

**DEMAND NO. 105—STATIONERY AND PRINTING**

"That a sum not exceeding Rs. 4,83,33,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1955, in respect of 'Stationery and Printing'."

**DEMAND NO. 106—MISCELLANEOUS DEPARTMENTS AND EXPENDITURE UNDER THE MINISTRY OF WORKS, HOUSING AND SUPPLY**

"That a sum not exceeding Rs. 50,93,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1955, in respect of 'Miscellaneous Departments and Expenditure under the Ministry of Works, Housing and Supply'."

**DEMAND NO. 138—NEW DELHI CAPITAL OUTLAY**

"That a sum not exceeding Rs. 6,08,98,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1955, in respect of 'New Delhi Capital Outlay'."

**DEMAND NO. 139—CAPITAL OUTLAY ON BUILDINGS**

"That a sum not exceeding Rs. 10,76,75,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1955, in respect of 'Capital Outlay on Buildings'."

**DEMAND NO. 140—OTHER CAPITAL OUTLAY OF THE MINISTRY OF WORKS, HOUSING AND SUPPLY**

"That a sum not exceeding Rs. 5,57,18,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st

day of March, 1955, in respect of 'Other Capital Outlay of the Ministry of Works, Housing and Supply'."

**MOTION RE FIFTH REPORT OF THE COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS**

**Shri Altekar (North Satara):** I beg to move:

"That this House agrees with the Fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 31st March, 1954."

We had allotted 2½ hours for the Resolution of Mr. Gurupadaswamy for the abolition of the Second Chamber at the Centre. Half an hour was taken up last time, and two hours remain for today.

After that we would take up the Resolution of Mr. S. N. Das for the appointment of a Commission to enquire into the working of the administrative machinery and methods at the Centre. It is a rather important Resolution. Many hon. Members want to take part in it and they are interested in it. Therefore, the Committee has allotted four hours for that, and I think that this particular report that we have made should be accepted by the House.

**Mr. Deputy-Speaker:** The question is:

"That this House agrees with the Fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 31st March, 1954."

*The motion was adopted.*

**RESOLUTION RE SECOND CHAMBER AT THE CENTRE**

**Mr. Deputy-Speaker:** The House will now take up further consideration of the following Resolution

[Mr. Deputy-Speaker]

moved by Shri M. S. Gurupadaswamy on the 18th March, 1954, namely:

"This House is of opinion that the existence of the Second Chamber at the Centre is quite unnecessary and steps may be taken to make the necessary amendments in the Constitution."

Two and a half hours have been allotted for this Resolution. Already twenty-nine minutes are over. So only two hours remain still. The discussion must conclude at 7-10 P.M. and we shall take up the next Resolution today after this.

Hon. Members will confine themselves to ten minutes each.

Shri Sadhan Gupta (Calcutta South-East): Last time, I was trying to show how in most countries, the Second Chambers as they exist today were the result of conflict between two classes, the progressive forces seeking to assert themselves against the resistance of the reactionary forces. The classic example is that of Britain, where the Commons, through very great effort, first got a position of equality with and then a position of superiority over the House of Lords. But so powerful was the resistance of the reactionary forces that the Commons had to compromise, because the Commons represented although a relatively more progressive force than the House of Lords, yet nevertheless, a reactionary force, a force which did not believe in revolution. That is why the Commons had to compromise and tolerate the existence of the House of Lords. That is one side of the picture.

In a few other countries, the Second Chambers represent a progressive force. I say, in a few other countries, but it is really in two other countries, that is to say, the U.S.A. and the U.S.S.R. In these two countries, the Second Chambers are designed to protect certain interests from being subverted by brute majority. In the U.S.A., it is sought to protect through the Senate, the independence

and the autonomy of the constituent states in the United States. In the U.S.S.R., the House of Nationalities is designed with a view to protecting the formerly oppressed nationalities from being overwhelmed by the big majority of the Russian nationality.

This is the other kind of Second Chamber that has been brought into being in this world. But what has happened in our country? Have we constituted a Second Chamber on progressive lines? Is our Second Chamber designed to protect the autonomy of the States, or to guarantee the cultural, linguistic or other rights of the different nationalities which inhabit our country? There is nothing of that sort. But then why do we have a Second Chamber? Why do we need the Council of States? The conclusion is irresistible that it is only to stint the voice of the representatives of the people, to flout their voice, if need arises. We had it for the same reasons as in Britain, but it was only a reverse process. In Britain, the Second Chamber is what it is today because the progressive forces have made incursions into the stronghold of reaction. In India, the Second Chamber, namely the Council of States is there today because the reactionary forces have made incursions into the national movement which has progressive traditions. That is the reason why the Council of States has come into being. It has come to flout the representatives of the people, to guard against the possible danger of the people subverting the paradise of reaction in this country. Of course, it is not so apparent today because today the position of parties in the Second Chamber and the First Chamber do not differ. But the very fact that two Chambers were considered necessary shows convincingly that there can be no other reason than this for bringing the Second Chamber into being.

I do not accept the homily which is trotted out by supporters of Second Chambers, that it is required in order to guard against sudden gusts of public opinion, or sudden sways of vulgar

opinion. Sir, we believe in some other kind of democracy. What we believe in is that when the people's representatives have deliberately arrived at a policy, whether any section of the country likes it or not, it has to be respected. It is entitled to all the respect, and no Chamber which does not represent the people has any right to flout it, or even to delay the operation of the decision of the people. It is from that point of view that we oppose the Second Chamber. There is no doubt that the object is to flout any possible decision of the House of the People, which threatens the paradise of reaction in this country.

This opinion of mine is not an empty supposition. It has been demonstrated again and again in our practical politics. Of course, as I said, the Second Chambers have not yet found it necessary to differ from the people's representatives or the popular Chambers either in the States or at the Centre. But there has been at the same time another tendency which points to the enormity of the threat to democracy that these Second Chambers are. I am speaking of the backdoor methods of getting people into legislatures, who have been rejected by the representatives of the people. In Bengal, two Ministers were heavily defeated, and yet, flouting the verdict of the people, and ignoring or spurning the definite decision of the people that they were not wanted, they were taken into the Second Chamber. In Madras also, the same thing happened. A gentleman was nominated to become the Chief Minister, because the exigencies of the Congress Party needed it.

**Dr. Ram Subhag Singh (Shahabad South):** But the communists also supported him, when the Public Accounts Committee issue was raised.

