

14.32 hrs.

CONSTITUTION (AMENDMENT) BILL*

(Amendment of articles 117 and 207)

श्री यशपाल सिंह (कैराना) : मैं प्रस्ताव करता हूँ कि भारत के संविधान में आगे संशोधन करने वाले विधेयक को पेश करने की अनुमति दी जाए ।

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.

श्री यशपाल सिंह : मैं विधेयक का पेश करता हूँ ।

14.32½ hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL*

(Amendment of Section 77)

श्री यशपाल सिंह : मैं प्रस्ताव कहता हूँ कि लोक प्रतिनिधित्व अधिनियम, 1951 में आगे संशोधन करने वाले विधेयक को पेश करने की अनुमति दी जाए ।

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

Shri Yashpal Singh: I introduce the Bill.

14.32½ hrs.

LEGISLATIVE COUNCILS (COMPOSITION) BILL—contd.

Mr. Deputy-Speaker: The House will now proceed with the further consideration of the following motion moved by Shri Shree Narayan Das on the 15th April, 1965:—

"That the Bill to provide for the composition of the Legislative Councils for States and for matters connected therewith, be referred to a Select Committee, consisting of 16 members namely, Shri Ramchandra Vithal Bade, Shri C. R. Basappa, Shri Basanta Kumar Das, Shri Gauri Shanker Kakkar, Shri K. L. More, Shri Shankarrao Shantaram More, Shri V. C. Parashar, Shri Jaganath Rao, Shri S. C. Samanta, Dr. Sarojini Mahishi, Shri Sheo Narain, Shrimati Ramdulari Sinha, Shri T. H. Sonavane, Shri Radhelal Vyas, Shri K. K. Warrior, and Shri Shree Narayan Das with instructions to report by the last day of the first week of the next Session."

Out of the two hours allotted, one hour and thirty-four minutes have been taken, and therefore twenty-six minutes are left.

Shri Onkar Lal Berwa—he is not here.

The hon. Minister.

The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao): Mr. Deputy-Speaker, Sir, I listened with great interest to the speeches made by hon. Members on this motion moved by Shri Shree Narayan Das on 15th April.

The main reason advanced by the hon. Mover is that fifteen years have passed since the Constitution came

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into force and therefore the composition of the State Legislative Councils should be altered. And the second reason advanced by him is that functional representation should be introduced in the elections to the State Legislative Councils.

May I submit that a fifteen-year period is not too long a period in a nation's history, and it cannot be said that the working of the Constitution during the period of fifteen years has brought out many defects or lacunae in the working of the Legislative Councils. I could very well appreciate had the hon. the Mover intended the abolition of the Legislative Councils. He wants the Legislative Councils in the States to continue, but he questions the composition of the Legislative Councils as they stand today.

Under article 171(2) of the Constitution, till a law is made by Parliament, a certain mode has been prescribed for elections to the Legislative Councils. The Mover wants to enlarge the basis of this composition which is mentioned in article 171. Under article 171(3) (a) as it stands, as all hon. Members are aware, one-third shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify—that is, in the Representation of the People Act. And under sub-clause (b) of the article, "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" and so on.

श्री हुकम चन्द कछवाय (देवास) :
 उपाध्यक्ष महोदय, मेरी व्यवस्था सम्बन्धी
 प्रायति है। मंत्री महोदय प्रायण दे रहे हैं
 और हाउस में गणपूर्ति नहीं है।

Mr. Deputy-Speaker: The Bell is being rung—Now there is quorum. The hon. Minister may continue.

Shri Jaganatha Rao: And under sub-clause (c) of article 171(3), "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" etc. And sub-clause (d) refers to one-third being elected by the members of the Legislative Assembly of the State.

This being the composition today, the hon. Mover wants that representation may be given to primary teachers also, in addition to what is provided in the article.

Now, Government is seriously considering the abolition of these teachers' constituencies. Teachers as such do not require any special protection or representation in legislatures. The Central Advisory Committee of Education recently passed a resolution unanimously, urging the abolition of these constituencies for teachers. Teachers should not take part in politics. So far as graduates who are not teachers are concerned, they can get elected under the composition as enumerated in article 171.

Then the Mover wants that co-operative societies should be given representation. The House is well aware about the functioning of the co-operative societies in our country.

It is not a very happy story. We find so many instances of mismanagement which do not go to the credit of the institutions, and even the hon. Members who took part in the debate are divided. Most of them said that the co-operative societies need not be given special representation. The organisations like trade, industry, commerce & business do not require any special representation as such as you will find that members representing these organisations are already Members of Parliament or members in the State Assemblies and some of them also in the Councils. They do not, therefore, need any special protection as such.

[Shri Jaganatha Rao]

The main thing he wants is that the election of one-third of the Members of Legislative Council by the Members of the Legislative Assembly should be abolished. For that he relies on the principle that representation should be on functional basis. Even in the United States functional representation is not given in the case of elections to the State Assemblies and even to the Federal Senate. I quote from the authorities of the United States which say:

"Functional representation may tend to circumscribe the horizon of representatives and lower the character of the Legislative Assemblies since each Member would, in a large measure, regard himself as the exclusive representative of a particular interest or group which elects him. So, class representation is unsound in principle because it is based on the very doubtful assumption that no deputy can adequately represent a constituency that is not composed entirely of his own class."

