in the past two decades because of the politics involved in these elections. Students also get involved in these elections. So, I am of the opinion that teachers should not form any particular interest.

If my suggestion that half the number of members of legislative councils should be directly elected by the general electorate is not acceptable, I have another suggestion. There may be some difference in the development, but practically everywhere we have panchayat elections and local bodies have come up with adult franchise. They should get a far bigger slice in the councils than today. Today legislative assemblies dominate the councils. That should stop. It is time that 15 years after the promulgation of the Constitution and after three successful general elections, we rethink about the entire system and give a proper direction.

Shri K. L. More (Hatakanangale): Mr. Chairman, Sir, at the outset, I would like to congratulate the hon. Member, Shri Shree Narayan Das, for bringing forward this much needed

measure. I would not like to say much on this because Shri Das has included my name in the Select Committee and there I would get ample opportunity to say what I have in my mind.

An Hon. Member: Provided this motion is accepted.

Mr. Chairman: Let him presume that.

Shri K. L. More: But, Sir, I would like to say a few things with regard to this measure. The hon. Member has his good intentions to give representation to various interests. Out of those interests, the organisations of primary teachers is the most important one. Primary teachers are really the most important people of our nation's life. But it is very difficult for them to find representation even in the small organisations like panchayats, even at the village level. Then you can very well imagine how difficult it will be for them to get representation in the legislative assemblies or councils and how still more difficult it will be for them to get representation in the Lok Sabha or in the Rajya Sabha. Therefore, I admire his object in bringing this Bill to give representation to this neglected class of primary teachers.

But he has said something about indirect nomination. He has said that one-third are to be elected by the legislative assemblies. There I differ from him. If his intentions of giving representation to various classes are to be fulfilled, it is in the best interest that this system should be abolished. Representation should be by election and not by nomination because that will be, a sort of, coming through back door. Therefore, I am not in favour of this provision. I do not know why it has not struck to him that nomination should be abolished. In real democracy, in my opinion, this should go and the Governors or anybody else should not have that power of nomination.

[Shri K. L. More]

There are so many interests like Scheduled Castes, Scheduled Tribes and others. People in these classes are just springing up to bring about social reforms in the interest of those classes. They are really neglected. They do not have any representation nowadays. The period of reservation is also going to be ended by 1967. There are various views on this. I differ from those who are opposed to reservation. Because, still the society has not developed and the harijans or Scheduled Castes and Scheduled Tribes are not so developed as to find any representation in these organisations in free elections, without any reservation. So, my suggestion to the hon. House and to the Select Committee is that more attention should be given to some of the neglected classes which really do not have representation.

Then there is a grievance that even in jilla parishads and panchayats the neglected classes do not find proper representation. So, I would appeal to the hon. Member, Shri Shree Narayan Das that he should give more attention to some of the neglected classes so that we can usher in real democracy in this country. With these words, I support the motion.

Shri Gauri Shankar Kakkar: (Fatehpur): Mr. Chairman, I support the Bill sponsored by my hon. friend. At the time of framing the Constitution it was never thought that with the progress of democratic set up in the country many such institutions like the Council would be coming into being, to give real representation to the various bodies. Now, after a period of 15 or 16 years of functioning of the Constitution we have created so many other democratic set ups, it is a natural corollary that the decentralised units at the district and village level should have representation on such bodies as the Legislative Council and the Rajya Sabha.

Let me say one word. We have seen the evils of indirect elections in the case of panchayat, council and Rajya Sabha elections. If I may be allowed to say so, with the progress of democratic set up in this country, with only one ruling party having an overwhelming majority at the Centre and at the States, the evil effects of indirect elections have come even to this House. Perhaps, it would not be very shocking if I were to submit that there have been cases where people were giving huge amounts as bribes to become a member of either the Rajya Sabha or the Legislative Council. By and large, this evil effect of indirect elections is growing every day. In the Bill before us, thought has been given to this aspect and the idea of sending Members to the Council through the Assembly has been very wisely dropped. So, I support this measure.

