PROF. MADHU DANDAVATE (Rajapur): He referred to priorities.

SHRI YESHWANTRAO CHAVAN: He himself has replied to that. Government has accepted the position that priority would be given to public transport and that certainly is the approach accepted by the Planning Commission. I think this reply is enough. He himself would have replied.

SHRI PILOO MODY. Instead of making baby cars, you should make jumbo buses.

SHRI YESHWANTRAO CHAVAN: These are suggestions in detail which could be considered. As far for the principle, I have already explained the position and I have nothing more to add.

MR CHAIRMAN: The question is:

"That the Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1973-74 be taken into consideration."

The motion was adopted

MR. CHAIRMAN: The question is:

"That Clauses 2 and 3, the Schedule, clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 2 and 3, the Schedule, Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI YESHWANTRAO CHAVAN: I move:

"That the Bill be passed."

MR CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

MR. CHAIRMAN: We shall now take up Private Memerbs' Bills and Resolutions.

16.20 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

TWENTY-SIXTH REPORT

SHRI J. MATHA GOWDER (Nilgiris): Sir, I beg to move:

"That this House do agree with the Twenty-sixth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th April, 1973."

MR. CHAIRMAN: The question is:

"That this House do agree with the Twenty-sixth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th April, 1973."

The motion was adopted.

16.21 hrs

RESOLUTION RE ABOLITION OF RAJYA SABHA—*contd.*

MR. CHAIRMAN: Now, we shall take up further discussion of the following Resolution moved by Shri Bibhuti Mishra on the 30th March, 1972:—

"This House directs the Government to bring forward a Bill to amend the Constitution to provide for the abolition of Rajya Sabha".

Only 25 minutes remain.

SHRI SAMAR MUKHERJEE (Howrah): If my resolution is allowed to be moved, sometime may have to be given. I shall make my speech later on. I am asking for the time just to move my Resolution.

MR. CHAIRMAN: Shri Samar Mukherjee's Resolution may not come because, there is another Resolution by Shri Chintamani Panigrahi.

SHRI SAMAR MUKHERJEE: I am only asking that I may be simply allowed to move the Resolution.

MR. CHAIRMAN: Unless this discussion is over, that cannot be allowed.

SHRI DINEN BHATTACHARYYA (Serampore): What will happen to the Half-an-Hour discussion?

MR. CHAIRMAN: Shri Goswami.

SHRI DINESH CHANDRA GOSWAMI (Gauhati): Mr. Chairman, Sir, the Resolution moved by Shri Mishraji has caused some amount of controversy. It appears that this has also hurt the feelings of the members of the other House.

Sir, while we are discussing this Resolution, I should make it clear here that I have no ill-feelings against the Members of the other House nor do I consider that the abolition of Rajya Sabha which we are discussing would give an impression that the other House is not at all important or that it is inferior to the Lok Sabha. This is being discussed purely from the accademic point of view. And in the present context of political and constitutional development, the second chamber in our country is necessary or not. That is all. Therefore, if any sentiment was expressed in this House which, in fact, was of such a nature that it had hurt the Members of the other House, then I must dissociate myself from it.

Now, coming to the Resolution itself. I feel that I am not in a position to support it. Shri Mishraji quoted the speeches of many personalities including that of Shri Mahatma Gandhi and Shri Jawaharlal Nehru to justify his claim that all of them were against the second chamber under the Indian Constitution. Some Members have also expressed that the Rajya Sabha expresses a conservative attitude in this country. I feel that, when the Members expressed this feeling, they did keep in mind the House of Lords of Great Britain. Some Members tried to equate the Rajya Sabha with the House of Lords. They have expressed that at least by implication. That is why the Members wanted to say that the Rajya Sabha expresses its conservative views. Therefore, in sponsoring this Resolution, it was not moved keeping in mind that the Rajya Sabha was not a necessity. I feel that, the constitutional provisions by which the Rajya Sabha has been created in our country, it has nothing to do with the House of Lords or the second chamber of Great Britain. If you look to the second chambers existing in different countries, you will find that this is primarily meant with a view to exercising the legislative check over the other House that it has come into existence.

In the U.K., where the House of Commons came into existence because the people fought for it, there to a great extent the House of Lords did represent the conservative attitude of that country. But at the same time, there are other federal countries where always the second chamber has been considered to be a necessity to represent the interests of the States. In our country also, under article 169 and other articles, the Rajya Sabha has been brought into existence to represent the interests of the States. Lok Sabha represents the interests of the people. Rajya Sabha represents the interests of the States. India be- [illegible] said. India being a unitary government with a federal bias, Lok Sabha represents the popular or national principles. But Rajya Sabha represents the same people but in a different context in the sense that it represents a group of people, the components which we call the States. I

[Shri Dinesh Chandra Goswami]

feel Lok Sabha today holds the people together; Rajya Sabha holds the States together. Lok Sabha attempts at weakening the centrifugal forces or the divisive forces in the country. Rajya Sabha tries to protect the different cultural background of each State. No doubt we want to have a country in which the integrating forces do play a dominant role, but at the same time, we cannot forget that we cannot afford to lose the characteristics and the individuality of the various States. Each State has its own individuality and characteristics and there must be some forum where this individuality and characteristics should be reflected. I would like to read out an observation about the second chamber in relation to the American Constitution:

> "Let us see what view the architects of the American Constitution held on this point. James Madison while considering the sources from which the ordinary powers of Government are to be derived observed in the Federalist "The House of Representatives will derive its power from the people of America; and the people will be represented in the same proportion and on the same principle as they are in the legislature of a particular state. So far the Government is national, not federal. The Senate on the other hand, will derive its powers from the States as political and coequal societies; and these will be represented on the principle of equality in the Senate as they now are in the existing Congress."

