

Shri Gauri Shankar Kakkar: The short-term loaning through co-operative societies is not helpful to cultivators and does not give any relief to the cultivators. Is the hon. Minister in a position to introduce only long-term and medium-term loaning for the cultivators and do away with short-term loaning?

Shri Shyam Dhar Misra: Short-term, medium-term and long-term finances are necessary; all the three types are necessary for agricultural production, and it is Government's considered view that short-term loaning is also necessary and it is having a good impact.

Shri S. Kandappan: While taking steps to liberalise the credit available to the farmers, may I know whether Government will take care to see that the interest charged on the loan is not increased?

Shri Shyam Dhar Misra: The present rate of interest ranges between 7½ and 9 per cent; it was considered high, but in the light of the tight position or the tight situation in the money market today a view has to be taken whether it is high; I think it is not very high now.

Shrimati Savitri Nigam: Is the hon. Minister aware that some of the co-operative credit societies are charging very high rates of interest, sometimes 8, 9 and 10 per cent? If the answer is in the affirmative, what steps are the Ministry going to take to see that this high rate of interest is reduced so as to give genuine relief to the farmers?

Shri Shyam Dhar Misra: The cultivator has a problem of obtaining adequate credit; it is not so much the rate of interest which is the problem. As stated in answer to a previous supplementary, the rate of interest ranges from 7½ per cent to 9 per cent which Government consider, seeing the present money market rate, not high.

12.00 hrs.

SHORT NOTICE QUESTIONS

Holding Elections to Rajya Sabha from Kerala

SNQ. 9. Shrimati Tarkeshwari Sinha: Will the Minister of Law be pleased to state:

(a) whether Government have taken any decision on the question of holding elections to the Rajya Sabha from Kerala arising from biennial retirement of Members from the State; and

(b) if so, the decision taken in this regard?

The Minister of State in the Ministry of Law (Shri C. R. Pattabhi Raman): (a) Yes, Sir.

(b) The seats in Rajya Sabha allotted to Kerala may remain unfilled till the elections of the new Legislative Assembly of the State and no constitutional amendment may be undertaken as it will be of no avail in connection with the ensuing biennial election.

Shrimati Tarkeshwari Sinha: In view of the fact that this situation can arise any time, at present or in the future, why have Government not taken a decision to fill in the vacancies so as not to deny the right of the State where such an exigency occurs?

Shri C. R. Pattabhi Raman: By the Proclamation, there is dissolution of the Legislature there. According to art. 30(1), which deals with the composition of the Council of States, the Council of States shall consist of (a) 12 members to be nominated by the President in accordance with the provisions of clause (3); and (b) not more than two hundred thirty-eight representatives of the States and of the Union Territories. Then clause (2) of the same article is important.

"The allocation of seats in the Council of States to be filled by representatives of the States"—
I emphasise that with your leave—
"and of the Union territories shall be in accordance with the

provisions in that behalf contained in the Fourth Schedule”.

As I said, the Assembly has been dissolved. In order to effect a constitutional amendment, there has to be ratification of it by not less than half the States. This will take the rest of the year; the next election may come sometime in March.

Shrimati Tarkeshwari Sinha: According to the constitutional provision, members when they are declared elected, become the voters. In the case of Kerala, the members were duly elected; the only thing that did not happen was the meeting of the Assembly. The Assembly was not duly constituted; it was not called in session. But the right of the Members is intact as voters. In this election, it is not the Assembly which chooses the representatives of the Rajya Sabha, but it is the individual members who have been elected to the Assembly who do so. Has that position been examined and if so, what is the present position of Government in that regard?

Shri C. R. Pattabhi Raman: That was why I emphasised art. 80(2). The election to the Rajya Sabha is by all the representatives of the State Assembly who form for the purpose the electoral college.

Mr. Speaker: Has that position been examined, and if so, what is the position of Government?

Shri C. R. Pattabhi Raman: It has been examined. The principle is clear. So far as the Lok Sabha is concerned, the people are electing the representatives direct. So far as the Rajya Sabha is concerned, except for the nominated members who are taken under art. 80(3), the rest are referred to as ‘representatives of the States’. This has been examined. There is dissolution of the House. It is *functus officio*. It cannot be revived for this election.

Shri Vasudevan Nair: Kerala has 9 members in the Rajya Sabha. Already one seat is vacant, and next month three more seats will fall vacant.

That means, out of 9, we will have only five. It is a serious matter. May I know whether Government has examined the possibility of some amendment of the Constitution or the Representation of the People Act to allow the present sitting members to continue till the next elections which possibly may take place in 1967.

Shri C. R. Pattabhi Raman: It is not possible. I have already answered. The Constitution has to be amended.

Shri H. N. Mukerjee: The whole idea of a Council of States, which is the Rajya Sabha, is that the States constituting the Indian Union are fully represented on that body. It so happens in this case that on account of the omission to secure the election of certain members, full representation of a particular State, which is an essential feature of Rajya Sabha, is being denied. In that case, a constitutional crisis has arisen, and what does the Government do in order to solve this?