**Shri S. S. More (Sholapur):** That was tactical support. *(Interruptions).*

**Shri Sadhan Gupta:** That is another matter, into which I shall not go now. He was nominated because no other leader was supposed to be competent  
66 P.S.D.

enough to keep the Congress Party together and to bridge the unholy differences. In States where the people's wrath has been expressed, this has happened. In the Centre it has not happened as yet. In the Centre, it has been thought wiser for the moment to give those rejected people the prize-posts of Governorships or Lieutenant-Governorships. But there is no guarantee that it is not going to happen at the Centre. If any important Minister is defeated, the likelihood is that he will be brought into the Cabinet or the Legislature through the backdoor of the Second Chamber. This should show what great a threat the Second Chamber is to democracy in our country. It is a standing shame to any lover of democracy that such a thing should exist. What is the justification for it? What is the justification for providing a Chamber that does not represent the people, and that flouts the will of the people and even the decisions of the representatives of the people? It is for this reason that I express my most emphatic opposition to the existence of the Second Chamber. It is also for this reason that I wholeheartedly support and commend this Resolution. This House should pass this resolution and recommend the abolition of the Second Chamber altogether.

**Shri Altekar (North Satara):** I agree with my hon. friend, Shri Gurupadaswamy, when he says that every age has its own superstition. If, according to him bicameralism is the superstition of a passing age, according to me, impetuosity and intolerance of the highest degree often are and have been the superstitions of a new revolutionary age. We had an exhibition of it at the time of the French Revolution in 1789. At first Mirabau was the idol of the people. Even a statue was erected in his memory. Soon he died and Danton came in. Danton's followers in their rage smashed to pieces the statue of Mirabau and the King and Queen were executed. But the Dantonites met a similar fate later at the hands

[Shri Altekar]

of Robespierrites. We also know what happened in Germany under Hitler. We know what happened in Russia, and what is happening in China. If the apostles of that ideology get success at the polls, democracy in India will be smothered to death in a short time.

You, Mr. Deputy-Speaker, in your wisdom had stated in the Constituent Assembly that a Second Chamber was necessary as a safety-valve to checkmate impatient and hasty forces, and that the nation should hasten slowly. George Washington at a tea party was asked by a friend what was the necessity for the Senate.

**Shri S. S. More:** It was Jefferson.

**Shri Altekar:** No. George Washington replied, "Look here. I pour the tea from the cup into the saucer. The cup is the House of Representatives. The saucer is the Senate. The tea comes hot from the cup, but after being poured into the saucer it gets cooled and becomes comfortable to drink. My hon. friend said that the the sake of equality between the the sake of equality between the States. It is not exactly so. It is more as a safeguard that you have a Senate there. Again, even before the Constitution of the U.S.A. was framed, there were Second Chambers in many States. Years before the coming of the Federal Constitution, they were functioning in New Hampshire, Virginia, New Jersey and several others. After the adoption of the Constitution in 1787. Tennessee came to have a senate. Georgia had it in 1789 and Pennsylvania in 1790. Vermont thrice rejected the proposal for a second chamber but ultimately accepted it in 1836. Thus the evolution of second chamber is not a regressive but progressive event, not a process of contraction but of expansion.

We know what was the state of things even in France. In 1791, they had only one Chamber, the National Assembly. Then again in 1793, there

was only one Chamber. The Constitution underwent several changes and then we find that there are two Chambers now. What was the situation in England? In the Revolution of 1648, the Second Chamber—the House of Peers—was abolished and there was reckless legislation and of course arrogation of all the power by a single House. Ultimately Cromwell after a trial of four years restored the House of Peers again.

[PANDIT THAKUR DAS BHARGAVA  
in the Chair]

The course of history shows that the Second Chamber has come in afterwards and not first. Here also, in our country, what do we find?

**Shri Sadhan Gupta:** All British. It should go.

**Shri Altekar:** We have had under our previous Constitution two Chambers at the Centre.

**Shri Sadhan Gupta:** British Constitution.

**Shri Altekar:** Maybe. But our Constitution itself was largely modelled on the British and American Constitutions. If the structure is there, you cannot remove a part of it and say that part which you like should stand there. That is a general set-up and as a matter of fact we will have to view it from that angle, the structure as a whole.

Then, Sir, the Irish Constitution is also a creation of the New Age. There also we find the same thing that is two Houses. My hon. friend pointed out that during the last two years there were only two or three occasions when the Council of States differed from our opinion. The point is that it is a history of only two years. Again so far as the first General Elections were concerned, they were simultaneous. Afterwards there will be different elections for the different Chambers at different times. One-third of the Council of States Members will be going by rotation and other persons will be coming in their place, while this House will be all

freshly elected. The Members of the two Houses will be of different composition and the situation that will arise thereafter will also be of a different type.

**Shri Sadhan Gupta:** All the worse!

**Shri Altekar:** So we cannot judge for all time on the basis of the state of things that obtains at this time. My hon. friend stated that a preponderatingly large number of Members of this House are University graduates and of other eminent educational qualifications. I would like to point out that mere attainment of education is not a guarantee that everything will be done in a harmless manner and it will be done with proper care and caution. It is said and very rightly that

न ब्रह्मशास्त्रं पठतीति कारणम्

"Because a man is well versed in science, there is no ground for supposing that his behaviour also will be of a proper type."

I would add a line of my own and say:

न चापि माक्सिचिन्त्यनं हि तस्य

"Nor if he is well versed in the literature of communism". That will be rather a sign for caution.

I would also like to point out that Parliamentary democracy is defined as control of the Government by talk. We discuss the points, we bring them to the notice of the executive and say what is proper and what is not proper and therefore, ultimately they are guided by the general opinion. So, not only discussion by different members in this House but also the discussion at other time and other place that is in the other House will put a greater check. I would therefore like to say that the existence of a Second Chamber is important from that point of view.

Again a strong executive may persuade one House to give all the power to itself, but that would be rather

difficult if there are two Houses. Therefore, I will say it is a very good and effective check.

There are also other functions which the Upper Chamber can perform very effectively. In this case, I would like to point out the analogy of the British Constitution. In the House of Lords also, many Bills—money Bills excepted—originate. In 1946 and 1947, as many as 10 Bills originated in the House of Lords, they were discussed very thoroughly for a long time and as many as 1222 amendments were accepted. Out of these, when they came back to the House of Commons, only 57 were rejected. Again, in recent times, the Companies Bill first came up for introduction in the Upper House and as many as 360 amendments were effected. The discussion was full and thorough and when the Bill came to the House of Commons, it had a very easy passage. Therefore, I would like to point out that there is an importance attached to the Second Chamber. It can, in this manner, reduce the congestion of work in the lower House.

Again, we have to take into consideration the fact that ours is a civilisation which values non-violence and very smooth progress. We have assimilated what is good in Buddhism, we have assimilated what is good in Islamic culture and we have assimilated what is good in Western culture, and for the purpose of that a smooth and unhindered progress and non-violent change is necessary. There must be some provision to restrain the rashness of violent elements. From this point of view, the existence of the Second Chamber is very important. It is really a necessity.