Therefore, I feel I cannot support the view expressed by Bibhuti Mishraji that Rajya Sabha is not necessary. At the same time, I do feel the present composition of Rajya Sabha does not serve the purpose for which it was brought into existence. In the eye of the Constitution, each State is the same. There is no difference. In that context, instead of the Rajya Sabha having representation on the basis of population of each State, each State should have equal representation, because there are very small States who cannot really express themselves. In a democracy obviously numbers do count. If we want that each State should have the opportunity of expressing its own identity with equal force, Rajya Sabha should be represented in equal number so far as representation from each State is concerned.

Shri Somnath Chatterjee said that there should be direct election to Rajya Sabha. I feel it will not be correct, because in that case Rajya Sabha will also become the House of the People and will have the same characteristics as the Lok Sabha. If the States elect the members of the Rajya Sabha then the composition of the Rajya Sabha will reflect the composition of the members in each State.

With these words, I oppose the resolution moved by Bibhuti Mishraji, subject to my own observations that there is enough scope for changing the composition of the Rajya Sabha.

SHRI P. G MAVALANKAR (Ahmedabad) Mr. Chairman, Sir. I have been listening with great interest this debate on the resolution moved by my esteemed friend, Shri Bibhuti Mishra, on the question of the abolition of Rajya Sabha. While the debate has been very helpful, as the previous speaker has just now said, from the point of view of academic interest, I think it has also some utility in terms of bringing out some of the points of defects and dangers involved in having bicameralism all over the world. All the same, my first point is that this Resolution moved by Shri Bibhuti Mishra is not worth accepting by the House because of the factors that I shall be briefly mentioning.

If in India in the federal set up we try to get rid of the second chamber, we shall have done immeasurable

damage to the whole concept of federalism wherein bicameralism is so essential. I would, therefore, request Shri Bibhuti Mishra to withdraw his resolution after this discussion is over, because I feel most of his objectives will have been fulfilled in so far as the discussion has taken place.

This question of unicameralism versus bicameralism has been a long debate. Apart from a debate of great academic interest and value, it has also some practical advantages. Even where unicameralism is accepted in theory in many countries of the world, even in those countries where people say that there must be one chamber, when it comes to practice they inevitably go back to having two chambers. I am talking of those countries where bicameralism already exists. Why is it so that in theory unicameralism looks so attractive but in pratice countries want to have bicameralism? I believe the answer is to be found in one simple sentence that bicameralism, with all its defects, is found a very workable political institution, it is found generally statisfactory and it has proved utilitarian and helpful.

Let me first go to the argument for unicameralism and then demolish it. The case of unicameralism, as Shri Bibhuti Mishra and others have pointed out, is no doubt telling and effective. We are told, and rightly so, that if we have two chambers, it becomes an expensive proposition and for a country like India it is very wrong to spend the limited resources on having two chambers. So, this argument is there that bicameralism involves a lot of expenditure. Secondly, the argument goes on, it involves a lot of duplication. There is not only duplication but there is delay in legislation. A further argument is that most of the speeches and comments that are made in one House are more or less repeated in the other House. There is hardly any difference between the content and style of comment of one House and the other, and so this repetition should be avoided. Then there is the argument that the wastage of time should be avoided, particularly the time of the Ministers and Government officials who have to sit in both Houses.

Another argument is that even if we have a second chamber, there is of necessity no guarantee that the second chamber, will improve the legislation as passed by the first chamber. A further argument is that if the second chamber acts as a brake on the first chamber, that brake often leads to deadlocks, and deadlocks are something which no political institution or polity can afford to have. Another argument in favour of unicameralism and against having two chambers is that if there are going to be two chambers, there is going to be inevitably and unavoidably a rivalry between the two Houses, and if there is rivalry and if the two Houses run parallel to one another then that will also lead to all kinds of political difficulties. There is one more argument in India, particularly in reference to Rajya Sabha, that defeated politicians, no matter to which party they belong, are often brought in and this backdoor entry is not good.

Having said all this, I want to suggest that in spite of all these arguments against bicameralism, the system of two chambers is found in pratice good because, firstly, if you have only one single Assembly, it often becomes despotic because it consults only itself. Secondly, there is no opportunity to rectify the mistakes, if you have only one chamber, but if you have a second chamber, then even when you make a mistake you can still rectify that mistake.