At the same time, I have got one or two objections to this Bill. I am totally opposed to the principle of nomination. Here, my hon. friend has given exactly the same words which were mentioned in the Constitution. We have seen the evil effects of nomination. Even if it is incorporated in the legislation that the persons to be nominated must have some special knowledge relating to a particular subject, if I may be allowed to quote, there were many instances where persons who have no special knowledge of a particular subject are forced on the Council by the ruling party, ignoring their qualifications, because nobody could challenge the ruling party, especially when it has got an overwhelming majority. Sometimes, it so happens that those political figures who have no other place, merely because they happen to be the pet of some leader, they are nominated on the pretext of having some special knowledge of a particular subject, as mentioned in the Constitution, even though they have absolutely no knowledge of that subject. So, a second thought needs

to be given. I oppose this nomination clause. There should be no nomination.

With regard to teachers' representation, it is a very serious affair. If the ruling party decides that teachers should not be allowed to participate in politics, so far so good; but there should be a universal or general code of conduct and I would certainly support that. But I would not support that the teachers should be made instrumental in the case of the ruling party and should not be the subject of politics in the case of the opposition parties. So, if the ruling party has any idea that politics should not go to educational institutions and the teacher should not be allowed to participate in politics, let them have once and for all clear vision and decide that they would never approach this institution, the teachers class, and make them instrumental to get their own ends served; then I would support that. But as long as they are made instrumental for one particular class, I think, there is no harm if representation goes up to the primary or middle school teachers which has not been there so far in the Constitution.

If I may be allowed to say, it has become a practice and it is growing every day that during the interim period if there is any vacancy or if any person is to be accommodated as a Cabinet rank Minister either at the Centre or in the States, he is allowed to come by the backdoor, as I would call it, by going to the Rajya Sabha or by becoming a member of the State Council. How far will that Cabinet Minister be responsible to the House and to the electorate when he has not seen the face of the electorate and has not been elected on the basis of adult franchise? So, once for all to discourage these things a decision should be taken.

As has been suggested by my hon. friends, Shri Sinhasan Singh and Shri Heda, I agree that this particular Bill requires some other change, that is,

the pattern of sending representatives to the Councils and to the Rajya Sabha should be on the basis of territorial jurisdiction so that there may not be such cases or such apprehension that a particular district is favoured. I know, in my own State, Uttar Pradesh, a particular district has the honour to send as many as 16 members to the Rajya Sabha whereas other districts do not have the honour to send a single representative.

In the end I have to say that just now when Thakur Sahib was asking the Deputy Minister, he was shaking his head this side. I shall appeal to him one thing. Even if he is not prepared to accept this particular Bill it is high time, after 17 years of democratic set-up which we have brought about, that the Cabinet decides to come forward with a comprehensive piece of legislation in this respect to allay all apprehensions and to have a fair deal in the case of representation to the Councils and to the Rajya Sabha if they at all want them to exist in future. That is my submission.

Shri D. C. Sharma: (Gurdaspur): Mr. Chairman, Sir, I give a warning to the Government that if they do not accept this Bill....

An Hon. Member: We will walk out.

Mr. Chairman: You have started with a warning and will end with a threat.

An Hon. Member: No threat; aggression.

Shri D. C. Sharma: . . . if they do not accept this Bill in principle, they will be doing the greatest piece of injustice to the interests of democracy in this country and they will have to reap the fruit of what they sow today in three or four years to come. I think, democracy has two sides. Democracy, in one respect, represents the popular will of the people and I believe, whatever the Opposition may do or say, that there is no doubt about the fact that this

[Shri D. C. Sharma]

Lok Sabha and our Legislative Assemblies in the country are true representation of the popular will of the country. I believe that this is only one aspect of democracy. The other aspect of democracy to which many great thinkers have referred and to which George Bernard Shaw specially referred is the functional aspect of democracy. I know, when the Constitution was going to be framed, there were some persons who thought that India should set the example of functional democracy. The fact of the matter is that we have not followed that advice which was given to us by some great political scientists and some very renowned political thinkers. What has happened now is quite obvious. Sometime back, we wanted a Finance Minister and there was nobody available in the Rajya Sabha and the Lok Sabha to take the charge of the Finance portfolio and so we had to take hold of an I. C. S. retired officer who took charge of the Finance portfolio. We wanted a Minister of Irrigation and Power and there was nobody here and so we had to get a retired Engineer elected to the Lok Sabha so that he could take charge of that portfolio.