If it is found that the Second Chamber is not properly constituted, we can amend the Constitution. But because it is not working properly, it does not mean that it should be abolished altogether. My hon. friend, Mr. Sadhan Gupta said that there should not be exploitation of one class by the other. I agree with him. At the same time, we do not want the extermination and liquidation of one

[Shri Altekar]

class by another. We would like to have peaceful progress. Therefore, I would like to suggest that the Second Chamber, as it is, should get a fair trial. After sufficient consideration, our Constituent Assembly has given us this Constitution and its decision should be respected, and only after sufficient experience we should go in for a revision of it.

**Mr. Chairman:** Before discussion proceeds further, I may just bring to the notice of the House that three new amendments have been received after the last debate on this subject, amendments Nos. 15, 16 and 17 in the names of Shri V. B. Gandhi, Shri Sinhasan Singh and Shri H. G. Vaishnav respectively. In regard to these three amendments, the House is already aware of the practice and the ruling of the Speaker given sometime before, that in a matter of this kind no new amendments can be allowed, if they come as the debate proceeds. In view of that ruling, I propose to rule that they are not in order.

**Shri Gadgil (Poona Central):** The issue raised in this Resolution is a very vital issue. It goes to the very root of our Constitution and, therefore, deserves detailed and serious consideration at the hands of this House.

It was not as if in a fit of over-enthusiasm the Second Chamber or the Council of States was provided for in our Constitution. It has a historical background—the teachings of history which are there for any man to read. Since 1921 when the 1919 Act came into operation, the Indian Constitution was functioning through a legislature having two branches, one the Legislative Assembly and the other the Council of State, both of them more or less elected. It was after three long years' deliberation and after going through the experience of various countries and Constitutions—unitary and federal—that the architects of our Constitution decided that there should be a Second Chamber. Now, if we look at the constitutions

of various countries of the world, even among unitary States there are some States where Second Chambers are to be found. So far as federal constitutions are concerned, I should say—minus an exception here or there—every important federal State has a constitution in which the central legislature contains two Houses, by whatever names they may be called. Take the case of the United States of America, of Canada, South Africa, Australia and Switzerland. Therefore, if during the course of centuries of experience these countries have found that it is necessary in the interests of democracy and good government and popular government that there should be two Chambers, I think we should think ten times before departing from what we have done only four years ago.

It was said by one of the French political scientists that the Second Chamber is irrelevant from every point of view. If it agrees with the other Chamber, the popular elected Chamber, then it is superficial; if it is against, then it is definitely an obstruction. We should not be guided by this dilemma. We have to consider the matter on its own merits. In democracy, nobody will agree that every verdict of the electorate is a verdict given after due consideration of the big questions that are involved; the electorate generally—I do not say always—is guided by what big personalities say and also by the emotion that might be created by any particular question of the day. It is here very relevant to consider, why we said that we were so keen in having fundamental rights incorporated in our Constitution. It is because an electorate elected in the context of a passing or fleeting emotion may play ducks and drakes with the Constitution and it is because of this there must be something durable, something stable, something that will guarantee the enjoyment of fundamental rights. It is for that purpose that the provision of fundamental rights was incorporated in the Constitution. If fundamental rights can become the subject-matter

of ordinary law, apart from organisational law, then an electorate elected, as I said, in the context of great emotion, might do away with the whole system of fundamental law. It is there that the relevance can be appreciated.

**Shri S. S. More:** Are not the people sovereign?

**Shri Gadgil:** The people are sovereign. The sovereignty of the people does not mean the sovereignty of the people existing today (*Interruption*). The present generation is not free to do anything which will hamper the happiness of the people coming after them. The sovereignty of the people is not affected in the least by the provision of fundamental rights in the Constitution. That has been the experience of most of the written constitutions. The point now is, if that is so, if the premises that I have enunciated are accepted that an electorate elected in emotion passes certain acts or certain resolutions, then there must be some safeguard, it will be accepted that the Second Chamber is necessary. There must be second thoughts, just as a man thinks on the spur of the moment, we in Parliament obviously do so—and the second thoughts are usually better thoughts. Therefore there must be some institution within the framework of the Constitution that will provide some occasion for a quiet review, for going through in a thorough and detailed manner the Bills or resolutions that might have been passed by the House popularly elected. Therefore, I think there is a clearly established necessity of having a Second Chamber. The whole course of history shows, at any rate in any federal constitution that it is absolutely necessary.

So far as the Lower House or the House of the People is concerned, it is elected on a system of territorial constituencies. No functional constituencies are there. I can understand if somebody puts up a plea that the constitution of the Second Chamber or the Council of States should not be exactly as it is today but it should

be representative of different functions or professions or occupations. For the present, it is like this. The people's representatives are here in this House and in the Council of States the States representatives, a State as a whole being a constituency. There is a view, what may be called the State's view, apart and distinct from the view of the people of the State.

**Shri S. S. More:** One party in power!

**Shri Gadgil:** That is the reason why I suggested that if you make some suggestion regarding a change in the composition of the Second Chamber, I can understand it and it may be considered. Today what happens is this. The majority party is reflected in the other House.

There is another point. This House may be dissolved any moment. There is a provision; it need not necessarily run the statutory period of 5 years. It can be dissolved any time before that. But, where is the continuity of policy? That continuity is in a way—though in a very weak way but all the same—guaranteed by the continuance of the other House, because only one-third of the Members of that House retire every second or third year (*Interruption*). Therefore the point is, can we afford to give away these safeguards which have been found very useful in most of the federal constitutions and be merely carried away by the fact that in the last two years no useful purpose has been served by the Council of States? I am not very much convinced of that part of the argument.

Reference was made to the part the House of Lords plays in the Constitution of England. There, gradually people are finding—the Members of the House of Commons are finding—that a very useful function is discharged by the House of Lords, although the composition, we know, is not so very popular or even democratic. But some people make it their lifetime study and their judgment is much more mature and the light and views they try to bring to bear upon any particular issue are worth consideration. That is the reason why nearly

[Shri Gadgil] — —

a thousand amendments have been accepted by the House of Commons and they do not seem to have any conflicting interest except where the questions concerned are very vital.