Thirdly, bicameralism is helpful because it gives some scope for retouching and polishing legislation passed by the first chamber. Because of bicameralism, there is a chance for

[Shri P. G. Mavalankar]

second-thought. Because you have a second chamber, there is also scope for cooling of the passions.

You, Sir, and the House will be interested to know a story that goes in the name of President George Washington of USA. He was sitting with some of his friends and they were discussing whether to have one chamber or two chambers. Then, the tea was being served. The moment some people began to drink tea with cup and saucer and using the saucer, as the story goes, the President said, "Look here. Why are you drinking tea in saucer and not by the cup? Because, if you take tea by cup only, it is often very hot and, if you take it in saucer, you allow it to cool down." In the same way, the President said, "if you have a second chamber, that acts as a kind of cooling effect on the passions of the first chamber."

From all these angles, therefore, I feel that bicameralism is helpful and useful.

There are two more vital points which I want to mention briefly. Firstly, any society is bound to be plural. We have to promote interests of several different individuals and, if you have only one chamber, then some of the interests go unrepresented. If you have a second chamber, then these interests get represented. When the society is plural, then bicameralism is a very convenient and useful institution to provide for representing these interests.

The other vital point to remember is this. In a federation, a second chamber is essential. In the United States of America and in other countries where there is bicameralism and there is a federation, you will find, one chamber acts as a body for representation of people on the basis of population and another on the basis of equality of status of the federating States. Therefore, wherever there is a federation, you must have the principle of bicameralism, because as Abraham Lincoln said, "If you want American federation to prosper and continue, then you must have an indestructible Union comprising indestructible States." If you say, you want to abolish Rajya Sabha, my point is, you are saying, you want to abolish States, and you want to abolish federation of India. You cannot do it. Therefore, I feel, with this kind of a situation and these arguments, we should not go in for abolition of Rajya Sabha.

Lastly, I say, if there is a fear that there is going to be a rivalry, that can be checked by some constitutional provisions. In our own Constitution, that has been done in so far as Rajya Sabha has got no financial powers and in other matters also, by the very size of this House, the Lok Sabha, when there is a joint sitting of both the Houses of Parliament, the voice of the elected people shall, of course, prevail. Therefore, I request the House not to view this matter from the doctrinaire point of view or from the point of view of academic interest that unicameralism is good and, therefore, it must be practised. I would rather say that we must have a realistic attitude in the matter and we must accept that bicameralism is found convenient and serviceable and, therefore, I find myself unable to agree to my esteemed friend's resolution

He is right when he says that there are certain maladies and defects in the existing bicameralism system. But it is one thing to say there are certain maladies and defects and it is totally another thing to say, because there are maladies and defects, you destroy the entire institution. You can improve the institution but not get rid of it because that will have been a very bad thing.

Sir, the other day, I was reading a very interesting article in the magazine "The Parliamentarian" which is

a journal of the Parliaments of the Commonwealth coming out from London. The latest issue of January, 1973 gives a very interesting article "The Failure and Abolition of the New Zealand Legislative Council", by Prof. W. K. Jackson. My hon. friend, Shri Bibhuti Mishra, may find it very useful because it gives certain points in his favour. In 1906, Finland abolished bicameralism. Denmark, Sweden and most recently Sri Lanka have done away with their second chambers. But the point to be remembered here is that all the countries where second chamber has been abolished are smaller States and they are unitary States. But in all big States with large population and variety and with federalism, bicameralism is found workable, helpful, useful and unavoidable.

In conclusion, I say, from all these practical points and facts, we should stress the continuation of bicameralism in our country and we should not suggest, much less press, for the abolition of Rajya Sabha.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NITIRAJ SINGH CHAUDHARY): Mr. Chairman, Sir, I am thankful to the hon. members who have taken part in the debate. Ten hon. members of this House have spoken. Out of the ten, the hon. Mover had a lone supporter in the person of Shri S. M. Banerjee. The other eight have opposed the Resolution and the points made by the Mover and his lone supporter have been replied to in detail by my eight friends. Therefore, I will not go into all the points in detail. I will just refer to certain very salient features to which special attention is necessary.

First, I will refer to the Constitutional provisions. It has been said that Legislative Councils in the States have been abolished, suggesting thereby that when Legislative Councils of States could be abolished, why can the Council of States not be abolished. I would draw the attention of those members to Part VI, Chapter III, of the Constitution—articles 168, 171 and 169. Article 168 deals with the constitution of Legislative Councils; article 171 deals with the composition of the Legislative Councils; and article 169 deals with abolition of Legislative Councils—the power is vested in the Legislative Assemblies of the States, concerned.

Article 169 reads as follows:—

"Notwithstanding anything in article 168, Parliament may by law provide for the abolition of the legislative Council of a State having such a Council or for the creation of such a Council in a State having no such Council, if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting."

Article 169(3) reads as follows:—

"No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of article 368".

If we come to the Council of States, then the relevant provisions are contained in articles 79, 80 and 81. Here we do not have any provision—the Constitution does not provide for it—by which the Council of States could be abolished. The Council of States has Vice-President of India as its Chairman. In the case of Legislative Councils there is a provision for removal of Chairman of Legislative Councils. But there is no identical provision so far as Council of States is concerned.