Shri C. R. Pattabhi Raman: It is true that out of 9 seats allotted to Kerala, four will not be filled, just as if there is some death a few months before the elections, there will not be any filling up of that vacancy. It is true there will be four seats vacant, they cannot be filled because the representatives of the State have to be elected.

Shri Surendranath Dwivedy: If it is not possible for the Government to come forward with a constitutional amendment to accommodate such an eventuality may I know whether the elections to the Rajya Sabha in Kerala will be held in 1967 after the general elections are over, or will they wait till 1968 for the next turn for Rajya Sabha elections to come?

Shri C. R. Pattabhi Raman: I envisage no difficulty; when the new House is elected in 1967, it will be possible to elect them.

Dr. L. M. Singhvi: It is evident that this eventuality was not anticipated by the founding fathers of the Constitution. In view of that, may I know whether the Government propose to

bring about a constitutional amendment not merely to provide and cover this case but to cover this kind of contingency which may arise now and then in other States also? Why does the Government not bring about an amendment about these general questions?

Shri C. R. Pattabhi Raman: Coming as it does from a distinguished lawyer, we will keep this in mind and consider it.

Shri Tyagi: As I understand it, the elections to the Rajya Sabha are held not by the State as such, but their Assembly. States are only mentioned there just to define that they will be in proportion to the population of the States etc. for that purpose, so that such a number of representatives from a particular State must come. But, actually, the elections are held not by the Assembly by means of a resolution. The Assembly is like a polling booth to vote for the particular candidates. So, even then the Assembly is dissolved, cannot the Members as individuals be asked to come and vote? I want to know whether there is any legal difficulty.

Shri C. R. Pattabhi Raman: I thought I had answered the question, but I can repeat. Though we are not on all fours with the American States where each State sends two representatives to the Senate, still the electoral college is very clear so far as the Constitution is concerned. Excepting those individual Members who are nominated by the President for their scientific and other talent, the reference is to the representatives of the States, as I have already said. The electoral college consists of the State representatives assembled in the Assembly.

Some hon. Members rose—

Mr. Speaker: I am calling one by one. I will call as many as possible, not all.

Shri Hem Barua: Since a similar situation as in Kerala is likely to arise in other States also, particularly West Bengal, where Government are

contemplating President's rule, may I know whether Government have also contemplated the necessity. . .

Shrimati Benuka Ray: And Assam.

Shri Hem Barua: In Assam also. Will that satisfy you? She thinks my mind was working in a parochial way, it was not working in a parochial manner.

Mr. Speaker: He may put the question.

Shri Hem Barua: Since a similar state of affairs as in Kerala might emerge in some other States also, particularly West Bengal, and Government are contemplating in that way very seriously also, may I know whether Government have tried to foresee coming events from their shadows and are going to amend the Constitution in a proper manner to obviate this difficulty?

Mr. Speaker: That has been asked.

Shri Hem Barua: No, no, it has not been asked.

Mr. Speaker: It has been asked; I tell you.

Shri Badrudduja: In a recent election to the local bodies constituency in Bengal, members behind the prison bars were allowed to cast their votes for the election of candidates set up by different parties. If members behind the prison bars are allowed freely to exercise their right of franchise, I do not see the reason why the members of the Legislature elected by the people will not be allowed the same right to exercise their franchise.

Mr. Speaker: That would be a different case altogether.

श्री मधु लिमये : मुझे जरा लम्बा प्रश्न करना पड़ेगा . . .

अध्यक्ष महोदय : लम्बा प्रश्न न कीजिये ।

श्री मधु लिमये : मेरी मजबूरी है ।

अध्यक्ष महोदय : मैं कांस्टीट्यूशन की बहस एलाउ नहीं कर सकता हूँ ।

श्री मधु लिमये : मैं बहस नहीं करना चाहता हूँ। जानकारी मांगने के लिए जरा शृष्ठभूमि बतानी पड़ेगी।

अध्यक्ष महोदय : तो आप ठहर जाइये।

श्री मधु लिमये : मैं सवाल पूछ रहा हूँ।

अध्यक्ष महोदय : आप ठहर जाइये। श्री बागड़ी।

श्री बागड़ी : राज्य सभा में मई में चुनाव को लेकर कानूनी बाधाएँ पैदा हो जाती हैं और किसी रियासत को प्रतिनिधित्व नहीं मिलता है तो क्या यह सदन उस बात के ऊपर भी विचार करने के लिए बैठाया है या करेगा कि राज्य सभा में जब पुरा प्रतिनिधित्व नहीं दिया जा सकता है अलग अलग रियासतों को इस तरीके की व्यवस्था होने पर तो क्या राज्य सभा जो कि एक बिल्कुल सफेद हाथी है और फिजूलखर्च हम उस पर कर रहे हैं, इसको खत्म कर दिया जाए?

अध्यक्ष महोदय : श्री बनर्जी।

श्री राधेलाल ध्यास : इन्होंने जो यह कहा है कि सफेद हाथी है, यह गलत बात है। इन को ऐसा नहीं कहना चाहिये था।

Shri S. M. Banerjee: From the reply of the hon. Minister it is clear that elections will take place in Kerala in 1967. May I know whether a final and firm decision had been taken by the government to have general elections in Kerala in 1967 or whether they will wait till the ruling party definitely thinks that it can win a majority?