The other point in connection with this is this. Is the experience of just a year and ten month justified to ask for a change? Or, should we wait for some time to see whether this Second Chamber, which is constituted under our Constitution is really discharging the functions expected of it? I am also one of those who would not like to give the same extent of powers to the Second Chamber and in some matters—over the Public Accounts Committee—I had expressed my view. But, that does not mean that I am against the existence of the Second Chamber and against the functions which it is expected to discharge under the Constitution. Therefore, I submit, Sir, that these two years are not enough. Are the Second Chambers, or for the matter of that the Council of States—absolutely unnecessary? I do not think so. It may be that the present persons who constitute it may not be as able or as appreciative of their functions and doing full justice to the role they are expected to play under the Constitution; that is another matter. But a yardstick which measures a snake cannot be condemned by saying that because it measures a snake it cannot measure textiles. Therefore, do not be carried away by the present composition of the Chamber. What are the functions expected of the Second Chamber? The only question is whether those functions are necessary or not. If you come to the conclusion that they are not necessary, I can understand that. But, if something else happens, let us find out what are the reasons. From this point of view, I honestly feel that inasmuch as ours is a Federal Constitution, it is absolutely necessary that there must be some institution which will represent the interests of the State qua State and not merely the interests of the people. It may be that a political party cuts right across the State boundaries. There may be questions

that may be common to two adjoining States. It is just possible that they may have a special view. For example, take the Tungabhadra project, in which three States are interested. In my opinion, that interest will be more adequately represented in the other House than it can be represented here (*Interruption*). I concede, as I have already done, that the present way of electing the Council of States may be changed. If certain suggestions are made, for my own part, I am prepared to consider that. If you take away the entire Council of States or the Second Chamber, you are not dealing with what the engineers call "current repairs" here and there, but you are, in a way, trying to effect structural changes in the whole Constitution, a task which should be undertaken with grave responsibility and should not be done in the manner in which it is sought to be done.

**Shri S. S. More:** I was surprised to hear the speech of my friend, Shri Gadgil. Many people blow hot and cold. Mr. Gadgil too, on occasions, plays the double role. On essentials he goes with the Opposition, but he remembers his loyalty to his Party on occasions, and then he tries to support the Party in power in a very mechanical way.

**Shri Gadgil:** Am I under discussion or the Second Chamber under discussion?

**Shri S. S. More:** Mr. Gadgil, like a lawyer arguing a bad case, was very unhappy. What is the main function of the Second Chamber? I do not propose to go into past history because time will not permit me to do so, but one purpose ostensibly cited by Mr. Gadgil and others is that the Second Chamber helps mature deliberation. "In the heat of emotions people may commit certain mistakes", Mr. Gadgil was very pertinent to say...

**Shri Gadgil:** I do commit mistakes.

**Shri S. S. More:** I do concede that the majority of the voters in the



country, in an emotional way, committed certain mistakes and placed the Congress in power, which is supporting the Second Chamber's existence. Our Constitution, however, fundamentally accepts that the people are the sovereign and therefore the sovereign people have the right not only to do the right thing, but even to commit mistakes. We need not go into the past history of the House of Lords. There were perpetual disputes and wrangles between the King, the Lords and the common people and therefore, the House of Lords came into existence to safeguard the interest of the Nobles. All along, the House of Commons, as the people's representatives, have been strenuously, and, on occasions acrimoniously fighting the authority and domination of the House of Lords. In order to refute the specious plea of Second Chamber helping 'mature deliberation', with your permission. I shall quote an authority. Mr. Finer, in his *Theory and Practice of Government*—I am quoting Mr. Finer, because whatever we say will not carry much weight with the Members of the Opposition—I am sorry, I meant the Treasury Benches. Mr. Finer says:

"Indeed, all Second Chambers have been instituted, and are maintained, not from disinterested love of mature deliberation, but because there is something their makers wished to defend against the rest of the community;"

**Shri Bansal (Jhajjar-Rewari):** Who is this authority?

**Shri S. S. More:** Mr. Bansal is not in the habit of reading constitutions but he is only interested in finance. What is to be defended? Position and power in the hands of reactionaries have to be defended. On occasions, progressives have tried to make inroads into their power. The masses rise in revolt. The revolution is on the march, and in order to block the way of revolution, the reactionaries created the Second Chamber, which

has become the citadel of the vested interests. That is the main purpose. Taking the history of our own country, even during the days of the Britisher, in 1919 the Government of India Act was passed and the Second Chamber was created. The Britisher never wanted to leave all the power with the people. In the 1935 Act, the same thing was there but what was the contention of the Congress then and what is the Congress stand now? The Congress, in office is speaking in a reactionary tone. The Congress in opposition, fighting the Britisher, was speaking in a different tune. In 1917, there was the Calcutta Congress, and in that Congress, Annie Besant, who presided over the Congress, made certain suggestions regarding reforms for the acceptance of the British Rulers. The Montagu-Chelmsford scheme was on the anvil and that was the reason for the suggestion. The suggestion was that all legislatures, State, Federal and everything, ought to be unicameral and not bicameral. Not only that. On the eve of the 1935 Act, when the Second Round Table Conference took place, Mahatmaji was deputed as the sole representative of India. As sole representative of India, what did he say? With your permission, I will read an extract. Unfortunately, whatever sense we talk here is not acceptable to the other side and, I hope that at least to the name of Mahatmaji, they will pay some respect. When Mahatmaji was speaking before the Federal Structure Committee, he delivered his views on the 17th September, 1931 and this is what he said:

"I am certainly not enamoured or I do not swear by two legislatures. I have no fear of a popular legislature running away with itself and hastily passing some laws of which afterwards it will have to repent. I would not like to give a bad name to it and then hang the popular legislature. I think that a popular legislature can take care of itself and since we are dealing with the poorest

[Shri S. S. More]

country in the world, the less expenses we have to bear, the better it is for us. I do not for one moment endorse the idea that unless we have an Upper Chamber to exercise control over the popular chamber, the popular chamber will ruin the country. I have no such fear, but I can visualise a state of affairs when there can be battle royal between the popular chamber and the Upper Chamber." (What Mahatmaji predicted has already come true and we have had so many battles royal with the other House.) "Anyway, whilst I would not take up a decisive attitude in connection with it, personally I am of opinion that we can do with one Chamber only and that we can do with it to great advantage. We will certainly save a great deal of expenses if we can bring ourselves to believe that we shall do with one Chamber."

This is what Mahatmaji stated. It is not only Mahatmaji's opinion, but it is further fortified by the opinion expressed by Panditji when presiding over the Congress in 1936:

"One fact is sometimes forgotten, the provision for Second Chambers in many of the Provinces. These Chambers will be reactionary and will be exploited by the Governor to check any forward tendencies in the Lower House. They will make the position of a Minister who seeks advance even more difficult and unenviable."

Some of the Congress lieutenants or Congress friends are saying that the position then was different. I have read out extract from Mahatmaji's speech and have also read out an extract from Panditji's speech. My Congress friends want to restrict the scope of the opinions then expressed by the Congress leaders by saying that "if a constitution for India was to be framed when the British domination

was still there, then only there was to be one Chamber, but when we get all the sovereign power and become independent, without any fetters, then the Second Chamber is useful and ought to be brought in!" But the unqualified extracts, as quoted above, do not support such a restricted interpretation.