When the Constitution was being framed, Shri Gopalswamy Iyengar

[Shri Nitiraj Singh Chaudhary]
said, "The need has been felt practically all over the world wherever there are federations of having a Second Chamber'. He has further said, 'The most that we expect the Second Chamber to do is, perhaps, to hold dignified debates on important issues and to delay legislation which might be the outcome of passions of moment'. The history of our Council of States goes to show that most of the time—it is true that sometimes there is-repetition—the debate has been very dignified and certain points which are not raised in this House are raised in that House. A second chamber serves an important function by enabling full and free discussion of large and important questions when, at times, the lower house is otherwise occupied. Since a defect of the Government does not lead to a fall of the Cabinet, a debate in the second chamber would often oblige the Government to make a statement as to its policy upon some particular matter to defend its action.

I have collected certain information and I would like to share it with the House. During the years 1952—56, 101 bills were introduced in the Rajya Sabha, including the Hindu Code legislation and other legislations of controversial kind, and, I think the work done in the Rajya Sabha would justify that one should not think of its abolition.

The hon. Mover has referred to the expenses part of it. The total revenue expenditure of the Central Government for the year 1973-74 is Rs. 4752 crores out of which the provision for the Rajya Sabha this year is Rs. 1,19,47,000 that is, 0.025 per cent. I am sure Mishraji would agree that it is not very much.

While speaking, Mishraji has referred to Gandhiji and Nehruji. He has been adequately replied to by Shri D. N. Tiwary, Shri Era Sezhiyan and others. So, I will not go in detail, but I will only say, let us better follow them personally before we preach others.

Therefore, I request Mishraji not to press his resolution but withdraw it.

SHRI A. K. M. ISHAQUE (Basirhat): At present there is unequal representation from the States in the Rajya Sabha and there was a demand that this should be amended. For instance, from UP some 30 to 34 members are elected to Rajya Sabha while from another State only 10 or 15 or 20 are elected. Since the Rajya Sabha must have a definite principle of representing the States, logic demands that the States must have a equal representation. At least a principle must be evolved so that there is equal representation of the States in the Rajya Sabha. What is your opinion in ragard to that?

SHRI NITIRAJ SINGH CHAUDHARY: I am thankful for the interruption. Mr. Somnath Chatterji and Mr. Goswami raised this point, but it is beside this resolution. This resolution is for complete abolition of the Rajya Sabha. If ever such a motion comes, it will certainly be considered.

SHRI A. K. M. ISHAQUE: But the Government may give its opinion on this point.

SHRI NITIRAJ SINGH CHAUDHARY: It is beside the point.

श्री विभूति मिश्र : (मोतीहारी) : चेयरमैन साहब, जिन लोगों ने बहस में भाग लिया, मैं उन का बहुत आभारी हूं । यह जरूर है कि मेरे प्रस्ताव को काफी समर्थन नहीं मिला, लेकिन इस उसूल को लोगों ने माना है कि राज्य सभा की जो हालत है, उस से पता चलता है कि उस में सुधार होना चाहिये-जैसा मावलंकर जी ने कहा है .....

श्री नीतिराज सिंह चौधरी : आपने अपनी स्पीच में कहा था कि राज्य सभा के मेम्बर्ज स्वत: राज्य सभा की समाप्ति के लिये सहमत होंगे । यदि ऐसी बात है तो आप और हम क्यों इस प्रस्ताव को पास करें, उन्हीं से कहें कि वे ऐसा प्रस्ताव पास करें ।

श्री विभूति मिश्र : मैं आपको बतलाना चाहता हूं कि मेरी स्पीच पर राज्य सभा में चर्चा हुई और राज्य सभा के लोगों ने और उनके चेयरमैन साहब ने, जिनके चुनने में हमारा भी वोट है, वहां की कार्यवाही को हमारे स्पीकर साहब के पास भेज दिया और हमारे स्पीकर साहब और हमारे सक्रेटेरियट को मेरी स्पीच को पढ़कर ढूंढ़ना पड़ा और पता लगाना पड़ा कि मैंने उनके खिलाफ क्या कहा है । इससे साबित होता है कि राज्य सभा के 10 कदम पर लाइब्रेरी है, वहां से हमारी स्पीच को मंगा कर किसी ने पढ़ने का कष्ट नहीं किया और सुनते हैं कि 45 मिनट तक ऐसे ही चलता रहा--यह हालत राज्य सभा की है ।

कहा जाता है कि राज्य सभा रिवाइ-जिंग बाडी है--ऐसी हालत में कहां तक रिवाइज करते होंगे, आप खुद समझ सकते हैं । 10 कदम पर मेरी स्पीच थी, उसे प्राप्त कर के किसी ने पढ़ने का कष्ट नहीं किया--वही हालत है कि कव्वा कान ले गया, तो कव्वा को खदेड़ने गये, कान को किसी ने नहीं देखा, मेरी स्पीच को किसी ने नहीं देखा । इससे साबित होता है कि राज्य सभा की जरूरत नहीं है, क्योंकि नजदीक में रहते हुए भी हमारी स्पीच को नहीं देखा, तो बिल और रेजोल्यूशन्ज के साथ तो वे क्या जस्टिस करते होंगे ।