My point is only this that functional democracy has a very great part to play in the proper functioning of the democratic form of Government of any country. But you cannot bring about this change so far as big elections on adult franchise are concerned. I cannot go to my people in my constituency and say to them, "Please elect a person who can be the Finance Minister of my country". I cannot go to Allahabad and say to them, "Please elect a person who can be the Minister of Irrigation and Power in this country." Therefore, the functional aspect has got to be brought in somehow and, I think, this Bill is the answer to that conundrum

which democracy puts forward in every country and which is being solved in other countries of the world in some way by creating hereditary peers, by creating life peers and by having other things. I would, therefore, say that the Government will be well-advised in accepting this Bill.

My second point is this. There are some persons who are talking about politics. I think they have read some book on politics published about 25 years ago. Politics has changed its connotation now. I have been reading a book written by a very eminent professor of political science who says that there is politics everywhere, in the club, in the kitchen, in the lobby, in the House, in the street, in the market place, in the school in the school, in the playground, etc. etc. wherever there is controversy, wherever there is friction, wherever there are two persons engaged in some kind of work, there is politics and I do not understand why some of my eminent friends here want to debar poor school teachers....

Shri Ranga (Chittoor): He was talking about the party politics. That is the objection.

Shri D. C. Sharma: . . . primary teachers, secondary teachers, from fighting these elections and coming to the Councils and representing their case.

Sir, I say, without any fear of contradiction, that if there is one profession in this country which has had not a fair deal at the hands of the Government all these years, it is the teaching profession. I must say also that the teaching profession at the lowest level has been hit the hardest. What have the primary school teachers got from Government? What have the secondary school teachers got out of Government? Of course, in some States the conditions are very promising. But in the other

States they are very much depressed. They go on hunger-strike and do all kinds of things.

Why do they do these things? It is not because they are genuinely interested in politics, but because they want to improve their economic condition. Therefore, I would say that the primary school teacher must have his representation; the secondary school teacher should have his representation and so also the college teacher and the university teacher.

Shri Shree Narayan Das: The graduates are there already.

Shri D. C. Sharma: As somebody has said here, we want to give representation to the intelligentsia. From where will you get this intelligentsia? The teachers are the brain-trust of India, and I believe that they should be given some representation here.

At the same time, I would like to know from my hon. friend why he has left out women. After all, women also do not get a fair deal in our country. Of course, some of the noble ladies are here as Members. But then, what is their proportion? Therefore, I would submit that women also should be given a chance.

Similarly, I would suggest that ex-servicemen also should be given a chance, because I find that the military personnel in this country are not also receiving their due share of representation or their due share of recognition. They should also have their chance.

I also want that some labour unions should have their chance. I agree to the suggestion made in this regard.

So far as the question of percentage is concerned, I think the Joint Committee will deal with that. But there is one thing that I would like to say and that is that you cannot combine the functional aspect of democracy always with the territorial as-

pect. The territorial aspect. The territorial aspect will have to be sacrificed some time so that the functional aspect comes into prominence. I would say, therefore, that I welcome this Bill, and I hope my hon. friend Shri Jaganatha Rao who was at one time a very progressive gentleman, when he was an ordinary Member of the House. . . .

Mr. Chairman: He is still progressive.

Shri D. C. Sharma: . . . will try to give his blessings to this Bill. If he does not do so, I think that there will be great trouble for us and for all democrats, in store in the years to come.

Mr. Chairman: May I know from the hon. Minister how much time he would like to take for his reply?

Shri Jaganatha Rao (Nowrangpur): About 10 minutes.

Mr. Chairman: How much time would the hon. Mover require for his reply?

Shri Shree Narayan Das: About ten minutes.

Mr. Chairman: Now, Shri Ranga.

श्री श्रीकार लाल बरवा (कोटा) : चिट तो मैं ने बहुत पहले दिया था । उन्होंने अभी भेजा है । लेकिन अगर इसी तरह से सदस्यों को बुलाया गया तो कैसे काम चलेगा ।

Mr. Chairman: I thought that the hon. Member wanted to speak on a different Bill and not on this Bill.