Some champions of Second Chamber have been quoting precedents from other countries. Mahatmaji was very particular in his speech to say "we need not go after precedents. Let India create her own precedent, so that the rest of the world may follow it". Since power came to us, we are trying to behave like apes aping the British model. Everywhere we try to find out whether whatever we do is in consonance with some precedent in the House of Lords or House of Commons. I am not speaking now of precedents, but I am only quoting the previous declarations of the Congress, which they forget now. For the present, the Congress people feel that whenever a foreign guest arrives, and he is taken to Rajghat and made to place a wreath there, their responsibility to Mahatmaji is fully discharged and that whatever he preached is not to be practised. I am not prepared to take that view of Mahatmaji's preachings although I have disagreed with him on economic questions, but so far as this matter is concerned I am in entire agreement. He said two things—faith in the popular legislature and that a poor country cannot afford the heavy expenses necessary for maintaining the Second Chamber. Unfortunately, the Congress is becoming the representative of the vested interests and reactionary interest in the country, and, therefore, the Second Chamber is being utilised to entrench themselves in power. They are fearing the people's march; they are fearing the revolutionary march, but some day, revolution will come and do something which my hon. friend, Mr. Gadgil, will not like.

Shri Gadgil: I want to know the date on which it is coming!

डा० राम सुभग सिंह : सभापति जी, अभी मोरे साहब कह रहे थे कि कांग्रेस बहुत रीएक्शनरी बंग की हो रही है, मैं इसका बहुत खोरो से विरोध करता हूँ। मैं इस चीज को बिल्कुल मानने को तैयार नहीं हूँ कि कांग्रेस में लोग मोरे जी से कम क्रान्तीकारी हैं। यदि अस्वरत पड़ेगी तो मोरे जी से कांग्रेस वाले बहुत आगे जाने को तैयार रहेंगे।

एक माननीय सदस्य : कहां ?

श्री गिडबानी (धाना) : गुफ्तनु करदन फर्के दारद।

डा० राम सुभग सिंह : मुझे सब से ज्यादा दुःख इस बात का है कि जिन्होंने कांग्रेस को रीएक्शनरी बनाया, वे आज कांग्रेस से बाहर निकल कर चले गये और आज वही कांग्रेस पर इल्जाम लगा रहे हैं कि कांग्रेस रीएक्शनरी हो गयी है।

मैं गडगिल जी का या श्री आल्तेकर जी का समर्थन नहीं करूंगा कि काउन्सिल आफ स्टेट्स को बनाये रखना चाहिये। दुनिया में जितने सैकिड चैम्बर्स होते हैं उन सभी सैकिड चैम्बर्स की जननी ब्रिटेन की पार्लियामेंट है। उस का इतिहास यह रहा है कि वह वहाँ पर बड़े बड़े बैस्टेड इंटरस्ट्स को रिप्रेजेंट करती है और इसी लिये उसका निर्माण किया गया था कि बड़े बड़े ताल्लुकदार, वहाँ के लैब्ड बैरन्स, उस में रखे जायें। आगे चल कर जब वहाँ के लोगों ने देखा कि इस तबके की शक्ति को कम करना चाहिये तो उन लोगों ने उस की शक्ति, हाउस आफ लार्ड्स की शक्ति के खिलाफ आवाज उठाई और आज हाउस आफ लार्ड्स बिल्कुल शक्तिहीन हो गया है ?

मुझे आश्चर्य इस बात पर है कि जिस तरह से हम लोगों ने अपने देश में और समस्याएं

खाड़ी कर दी हैं उसी तरह से काउन्सिल आफ स्टेट्स और हाउस आफ दी पीपुल की समस्या भी हम लोग खाड़ी कर रहे हैं। इस में केवल कांग्रेस वाले ही बोधी नहीं हैं, इस में कांग्रेस वालों के साथ अपने को क्रान्तिकारी कहने वाले महाप्रभु भी बोधी हैं। काउन्सिल आफ स्टेट्स को पावर देने के लिये जब जब यहाँ सवाल आता है तो क्रान्तिकारी जमावत की ओर से भी उसी तरह से उस का समर्थन किया जाता है जिस तरह से कि कांग्रेस की ओर से समर्थन दिया जाता है, जैसे कि पब्लिक अकाउंट कमेटी की मैम्बरशिप के सवाल पर आप ने देख लिया है।

तो भी मैं कहूंगा कि देश की जो मौजूदा हालत है इस को देखते हुए कोई भी नहीं कह सकता कि हिन्दुस्तान के रेट पेयर्स का एक भी पैसा फिजूल खर्च में लगाया जाय। आज जब जनता तबाह है उस समय में हम लोगों ने मैम्बरशिप बढ़ाई, जैसे कि काउन्सिल आफ स्टेट्स बनाई गयी। कांस्टीट्यूशन में यह सब प्रावीजन्स हैं। मैं कांस्टीट्यूशन की मुसालफित नहीं करता, लेकिन आज जो हमारी स्थिति है, चाहे आर्थिक स्थिति चाहे सामाजिक स्थिति, इस स्थिति में मैं समझता हूँ कि काउन्सिल आफ स्टेट्स बिल्कुल निरर्थक चीज है, क्योंकि वह किसी को रिप्रेजेंट नहीं करती।

आल्तेकर साहब ने अभी कहा कि प्रेजुएट्स के सिवा यहाँ कौन आता है और उन लोगों से जल्दबाजी में कुछ भी हो सकता है, वह कुछ भी कर दें। मैं नहीं समझता कि काउन्सिल आफ स्टेट्स में जो लोग हैं उन लोगों को कौन ज्यादा अनुभव है। यहाँ के प्रेजुएट्स, जो लोग यहाँ आये हैं, उन लोगों को उस डिग्री के अलावा जनता में रहने, जनता की ठोकें खाने और लोगों को ठोकें लगाने की क्षमता भी है और ऐसा वह कर चुके हैं। लेकिन काउन्सिल आफ स्टेट्स में तो आज ऐसे लोग भरे हैं कि जिन्हें जनता ने

[डा० राम सुभग सिंह]

अस्विकार कर दिया, जिन को हरा दिया। ऐसे राजे महाराज वहाँ भरे हैं जो हार गये हाउस आफ दी पीपुल के इलैक्शन में। वे लोग वहाँ काउन्सिल आफ स्टेट्स में चले आए। इसलिये मैं समझता हूँ कि काउन्सिल आफ स्टेट्स को हिन्दुस्तान में नहीं रहना चाहिये।