हमारे मंत्री जी ने कहा कि राज्य सभा पर एक करोड़ से ज्यादा खर्च होता है--कोई बड़ी बात नहीं है । ठीक है, हमारा 35 अरब का बजट है--एक करोड़ क्या होता है ? आपको एक करोड़ से कोई मुहब्बत नहीं है, एक करोड़ रू० से बराज बनता है, छोटी छोटी नदियों को बांध कर 25 सालों में 25 करोड़ रुपये से कितना काम हो सकता है, आप उसका अन्दाजा लगा सकते हैं । जिस मोहनदास कर्मचन्द गांधी का नाम लिया है--यह जरूर है कि मेरे इस प्रस्ताव को समर्थन नहीं मिला है, लेकिन यह उस की आत्मा की आवाज है, मैं उसका नाम हमेशा लेता रहूंगा, चाहे आप इस प्रस्ताव को पास करें या न करें । वह एक महात्मा थे, जिन की वजह से हमको स्वाधीनता मिली । जवाहरलाल जी की जिन्दगी में हमने स्वाधीनता ली, लेकिन यह स्वाधीनता कम्प्रोमाइज के आधार पर थी और वह ऐसे लोगों से घिरे हुए थे कि उसमें जवाहरलाल जी की चल नहीं पाई ।

मुझे अपने कुछ साथियों के बारे में भी कहना है--हमारे साथी जिन्होंने विरोध किया है, वे बूढ़े हो चुके हैं, उन

[श्री विभूति मिश्र]

की रेवोल्यूशनरी स्प्रिट खत्म हो चुकी है, समाजवाद की भावना उनके मन मे से खत्म हो गई है, बुढ़ापे की वजह से ऐसा होता है। लेकिन जो नौजवान है, उनके ऊपर भी दया आती है इनकी रेवोल्यूशनरी स्प्रिट खत्म हो गई है। चेयरमैन साहब, मै बतलाता हू कि सैकण्ड वर्ल्ड वार के बाद यह ट्रेण्ड हो गया था कि दुनिया मे सैकण्ड चैम्बर की जरूरत नही है--

Unicameral national legislative bodies were set up in Bulgaria, both Chinas, Czechoslovakia Denmark, Finland, Greece Hungary Israel New Zealand, Spain, Turkey and several Latin American countries In England where the House of Lords had been weakened and in France where the Council of the Republic (renamed Senate in 1958) was practically impotent the Government operated in effect on the Unicameral principles"

यह कागज मुझको लाइब्रेरी मे मिला है।

श्री पी० जी० मावलंकर (अहमदाबाद) इन मे से फैडरल स्टेट्स कितनी हैं ?

श्री विभूति मिश्र : सैकण्ड वर्ल्ड वार के बाद सैकण्ड चैम्बर का रखना खत्म हो गया, लोग महसूस करने लगे कि इस की जरूरत नही है, लेकिन हमारे लोग अभी भी उसको चाहते हैं।

हमारे मत्री जी और दूसरे भाइयो ने कहा कि रेस्ट मे काम नही होना चाहिये। म पूछता हू--25 वर्षो मे कौन सा काम हुआ, एक स्पीच तक तो किसी ने देखी नही। इससे मालूम होता है कि राज्य सभा की जरूरत नही है।

कहा जाता है कि राज्य सभा एक एसी बाडी है, जिसमे सवाल, रिजोल्यूशन्ज, मोशन्ज, सब कुछ आते है। लेकिन वास्तविकत यह है कि मत्रियो का दिमाग बटा रहता है, राज्य सभा मे देखो--क्या होता है, इस सभा मे देखो--क्या होता है, इधर जाते है, उधर जाते हैं। कुछ भाई लोगो ने कहा है कि यह स्टेट्स की रिप्रेजेन्टेटिव बाडी हैं। मैं पूछना चाहता हू--पियुपिल्ज रिप्रेजेन्टेटिव हम लोग हैं, पियुपिल्ज रिप्रेजेन्टेटिव स्टेट की असेम्बली है तो फिर यह दूसरी स्टेट कहा से आ गई कि उसके प्रतिनिधि राज्य सभा मे आए। जिस स्टेट मे सैकण्ड चैम्बर नही है, वहा कैसे काम चलता है ? ये स्टेट के रिप्रेजेन्टेटिव किसके प्रति जवाबदेह हैं, ये राज्य सभा के मैम्बर किसके प्रति जवाबदेह हैं ? अगर स्टेट के रिप्रेजेन्टेटिव हैं तो स्टेट की जनता द्वारा चुन कर नही आते हैं, स्टेट के रिप्रेजेन्टेटिव हैं तो असेम्बली के प्रति जवाबदेह हो, लेकिन वहा भी जवाबदेह नहीं हैं तो किसके प्रति जवाबदेह है ? आप यह भी जानते हैं कि राज्य सभा के मैम्बर स्टेट असेम्बली मे पार्टी बेसिज पर चुने जाते हैं, अपनी तादाद के अनुसार पार्टिया अपने कैण्डीडेट्स नौमिनेट करती है और वोट दिलाती