Shri C. R. Pattabhi Raman: It does not arise out of this question.

Shri Khadilkar: Because of the President's Proclamation Kerala is deprived of its representation in the Council of States. Would it not be proper for the government to advise

the President to nominate members for this period?

Mr. Speaker: Shri Limaye.

श्री मधु लिमये : क्या सरकार ने इस प्रश्न के इस पहलू के ऊपर भी ध्यान दिया है और विचार किया है कि राज्य सभा में रिक्त स्थान रहना, वैकेंसी रहना और किसी राज्य को प्रतिनिधित्व न मिलना, नान-रिप्रेजेंटेशन आफ स्टेट यह प्रश्न अलग है 80 धारा के अन्तर्गत कहा गया है कि हर एक राज्य को प्रतिनिधित्व मिलना चाहिये चौथी अनुसूची के अनुसार और यह प्राविजन बिल्कुल बडेटरी है। 100 धारा में कहा गया है कि अगर कोई रिक्त स्थान रह जाता है तो भी राज्य सभा का कार्य चल सकता है। मैं फर्क यह करना चाहता हूँ कि इसमें वैकेंसी का सवाल नहीं है, एक राज्य को बिल्कुल प्रतिनिधित्व नहीं मिल रहा है, इसलिए मेरी राय में 80 धारा का इसमें भंग होता है

अध्यक्ष महोदय : रायतो मैं क्या करूँ।

श्री मधु लिमये : मेरा प्रश्न यह है कि क्या सरकार ने 80 धारा की चौथी उपधारा पर विचार किया है?

अध्यक्ष महोदय : सवाल यह है कि 80 धारा की चौथी उपधारा पर विचार किया है?

Shri C. R. Pattabhi Raman: There again, this is what article 80(4) says. . .

Mr. Speaker: He asks whether it has been examined.

Shri C. R. Pattabhi Raman: Yes, Sir.

श्री मधु लिमये : वैकेंसी और नान-रिप्रेजेंटेशन का सवाल है। उसका कोई जवाब ही नहीं दिया है।

Shri N. Sreekanth Nair (Quilon): In view of the serious dereliction of

duty evinced by the Governor and the Union Government and the President in introducing President's rule without giving those elected members a chance at least to select their representatives to the Rajya Sabha, will the Government bear in mind in future at least that the legislatures will not be disbanded before the election to the Rajya Sabha takes place?

Mr. Speaker: It is a suggestion for action.

WRITTEN ANSWERS TO QUESTIONS

कृषि उत्पादन

* 540. श्री डा० ना० तिवारी: क्या खाद्य, कृषि, सामुदायिक विकास तथा सहकार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सिंचाई और विद्युत मंत्री ने "हमारी खाद्य सम्बन्धी आवश्यकता को तुरन्त पूरा करने के लिये उपाय" (मेजसं फार रेपिड फिलिंग ग्राफ भवर फड बास्केट) विषय पर एक टिप्पणी परिचालित की थी ;

(ख) क्या इस योजना को क्रियान्वित करने के लिये कृषि तथा सिंचाई विशेषज्ञों की एक संयुक्त समिति के गठन के बारे में उन्होंने सुझाव दिया है; और

(ग) यदि हाँ, तो उसके बारे में उनकी क्या प्रतिक्रिया है ?

खाद्य, कृषि, सामुदायिक विकास तथा सहकार मंत्रालय में उपमंत्री (श्री श्यामधर मिश्र) : (क) तथा (ख). जी हाँ ।

(ग) मामला विचाराधीन है ।

Introduction of Rationing in States

*543. **Shri Shree Narayan Das:**
Shri P. C. Boroah:
Shri M. L. Dwivedi:
Shri Bhagwat Jha Azad:
Shri S. C. Samanta:

Shri P. R. Chakraverti:

Shri Bade:

Shri R. Barua:

Shri R. S. Pandey:

Shri Subodh Hansda:

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) the extent to which States have been able to implement the policy laid down in regard to the introduction of rationing; and

(b) the reasons, if any, for non-implementation of the policy?

The Minister of State in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Govinda Menon): (a) and (b). Statutory rationing has already been introduced in Calcutta, Siliguri Complex, Asansol-Durgapur Complex, Madras, Coimbatore, Delhi, Hyderabad-Secunderabad, Visakhapatnam and Kanpur. Statutory rationing is also proposed to be introduced in Greater Bombay, Poona, Nagpur and Sholapur by the 1st April, 1966. In other towns, statutory rationing will be introduced according to a phased programme.

Food Corporation of India

*544. **Shri Subodh Hansda:**
Shri S. C. Samanta:
Shri Bhagwat Jha Azad:
Shri M. L. Dwivedi:
Shri P. C. Boroah:

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether it is a fact that the Food Corporation of India is not allowed to enter into foodgrains trade in all the States; and

(b) if so, what is the idea of forming such a Corporation when such things could be done through the Ware-housing Corporation?

The Minister of State in the Ministry of Food Agriculture Community Development and Cooperation (Shri