6 P.M.

जैसा कुछ लोग कहते हैं, गाडगिल जी ने कहा कि यदि फंक्शनल रिप्रेजेंटेशन बहाल दिया जाय, तो यह समझने की चीज हो सकती है। लेकिन जो गांधीजी ने कल्पना की और कांग्रेस भी बराबर यह आवाज उठाती आई है कि हम लोगों को एक क्लासलैस सोसाइटी का निर्माण करना चाहिये और हमारी आर्थिक व्यवस्था भी उसी तरह हो कि जिस में सब लोगों को बराबर की अपरैक्युनिटि मिल सके। लेकिन जिस वक्त जनता के द्वारा निर्वाचित मੈम्बरों के भवन पर नियन्त्रण स्थापित करने के लिये, चैक रखने के लिये, यदि किसी दूसरे हाउस की व्यवस्था की जाती है तो उसी वक्त हम लोग जनता के अधिकारों पर कुठाराघात करते हैं और इस चीज की मैं मुखालिफत करता हूँ। इसलिये मैं चाहता हूँ कि चाहे स्टेट्स में हों अथवा केन्द्र में कहीं भी इस सैकेन्ड चेम्बर की आवश्यकता नहीं है। आज हम लोग बीसवीं सदी में रह रहे हैं और मुझे यह देखकर आश्चर्य होता है कि हम लोग सैक्शनस और नार्मन्स के जमाने की बात सोचते हैं कि हाउस आफ दी पीपुल को चैक करने के लिये एक काँसिल आफ स्टेट हो। उस जमाने में तो इस के लिए सोचा जा सकता था जब कि बिलियम आफ नारमंडी सरीखे लोगों के पास हजारों एकड़ जमीन होती थी और केवल उन्हीं लोगों से कर लिया जाता था क्योंकि वही उसको दे सकते थे, और जैसे कि आज यहाँ पर भी है, कहने को तो नाम को जमींदारी प्रथा इस देश से हट

चुकी है, लेकिन आज भी हजारों एकड़ जमीन उन बड़े बड़े लोगों के हाथों में पड़ी हुई है, उस वक्त जनता का कोई सवाल तो था नहीं कि उस से ज्यादा कर मिल सकता है और चूँकि लैंड टैक्स थे और उन से कर लेने के लिये हाउस आफ दी लार्ज होता था, उनके वैंस्टेड इंटेरेस्ट्स के सेफगार्ड के लिये यह सैकेन्ड चेम्बर होता था, लेकिन आज सर्वत्र परिस्थिति बदल गयी है। आज जनता से आप कर वसूलते हैं और जनता को दबाने के लिये यदि उसी से लिये हुए पैसे को एक ऐसी जमात कायम करने में प्रयोग करें जो जमात जनता के अधिकारों को हनन करने के लिये बनायी गयी है, तो यह कहाँ तक उचित और न्याय संगत होगा? इस कारण आज की बदली हुई परिस्थिति में यह बिल्कुल अनावश्यक और जनता के साथ बेईसाफी होगी कि यहाँ पर सैकेन्ड चेम्बर रक्खा जाय।

अभी हमारे भाई श्री आल्टेकर ने सैकेन्ड चेम्बर के कायम रखने के पक्ष में और उसकी उपयोगिता के सम्बन्ध में अमरीका, कैनाडा और फ्रांस आदि देशों का हवाला दिया और न्यूजर्सी और ओहियो के बहुत से कोटेशनस सैकेन्ड चेम्बर के पक्ष में दिये। अमरीका और फ्रांस की कल्पना की गई, फ्रांस के विधान का हवाला दिया गया जहाँ आये दिन नये विधान बनते और बिगड़ते हैं, मैं समझता हूँ कि आज हमारे लिये अमरीका और फ्रांस के विधानों को अपने सामने रखना और उनको कोट करना हमारे देश के लिये अपमानजनक चीज है। आज आपको २२वीं सदी की बात सोचना चाहिये जिससे जनता बड़ सके, लेकिन जब आप सोचने लगते हैं प्राचीन काल की बात और फिर कहते हैं कि हम आगे क्रान्तिकारी कदम उठाने को तैयार हैं तो मैं आपकी इस चीज

को नहीं समझता कि आखिर आप कौन सा समाज जनता के सामने रखना चाहते हैं। आज हम को आजादी प्राप्त किये हुए पांच, छे वर्ष व्यतीत हो चुके हैं और कांग्रेस ने जिस समय इस देश के करोड़ों नर नारी स्वतंत्रता संग्राम में जुटे हुए थे तो उनके सामने एक कल्पना, चित्र चित्रित किया था कि हम आजादी प्राप्त कर लेने के बाद एक कलासलैस सोसाइटी कायम करेंगे लेकिन आज जो हम कदम उठा रहे हैं उससे तो यह स्पष्ट है कि हमारा कदम प्रगतिशील न होकर उसमें पिछड़ापन नजर आता है क्योंकि हम आगे जाने के बजाय पीछे की ओर चले जा रहे हैं। सन् १९५० के बाद से आप देख चुके हैं कि यहां पर एक प्राविजनल पार्लियामेंट थी और उस से देश का सब काम चल जाता था। मैं नहीं समझता कि १९५२ में ऐसा कौन सा बज्रपात होगया जिस के कारण एक दूसरे हाउस का प्राविजन कर दिया गया। सन् १९५०-५१ में आपका काम बगैर कौंसिल आफ स्टेट के चल गया तो मैं पूछता हूँ कि सन् १९५२ से आपको क्या आवश्यकता आ पड़ी जो आप ने कौंसिल आफ स्टेट को बना दिया। मैं आपको यहां पर यह भी बतला देना चाहता हूँ कि हम लोगों में यह प्रवृत्ति बढ़ती जा रही है कि कौंसिल आफ स्टेट को बराबरी के अधिकार दें, मेरी समझ से यह चीज न केवल इस हाउस के शान के खिलाफ होगी बल्कि यह जनता को उसके अधिकार से वंचित करना होगा। इसलिये मैं मंत्री महोदय और इस हाउस से निवेदन करूंगा कि कौंसिल आफ स्टेट को स्वप्न में भी बराबर के अधिकार देने की बात मत सोचें। कौंसिल आफ स्टेट को और राज्यों में जो कौंसिलस हैं उनको आप जल्द से जल्द खत्म कर दें। मैं इसका भी विरोधी हूँ कि कौंसिल आफ स्टेट में बैकडोर से किसी तरह से एक आदमी को लिया जाय और फर उसको यहां मंत्री के रूप में रखा जाय।

बैसे वह बहुत अच्छे हैं और हमारी उन पर हर तरह से श्रद्धा है, लेकिन मैं इस चीज की मुखालफत करता हूँ कि उनको इस तरह से अंडरग्राउंड मेचड से या यूँ कहा जाय कि बैकडोर से कौंसिल आफ स्टेट में लाकर उनको आप यहां मिनिस्टर बनायें, यह तरीका उचित नहीं है और इससे इस हाउस का अपमान समझना चाहिये और जनता के अधिकारों का भी अपमान समझना चाहिये। इन शब्दों के साथ मैं कौंसिल आफ स्टेट के भंग किये जाने की मांग का पूर्णतया समर्थन करता हूँ।

**Dr. Lanka Sundaram (Visakhapatnam):** The speech just delivered by my hon. friend Dr. Ram Subhag Singh clearly demonstrates the point that the subject-matter of the Resolution under discussion today cannot be made a party affair. And I am glad that Dr. Ram Subhag Singh has spoken with vehemence. I wish I could emulate him. But since, as the House would recall, I had raised at least on three different occasions in recent months specific issues relating to the powers and functions of the Council of States, particularly in relation to this honourable House, I propose with your permission, Sir, to go about this matter dispassionately and as structurally as possible.