हैं—यह एक खुली हुई बात है । इस लिये यह कहना कि स्टेट के रिप्रेजेन्टेटिव हैं, ये किसी के रिप्रेजेन्टेटिव नही हैं ।

हमारे सविधान और इंग्लैण्ड के संविधान मे फर्क है । यहा पर जो हाउस आफ लार्डस के मैम्बर होते है, वे कामन्ज मे नही आते है और कामन्ज के मैम्बर हाउस आफ लार्डस मे नही जाते है । लेकिन हमारे यहा ज्यादा वेटेज राज्य सभा को दिया गया है, लोक सभा के मुकाबले राज्य सभा के ज्यादा मिनिस्टर हैं ।

हमारे मत्री जी ने कास्टीचूशन का हवाला दिया । मैने उसी दिन कहा था कि जो हमारा कास्टीचूशन बनाने वाले थे वे हिन्दुस्तान की आम जनता के चुने हुए आदमी नही थे, एडल्ट फ्रैंचाइज के आधार पर कास्टीचूएन्ट असेम्बली नही बनी थी—इसका जवाब उन्होने छोड दिया । कास्टीचूएन्ट असेम्बली थोडे से सरमायेदारों के वोट से चुन कर आई थी—इसलिये मैं उसको मान्यता नहीं देता । अब जो लोक सभा है उसको कास्टीचूएन्ट असेम्बली में कन्वर्ट कर दिया जाय, तो मैं मान्यता दे सकता हू ।

17.00 hrs.

दूसरी बात आप कहते है सविधान नहीं बदलेगा । 31वी बार आप सविधान को बदलने जा रहे है इसलिए यह कौनसी बडी भारी बात है जो आपने दिखलाई । किसी दिन भी आप चाहें तो बदल सकते है । आपने मौलिक अधिकारों मे सशोधन किया, प्रीवी पर्स को समाप्त किया, बिहार मे जमीदारी को समाप्त किया इसलिए राज्य सभा को भी यदि आप हटाना चाहे तो उसमे कोई मुश्किल नही है। आपने कहा राजी नही होंगे मै कहता हू सरकार अपने दिल को टटोले कि वह राजी है या नही । आप कहते है कि सिर्फ एक करोड रुपये की बात है वह कोई ज्यादा नही है लेकिन गांधी जी कागज मे बेल का काटा लगाते थे, पिन तक नही लगाते थे इस तरह बचत करते थे ।

एक बात मै और बताना चाहता हू कि आज सैकेण्ड चेम्बर दुनिया मे डेक्लाइन पर है ।

> "The decline of bicameralism was a worldwide phenomenon, but most of the modern constitutional states still retained two chambers."

जितने एथारिटेरियन रूल से लडकर आये उन्होने सैकन्ड चेम्बर रखा है लेकिन आज उसकी दुनिया मे कोई कीमत नही है । आज दुनिया का जो ट्रेन्ड है वह यही है कि दूसरे हाउस को न रखा जाये । यहा पर श्री गोपाल स्वामी आयगर का नाम लिया गया लेकिन हमारे मत्री जी ने, आयगर ने सविधान सभा मे जो भाषण दिया था उसको छोड दिया कि बहुत से लोग पालिटिक्स मे इन्ट्रेस्ट लेना चाहते है इसलिए सैकन्ड चैम्बर की जरूरत है । पालिटिक्स मे लोगो का इन्ट्रेस्ट होता है इसलिए राज्य सभा की बुनियाद रखी गई लेकिन आज 25 साल देखने के बाद राज्य सभा की जो हालत है, मुझे कहना पडता है कि इस सभा की कोई जरूरत नही है ।

[श्री विभूति मिश्र]

आगे मै यह बताना चाहता हुं कि डिमोक्रेसी से इसका कोई मेल नही बैठता है। डिमोक्रेसी मेना जनता के चुने हुए लोग होते है। इसको देखते हुए भी सैकन्ड चेम्बर को हटाने की जरूरत है। सैकन्ड चेम्बर के लोग किसको रेप्रेजेंट करता है वह पता नही। आयगर ने सविधान सभा मे कहा था अपने भाषण मे कि कुछ पालिटिशियन्स पालिटिक्स मे इन्ट्रेस्टेड होते है तो मै कहता हू उसके लिए कोई दूसरा इतजाम कोजिए।

श्री डी० एन० तिवारी (गोपाल गज) आप ए० आई० सी० सी० मे इनडायरेक्टली चुनकर कैसे आते है उसका जवाब दीजिए।

श्री विभूति मिश्र . इसका जवाब वही पर दूगा, यहा पर नही। आप बुढे हो गये है इसलिए समाजवादी भावना समाप्त हो रही हैं।

दूसरी बात यह है कि जो हमारे वोटर है वह हम लोगो को देखते हैं कि लोक सभा मे हम क्या काम करते है लेकिन राज्य सभा मे कौन वाच करेगा ?