Therefore, functional representation is not a principle obtaining in any advanced country of the world. I may say, Sir, that Government will certainly bear in mind the views expressed in the House by the Hon. Member and by the other Members who took part in the debate and at the appropriate time may come forward with a Bill regarding composition of Legislative Councils, but, Sir, today I am not in a position to accept the Bill, as introduced by the Mover now. I would, therefore, request the Hon. Member to withdraw the Bill.

Shri Shree Narayan Das (Darbhanga): Mr. Deputy-Speaker, Sir, the motion for reference to a Select Committee of the Bill to provide for the composition of the Legislative Councils was considered in this House on 30th April, 1965. A number of Hon. Members participated in the debate. Most of them supported the various provisions of this Bill, al-

though they were not agreeable to all the provisions suggested. The time has come when the composition of the Councils in the States, as provided in the Constitution, should be re-considered and representation given to some of the important organisations that are functioning at present in the country. As you are aware, Sir, the Bill was circulated for eliciting public opinion thereon and a large number of non-official opinions were in favour of revision of the composition of the Councils in the States. I recognise that, in the opinions received, the various State Governments did not agree to the provisions of the Bill. As I suggested in my speech last time, as the composition stands today, one-third of the members of the Legislative Councils are elected by Members of the local Legislative Assemblies. That has developed into a vested interest because when the Members of Legislative Assemblies elect, there is no basis; every one who is entitled to be a voter for election to the Legislative Assembly can be elected by the Members of the Legislative Assembly and it is but natural that various State Governments would not like to divest themselves of this power to elect one-third of the members of the Legislative Council. Therefore, they were not agreeable to the various provisions contained in my Bill.

Sir, the Hon. Minister has said that, in the life of a nation, fifteen years is not too long a period. I agree, but if the Hon. Minister takes the trouble to see the discussions on this question of composition of Legislative Councils before the Constituent Assembly, he will notice that there was great divergence of opinion. It was after long consideration that they were agreeable to the present composition of the Legislative Councils, which is not perfect and which is not based on any principle. The Hon. Minister has just said that functional representation is not suitable and he has cited the opinions of some experts in other countries. The very

composition, as it stands now, indicates that the Constituent Assembly had in mind the question of functional representation and it was due to this that they suggested that one-third members of the Legislative Councils should be left to be elected by the Members of the Legislative Assemblies because at that time the members of the Constituent Assembly did not agree to the representation of various interests. A large number of interests came before them in the form of amendments to the provisions of the proposed Draft Constitution. The Hon. Minister has said that he does not agree to the various provisions of the Bill now, but he realises that he will take them into consideration and will bring forward a separate Bill after sometime. The existing provision in the Constitution suggests and gives power to the Parliament. Everything has been decided with regard to Assemblies and Parliament, but with regard to the composition of Legislative Councils, there is a provision that the present composition will continue till the Parliament takes a decision otherwise. Therefore, in the very nature of this provision, it is suggested that the Parliament should consider this after 15 years' experience and after the various organisations in the form of decentralised administration have come. The time has, therefore, come when the Government should consider the desirability or necessity of having a separate Bill for the composition of Legislative Councils. As I have said, various non-official opinions are in favour of revising the present composition of Legislative Councils; the opinions of some Hon. Members of this House also suggest that this should be revised. But I very much regret that the Government have not thought it proper to accept the provisions of the Bill. In my Bill I have made certain suggestions and it has to be referred to a Select Committee if the Hon. Members of the House agree to it. But it appears that the Government is not prepared to accept my motion at present. Having that

in mind, I would not like that my motion for reference to a Select Committee should be lost. Therefore, I would request that the House may permit me to withdraw the Bill for the present with the hope that the Government would come forward with a Bill to revise the composition of the Legislative Councils.

Mr. Speaker: Has he the leave of the House to withdraw the Bill?

The Bill was, by leave, withdrawn.

14.45 hrs.

SIKH GURDWARAS BILL

श्री छ० सि० सहगल (जंजगीर) :

उभाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि भारतीय संघ के विभिन्न राज्यों में स्थित सिख गुरुद्वारों की सुव्यवस्था की तथा उन से सम्बन्धित मामलों की जांच करने की व्यवस्था करने वाले विधेयक को दोनों सभाओं की 30 सदस्यों की एक संयुक्त समिति को मौफा जाए, जिस में इस सभा के दो सदस्य, अर्थात्:—

डा० मा० श्री० घणे, श्री कन्हैया लाल बाल्मिकी, श्री च० का० भट्टाचार्य, मेजर राजा बहादुर वीरेन्द्र सिंह, खैरागढ़, सरदार बूटा सिंह, सरदार दलजीत सिंह, श्रीमती विमलाबाई पंजाबराव देशमुख सरदार धन्ना सिंह गुजशन, सरदार इकबाल सिंह, श्री हरि विष्णु कामत, सरदार कपूर सिंह, हिज हाइ-नेस महाराजा बीकानेर श्री कर्णो सिंहजी, श्रीमती सशमी कान्तम्मा, सरदार सुरजीत सिंह मर्जीठिया, सरदार गुरुमुख सिंह मुगाफिर, श्री मान सिंह पृथ्वी राज पटेल, श्री दे० द० पुरी, श्री श्याम लाल सराफ, श्री अणोक कु० सेन, तथा सरदार अमर सिंह सहगल, घोर राज्य सभा के दो सदस्य हों,

कि संयुक्त समिति की बैठक गठित करने के लिए गणपूर्ति संयुक्त समिति के सदस्यों की कुल संख्या का एक तिहाई होगा।

कि समिति इस सभा को घणने अघि-वेशन के अन्तिम दिन तक प्रतिवेदन देगी,