I have listed here twelve definite defects in the composition, powers and functions of the Council of States. There is rotational membership in the Council of States, for which there is a precedent in the United States of America. But I would like to show how the constitution of the Council of States and the formulation of the powers and functions of the Council of States have almost all the defects of the Upper Houses of most of the legislatures in the world and not many good points as far as the operation of the Upper House in some of the countries of the world is concerned. I mentioned just now rotational representation. Why do we not give functions to the Council of States

[Dr. Lanka Sundaram]

as those belonging to, shall I say, the Senate Foreign Relations Committee of the U.S.A. and make it an effective organ of the Constitution? We have not done it. Because—I wish my hon. friend Shri Gadgil was here, he was one of the framers of the Constitution, along with you, Sir—it is just patchwork. And patchwork cannot yield results. For instance, the Senate Foreign Relations Committee screens diplomatic appointments. Every Ambassador appointed by the President must be approved by the Senate. I would rather that the Council of States gets that power. It does not have it.

The second point I would like to develop here is about this rotational system. To my mind, it is extremely bad. Every two years there is rotation in the Council of States, whereas this House continues for five years. In Canada, the position is once a Senator always a Senator. He dies a Senator. He remains continuously a Senator, free from the snares of political patronage. We do not find it here. We find nothing short of jobbery (An Hon. Member: Vested interests) and vested interests. An analysis of the recent elections to the Council of States shows that the party in power has strengthened its position. Tomorrow it may be another party. I am sorry that my hon. friend Shri Gadgil is not here. The party in power always knows how to manage it. My hon. friend Dr. Ram Subhag Singh has said about vested interests. With greater vehemence if I can make it, I must say that it has become one single story of political jobbery. Persons who had been routed in the elections—belonging to all parties—are brought in by the back door. To my mind, this is most reprehensible.

My third point is this, and I want my hon. friend Shri Satya Narayan Sinha to bear with me a little here. Even in the British House of Lords

there are no whips issued by any party. And what is the position here? Even my friends of the Communist Party are subject to a similar whip in the other House. The other day we saw the remarkable spectacle, when I had the House divided on the motion about the Joint Select Committee on Special Marriages Bill, that my friends of the Communist Party voted with the Government because of their party affiliations in both Houses,—and their overall party leadership is from the leadership in the other House and not from the leadership in this House. I say with great regard to all the parties concerned, but the fact remains that party whips are issued, political labels are paraded and Members are controlled in the Upper House by parties, a system which does not obtain in the House of Lords. This is to my mind is another objectionable feature which has got to be looked into.

Now, what about the Ministers? There is nowhere in the world an example where Ministers from the Upper House have audience and speech in the Lower House. This is our misfortune. I see my hon. friend the Law Minister has just left. There are very eminent people in the other House who occupy the treasury benches. Let us examine carefully as to why they should have right of audience. As my friend Dr. Ram Subhag Singh put it in a different way, it is to create opportunities for people to get into Government without being chosen by the electorate and without winning the elections. I regret it is a very abnoxious feature and it has got to be stopped.

**Shri Nambiar (Mayuram):** They can become Governors.

**Dr. Lanka Sundaram:** I am talking of the Upper House. It is a trifle cheap to expect the Prime Minister of the country, the leader of this House, to run post-haste after he makes a statement here, to read the same statement in the Council of States.

What happens to the leader of the Council? What are his functions? Why should these speeches be repeated parrot-like in the other House?

**Shri S. S. More:** More work for the typist!

**Dr. Lanka Sundaram:** It is only mere duplication of work, and unnecessary punctiliousness about the dignity of the Council, and sheer waste of public funds.

Having said this, Sir, I would like to draw the attention of the House to the so-called revisory functions of the Council of States. There is no time for me to go into details of the systems followed in various parts. What is the position today? I have drawn up an analysis and I want to be corrected if I am wrong. Twice during its existence the Upper House—Council of States—made amendments to Bills passed by this Hon'ble House. In one case the Upper House added the word "so" in one Bill. In the other case—I have got it written down here—it entered a provision for certain papers to be placed on the Table of the Council of States. In other words, a sort of a 'self-service' clause was added. These were the only two amendments that were made in six Sessions of the Parliament.

**Shri Gidwani:** There was another, a change of '3' to '5'.

**Dr. Lanka Sundaram:** That was a typographical error. I want the House to take me seriously. The so-called revisory function of the Upper House is nothing but a sham. On the contrary, more powers are sought to be given to the Upper House. The Upper House had this session occasion to discuss the General Budget even before this House. The discussion took place in the Upper House first. What for? I would like to have an answer from my friends opposite for what purpose the discussion was arranged in the Upper House first?

**An Hon. Member:** Just a matter of convenience.

**Dr. Lanka Sundaram:** It is a matter of party interest. Frankly speaking, one gets sick of speeches made in this House being repeated in the other House. I can give an extreme example, and I want my hon. friend Mr. Satya Narayan Sinha to bear with me. Our friend Mr. Nageswar Prasad Sinha introduced a Private Member's Bill on the banning of crosswords in this House, and a few days after that a Member from the other House copied that Bill word for word, including the printing mistakes, and introduced it in the Council of States, and we got copies of the same Bill circulated to us! This is something for which I cannot find any precedent in the history of Upper and Lower Houses in any part of the world. In other words, a sort of effrontery is going on. On the whole, what is happening is a deliberate encroachment on the rights and privileges of this House. The Public Accounts Committee controversy is fresh in our minds and the controversy on Joint Select Committee is before us. But for political reasons these additional functions would not have been annexed by the other House. I have to blame the party in power for having arranged these functions to be given to the other House.