श्री श्रीकार लाल बरवा : ठीक है लेकिन अगर लिस्ट चले तो पार्टी के आधार पर चले और सब को मौका मिलना चाहिए ।

Shri Ranga: I am in agreement with my hon. friend Shri D. C. Sharma in regard to what he has just now said.

[Shri Ranga]

The principle underlying this Bill is very good and very sound and I hope that even if Government are not prepared to accept this Bill as it is, they would come forward with a proper amending Bill to give effect to the principles underlying this Bill and also the ancillary principles at the appropriate time. I am all in favour of giving as much representation as possible on a functional basis to different sections of our people who are employed in intellectual pursuits and who generally are not in a position to face the general elections and get themselves elected. Secondly, those sections forming themselves as electorate should also have this additional opportunity of sending their representatives. But then one difficulty arises. . . .

17 hrs.

श्री श्रीकार लाल बेरवा : उपाध्यक्ष महोदय, हाउस में क्वोरम नहीं है ।

Mr. Chairman: Is the hon. Member challenging the quorum?

श्री श्रीकार लाल बेरवा : जी हाँ ।

Mr. Chairman: The bell is being rung—

Now, there is quorum, Shri Ranga may now continue his speech.

Shri Ranga: At the time we were considering this matter in the Constituent Assembly, we were very anxious to give this kind of functional representation. But one mistake we then made was that we did not realise sufficiently how difficult it is for actual workers themselves or their leaders who are employed in various concerns, or doctors or teachers or any of those people to get themselves elected first, then function as legislators and then after that period is over to resume their earlier professions.

Therefore, I would like to suggest that it is now time for Government to realise that only retired people, retired teachers, retired doctors or any of the other various professions where they are not themselves actively employed and who, therefore, cannot possibly be influenced by their employers, whether they be government or private institutions or private persons, only such people should be entitled to stand as candidates, although teachers, doctors and others who are employed would be entitled to vote. If we provide that safeguard, it would be good.

Secondly, I agree with my hon. friend from the Opposition who raised his objection that in very many cases partisan considerations are brought in. Therefore, every effort should be made to minimise that.

Thirdly, I am not opposed to the President's or Governor's right to nominate a few people to represent certain professions or certain expertises. It also helps Government from time to time to give recognition to those people who really deserve it. But in doing so, I would like Government to bear in mind one thing; unfortunately, it has not done so till now sufficiently, although in some cases it has done, it as performed its function properly. It is that it must give first consideration to non-political values; the first consideration should be the professional services rendered by the persons concerned and not their political interests at all.

Lastly, I would like to suggest that this kind of representation should be given to teachers, women, servicemen, labour, craftsmen and so on. But all the time there must be this distinction made between candidates and the voters. The voters themselves may be employed, but candidates should be retired people.

I am also not in favour of the territorial distinction in these elections. As far as it is possible, primary consideration must be to provide a means of election which would not cost so much to the candidates.

Unfortunately, as we are all aware, elections in the direct process are costing so much that ordinary people are not able to stand as candidates at all. So, every care will have to be taken by the Government and their advisers to devise some means by which it would be possible for ordinary people who are retired to make bold to stand as candidates and get a chance of being elected.

None of the political parties should get into this arena at all in regard to these elections. Anyhow, I hope that Government would give sufficient weight to this demand for giving functional representation to these and several other equally deserving sections or our people who belong to the intellectual side of our society.

17:06 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Mr. Deputy-Speaker: Shri Saraf.

श्री हुकूम च द कइयाय : श्रीमद् हाउस में कौरम नहो है।

Mr. Deputy-Speaker: The bell is being rung.... Now there is quorum.

Shri Sham Lal Saraf (Jammu and Kashmir): I do not know the mind of the Government, whether this Bill is acceptable to them or not, but one or two things strike me after hearing the speeches here delivered by hon. friends.

I have a little experience of these elections and also giving functional representation to the Council in my State of Jammu and Kashmir.