श्री डी० एन० तिवारी असेम्बली।

श्री विभूति मिश्र यह हमका इन्ट्रप्ट न करे।

कोई भी लोक सभा का सदस्य है उसके पास रोज दस पाच लोग और दस पाच चिट्ठिया आता है, लेकिन राज्य सभा में जो माननीय सदस्य है, जो हमसे योग्य है उनके सम्बन्ध मे हमे कुछ नही कहना है लेकिन मै यह बात जानना चाहता हू कि उनके पास कौनसे वोटर्स आते हैं असेम्बली से। असेम्बली के जो मालिक है वह आते है लेकिन वह किसके पास जाते है। (व्यवधान)

श्री रुद्र प्रताप सिह (बाराबकी) माननीय सदस्य जवानी और बुढापे पर टीका टिप्पणी कर रहे है, यह असंसदीय है।

श्री विभूति मिश्र वह जवान है, मै बुढा हो गया हु यह कहना किस तरह से असंसदीय है।

फिर यह कहा गया कि ला बनाने मे कोई गलती न रह जाये इसके लिए भी राज्य सभा की जरूरत होती है। मै कहता हू कि ला बनाने के लिए पहले आप कमेटी बनाते है, उस पर कान्फरन्स होती है। उसको आप लोक सभा मे रखिए और पास कोजिए इसमे राज्य सभा की कोई जरूरत नही है। इसके अलावा कैबिनेट को भी अपने काम मे दिक्कत आती है। कैबिनेट को दो मास्टर्स की सर्विस करनी पडती है। कैबिनेट के मिनिस्टर कभी भागे हुए यहा पर आते है और कभी भागे हुए वहा पर जाते है हालाकि उनकी रेस्पासिबिलिटि हमारे प्रति ही है इसके बावजूद मिनिस्टर का मन राज्य सभा की तरफ भी लगा रहता है। दो मास्टर्स के बीच मे इनकी मुसीबत होती है। एक दिन हाकर यह काम नहीं कर पाते ह।

इसके साथ यह भी कहा जाता है कि लेजिस्लेशन की क्वालिटी बढती है लेकिन मै आपको पढकर सुनाता हू

"The maintenance of the quality of legislation depends primarily on the procedure of work and technique used in law-making.".

इसमें जो टेकनीक होती है या बनाने की उसपर ही उसकी क्वालीटी ज्यादा डिपैन्ड करती है। सरकार की जो लामिनिस्ट्री होती है उसके ऊपर यह ज्यादा डिपैन्ड करता है। जो रूल्स एण्ड रेगुलेशन्स हैं उन पर ज्यादा डिपैन्ड करता है। इसके बारे मे आप देखे

"The advocates of unicameral legislature contend that the single-chamber body is more effective and deterrent to the growth of power of the chief executive than a two-House legislature."

मै आपसे पूछना चाहता हू कि राज्य सभा के जो मैम्बर हैं उनकी हमारे प्रति क्या जबाबदेही है? जो हमारे हाऊस के मैम्बर है उनकी जबाबदेही है। जनता से चुन कर जो आते है और जो मिनिस्टर बनते है उनको भी देखना पडता है कि जनता को क्या तकलीफें है। लेकिन जो मैम्बर उस हाउस मे इनडायरैक्टली चुन कर आते है उनको कोई फिक्र किसी किस्म की नही रहती है--यह ह्यूमन नेचर है इसमे आप क्या कर सकते है।

इसके आगे मै आप को बताना चाहता हू कि बाईकैमरल सिस्टम एथोरिटेरियन रूल से आया। इगलैंड में और फ्रास मे रेवोल्यूशन हुआ अमरीका मे जो गये वह भी इन्ही के बाल बच्चे थे। मानन्कर जी यहा पर बाते उनके पिताजी के लिए हमे मालिम नही था कि ... मै बताता हू कि जेकरसन से वाशिंगटन ने पूछा था तो वाशिंगटन ने कहा था कि चाय मे कुछ ठंडा दिया जाता है तो ठंडा रहता है लेकिन जेकरसन ने कहा कि 10--15 साल मे क्रान्ति होनी चाहिए ताकि ठीक ठीक समाज बने। तो बाइकैमरल सिस्टम इगलैंड और फ्रास से चला। अंग्रेजों ने इसको चलाया। लेकिन हमारे गाधीजी और जवाहरलाल जी रेवोल्यूशनरी थे। जवाहरलाल जी ने बहुत मजबूरी में इसको माना, दिल से उन्होने नही माना क्योंकि वह पूरे रेवोल्यूशनरी थे।