Firstly, it will be absolutely wrong to drag in teachers into the arena of

elections. We have some seats reserved for teachers in the two provinces of Jammu and Kashmir. What happened? In the very first elections the whole lot of teachers came into the arena divided into distinct political factions with the result that it became almost impossible to function. We had to amend the Constitution and drop that altogether. Some teachers may be nominated as Members of the Council.

As far as functional representation to the different interests is concerned, I have also the doubt that it may militate against the Constitution, it may be *ultra vires*, on account of discrimination. That also has to be looked into.

As for keeping this power of nomination with the Government, I may say from experience that it is very much helpful at times. My venerable friend Shri Sharma did touch it, but did not elaborate the point. Under the democratic set up it sometimes happens that certain important sections of the community like scientists, engineers or constitutional lawyers go unrepresented. If the authority and the power remain with the Government, and they get it either by election or by nomination, at times it serves the purpose to the best interest of the Constitution, the Government and the country.

Therefore, I feel that as far as this Bill is concerned, I have got no disagreement with the Bill or with the intentions of the Move. But I think there are a few imperfections. Whether these imperfections can be done away with by a reference to the Select Committee or whether the Government will promise to bring a Bill in case they feel that there is something tangible in the Bill or in the principles of the Bill, I do not know. If they feel that there is something tangible it is likely that they may bring in a fullfledged and well-thought-out Bill. And then it might be accepted. Otherwise, I personal-

[Shri Sham Lal Saraf]

ly feel that this Bill, with its imperfections, may on the one hand, without helping the cause, come in the way of the Constitution.

With these few words, I resume my seat.

श्री श्रीकार लाल बोरवा : उपाध्यक्ष महोदय, आपने मुझे बोलने का समय दिया उसके लिए आपको धन्यवाद है। मैं इस पर बोलने के लिए काफी देर में इंतजार कर रहा था।

मेरा कहना है कि विधान मंडलों में स्थान किसी जातीय अथवा पार्टी के आधार पर नहीं होना चाहिए। उनका जो चुनाव किया जाए वह गांवों की रक्षा के लिए हो। शहरों के लिए तो म्युनिसिपैलिटियां भी हैं, कारपोरेशन्स भी हैं, सभी कुछ है लेकिन गांवों की हिफाजत के लिए गांवों का उत्पादन बढ़ाने के लिए विचार करना चाहिए।

जहां तक छोटे वर्गों का सवाल है जैसे कि कृषक वर्ग, मजदूर वर्ग या स्कूल है, उन की तरफ से एक, एक व्यक्ति प्रतिनिधित्व करने वाला होना चाहिए। यह जरूर है कि उसमें उनकी ऐज की कोई एक लिमिट होनी चाहिए। ऐसा नहीं होना चाहिए जैसा कि हम राज्य सभा में देखते हैं कि कोई लकड़ी टेकता चला आ रहा है तो कोई किसी के कंधे

का सहारा लेता और झटके लेता चला आ रहा है। उनकी आयु कि एक रीजनेबुल लिमिट होनी चाहिए ताकि वह वहां पर बैठ कर अपना काम अंजाम दे सकें कोई उनकी हाथ जोड़ने वाली सर्विस तो है नहीं। उम्र का इसमें प्राविजन होना चाहिए। ताकि वह वहां पर पहुंच कर जनता का काम कर सकें और अपने कर्तव्य को निभा सकें। लेकिन अगर पार्टी के आधार पर आप लेते हैं तो वह वहां पर सिवाय हाथ जोड़ने के और कुछ नहीं करने वाला है। इसलिए वहां पर ऐसे व्यक्ति को चुना जाए जो कि ठीक हों। श्री श्रीनारायण दास जो बिल लायें हैं मैं उसका समर्थन करता हूं लेकिन जरूरत इस बात की है वहां के लिए ऐसे आदमी चुने जायं जोकि बाकई वहां जाकर कुछ काम कर सकें, गांवों का विकास आदि कार्य कर सकें

Shri Basumatari (Goalpara): There is no quorum.

Mr. Deputy-Speaker: The bell is being rung.—

The bell has stopped and there is no quorum. The House stands adjourned.

17.16 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Saturday, May 1, 1965|Vaisakha 11, 1887 (Saka).