जो प्रस्ताव मैने रखा है उसमे एक बात आप देखे। इगलैंड मे जो हाउस आफ लार्डस है उसमे जो आते है उनको नाम मात्र का भाडा मिलता है और उनको कोई सैलरी नही मिलती है। उनको कोई रेगुलर तनख्वाह नही है। लेकिन यहा पर जो सेकेन्ड चैम्बर है उसमे पूरा खर्चा करना पडता है। हाउस आफ लार्डस मे हफ्ते मे तीन दिन बहस करते है और वह थोडी देर के लिए होती है। हाउस आफ लार्डस मे जो विद्वान और पडित होते है उन्होने अपना व्याख्यान दे दिया लेकिन यहा पर एक सवाल में ही सारा दिन गुजर जाता है। इस लिए वहा से इसका मिलान करना ठीक नही है। वहा पर कोई अधिक खर्चा नही है। इसको पढे मत्री जी कि हाउस आफ लार्डस की क्या हालत है। फ्रास मे तो सेकेन्ड चैम्बर इवोपोरेट हो गया है, उसकी कोई कीमत नही है। इगलैंड मे भी कोई कीमत नही है आगे और भी कामन गिर रही है। डायरेक्ट जनता से सम्बन्ध होता जा रहा है।

दूसरी बात आप यह देखे कि आज जो समाजवादी है वह बाईकैमरल सिस्टम को दुनिया मे पसन्द नही करते है क्योंकि उसमे समाजवाद के आने मे रुकावट पडती है। मान लीजिए एक बिल यहा से पास हुआ तो वह छापा खाने मे जाता है, रातोरात वहा से छपता है और दूसरे हाउस मे भेजा जाता है

[श्री विभूति मिश्र]

क्योकि जब तक राज्य सभा की मोहर उस पर न लगे वह कानून नही बन सकता है। उससे काम मे देरी होती है, समाजवाद को लाने से भी देरी होती है। इसलिए मै समझता हू आज सेकेन्ड चैम्बर की कोई जरूरत नही है।

Modern convention requires that the Prime Minister and the majority of his colleagues be from the House of Commons.

यह इगलैड मे हालत है। लेकिन आप देखिए कि हमारे हाउस मे कितने लोक सभा के मत्री है और कितने राज्य सभा के ? किसी मिनिस्टर के बारे मे मुझे कुछ नही कहना है, लेकिन लोक सभा के हक के बारे मे जरूर कहना है कि हम जनता से चुने हुए हैं, और हमारे अधिकार ज्यादा हैं। सभापति जी, जो एग्जीक्यूटिव होती है वह चाहती है कि दूसरे हाउस से अधिक से अधिक आदमियो को लें जो हमारे प्रति ओबलाइज्ड रहे। इसलिए ऐग्जीक्यूटिव चाहती है कि सेकेन्ड चैम्बर रहे।

राज्य सभा के बारे मे एक बात और कहनी है कि वहा पर श्री शिब्बन लाल सक्सेना और बिहार के हमारे ताहिर साहब और मिश्रा जी ने एक प्रस्ताव रखा था कि सेकेण्ड चैम्बर नही रखनी चाहिए। लेकिन गोपाल स्वामी आयगर ने कहा कि कुछ लोग डर से पोलिटिक्स मे नही आना चाहते, इसलिए ऐसे लोगो के लिए सेकेन्ड चैम्बर रखते है। लेकिन अभी जो उनके पुत्र हैं जो राज्य सभा मे है, उनसे इन के पिता ज्यादा रिवोल्यूशनरी थे। उन्होने कहा है कि सेकेन्ड चैम्बर नही रखी जाये। लेकिन जो परिस्थिति थी, क्योंकि हमने कम्प्रोमाइज कर के राज्य लिया और उसी के आधार पर जो लोग कास्टीटुएट एसेम्बली मे आये थे उन्ही का दबाव था जिस के कारण हमारे नेताओ ने सेकेन्ड चैम्बर को रखा, और आज जो परिस्थिति है हिन्दुस्तान टाइम्स मे एक आर्टिकल निकला है कि जो आज की वस्तु स्थिति है राज्य सभा की उसमे राज्य सभा में काफी सुधार होनी चाहिए। जैसे माननीय मावलकर जी ने कहा सुधार के बारे मे, इन से ज्यादा जा कर हिन्दुस्तान टाइम्स जो एक लिबरल अखबार है, उसने भी कहा है कि इसमे काफी सुधार की जरूरत है। जो आज राज्य सभा का रूप देखा उसके आधार पर उस अखबार का कहना है कि राज्य सभा मे सुधार होना चाहिए।

चेयरमैन साहब, आज कोई माने या न माने, मैंने आज के लिए नही कहा क्योकि हम लोग तो उसी जमाने के है जो बूढे हो गए तो रिएक्शनरी होते जा रहे है, लेकिन जो जवान हैं वह भी हमारे सम्पर्क मे है वह भी थोडी बहुत हमारी ही नकल करते हैं, लेकिन मै तो आने वाली सतान के लिए कहना चाहता हू कि सेकेन्ड चैम्बर की कोई जरूरत नही है। और चूकि मै पार्टी का डिसिपिल्न्ड वर्कर हू और हमारे व्हिप साहब और मत्री जी कहते हैं उस हालत मे तो मुझे अपना प्रस्ताव वापस लेना ही है।

I beg leave of the House to withdraw the Resolution

MR CHAIRMAN Has the hon. Member the leave of the House to withdraw his Resolution?

SEVERAL HON MEMBERS Yes.

The Resolution was, by leave, withdrawn.