There is no other Upper House in the world where there is question-hour similar to our own. It is absolute duplication and repetition. In the British House of Lords only six questions are permitted, and that too on two days in a week, and on very important issues. Here, day in and day out the tax-payer's money is thrown down the drain by having a question-hour in the Council; for what purpose I do not know.

Sir, I have got here certain precedents—my friend Mr. Gadgil is not here. The recent Constitutions of Turkey, Israel and other countries have done away with the Upper House. They do not have Upper Houses at all. What about Norway? There the Lower House is elected on a purely territorial basis, one-fourth of the

[Dr. Lanka Sundaram]

lected members being re-elected to another House which functions as a revisory body, with specific duties and functions laid down. I would rather suggest that the Council of States as it is constituted today takes hold of specific issues like hydrogen bomb, 'rationalisation', or any other questions of that character and makes useful contributions, instead of merely repeating what exactly is happening here.

Finally, the theory of 'elder statesman' or doctrine of 'elder statesman' does not belong to the Upper House as is at present constituted. I can give you names—but it is unparliamentary—of those who are juniors, just teen-agers who have just left the colleges, in the Upper House.

**An Hon. Member:** But mature in thought.

✓ **Dr. Lanka Sundaram:** This is something extraordinary. Unless the Upper House is reconstituted on a functional basis, unless this, what may be called, 'mad drive' towards equalisation of powers of the Upper and Lower Houses is stopped, unless the Upper House functions within prescribed limits, without question-hour, without wrangles and the Ministers running helter-skelter, abolition would be the only alternative. I generally support the Resolution.

**Mr. Chairman:** Shri C. C. Shah.

**Babu Ramnarayan Singh** (Hazari-bagh West): Is there any list of speakers?

**Mr. Chairman:** I object to such sort of questions. I do not want any hon. Member to cast aspersions on the Chair by implication and begin to cross-examine the Chair.

**Babu Ramnarayan Singh:** I do not mean any aspersion.

**Mr. Chairman:** Then I do not know what the hon. Member means by this question except that the Chair is not

using its discretion rightly but is bound by some superimposed list.

**Babu Ramnarayan Singh:** I did not cast any aspersion. All I asked was whether your procedure is to select speakers from the list.

**Mr. Chairman:** Unfortunately the hon. Member was not in the House when a similar question was asked by another Member and the Deputy-Speaker was pleased to give an answer. This only amounts to asking why the hon. Member is not being called; otherwise I do not understand the meaning of this question.

**Shri C. C. Shah** (Gohilwad-Sorath): Sir, within the short time at my disposal I wish to deal with only a few questions touching this problem. In order to have a dispassionate consideration of this question I would request the hon. Members to lay aside certain considerations which have been imported into the discussion and as a result of which certain heat and emotion has been generated. Constitutional lawyers all over the world have differed over this question as to whether there should or should not be a Second Chamber and it will always remain a debatable question whether there is any necessity or utility of a Second Chamber. Therefore I would request the Members to consider this question purely from the constitutional point of view. Now, the list of grievances, for example, which Dr. Lanka Sundaram just now read out to us only shows that the relations between the two Houses should not be what they are at present, or it only shows that the composition of the Upper House should be on a different basis than the one that we have at present. The whole of his speech did not touch the fundamental question whether there should or should not be a Second Chamber and I submit that that is the only question which we are considering. This is not a party question at all as the speech of Dr. Ram Subhag Singh



shows, and Mr. More should be disillusioned by the speech of Dr. Ram not consider this as a party question Subhag Singh that Congressmen do at all. In fact, I may say, that those of us who were in the Constituent Assembly when the Constitution was being framed will remember that we gave long thought to this problem and there were long discussions before we came to the conclusion as to the necessity or utility of a Second Chamber.

We should distinguish between the necessity of a Second Chamber in the State Legislatures and the necessity of a Second Chamber in the Centre. The two problems are entirely different. So far as the State Legislature is concerned, even while we were drafting the Constitution, we took the attitude that they may or may not be necessary. Therefore, option was given to the States to choose to have a Second Chamber if they considered it necessary. Even while considering the question of Second Chambers, we found it rather difficult so far as the States were concerned to find an electorate in the States. It was almost at the last moment that we were able to find an electorate for the Second Chambers in the States. But, so far as the Centre is concerned, the question is entirely different, particularly when it is a Federal Constitution. I do not know of a single Federal Constitution in the world which is without a Second Chamber. The reason is obvious namely in a Federal Constitution, as Shri Gadgil rightly pointed out, the States as such have a different point of view to present. So far as our Council of States is concerned, there is no comparison with the House of Lords. While the House of Lords is a hereditary aristocratic body, our Council of States is an elected body and is a body which is elected by the representatives of the people. Therefore, there is a fundamental distinction between a Second Chamber like the House of Lords and a Second Chamber like the one we have. I can appreciate that there may be a strong difference of opinion as to the men whom we have

elected at present to compose the present Council of States. Dr. Ram Subhag Singh may be dissatisfied with the type of men whom we have elected to constitute the present Council of States. That is an entirely different problem from the question whether we should have a Council of States or not. It may be that with better choice, we may have better men in the Council of States to represent the States.

A grievance has been made by Dr. Lanka Sundaram that an encroachment is being made during the course of two years on the rights of this House. It is up to us to prevent that encroachment. That by itself, I submit, is no ground for stating that there should not be a Second Chamber. Dr. Lanka Sundaram has spoken at the end of his speech not for abolition of the Second Chamber; he said that if the relations between the two Chambers were of a particular nature, if the Second Chamber were composed in a particular manner, if the Second Chamber were elected in a particular manner, he himself would not ask for its abolition, but would vote for it. I can understand that.

**Shri S. S. More:** That is an alternative pleading not the main contention.

**Shri C. C. Shah:** The alternative pleading shows that there is no case for abolition. That is all that I am trying to point out. You are perfectly right that this is an alternative pleading. My hon. friend Shri S. S. More, who is a lawyer, knows that when a lawyer says in his pleadings that, without prejudice to what I have said above, I say this, the Judge knows at once that the man is more keen about the second pleading or the alternative pleading rather than about the first one. I am quite sure that Dr. Lanka Sundaram is not so anxious about its abolition as its composition, the nature of the relations that should exist between the two Chambers.

**Dr. Lanka Sundaram:** Powers and functions.

Shri C. C. Shah: I can entirely appreciate that plea. We have had hardly 1½ years during which to gain experience of the working of the Second Chamber. I respectfully submit that it would be hasty and premature to pass judgment at this stage and say that the Council of States should be abolished. I submit that the Constitution is a sacred institution and it is not amended easily and lightheartedly. The Council of States was created after the most mature deliberation. I submit we have not got experience enough to say that the Council of States has not discharged the functions for which it was created or that it is useless.

श्री० राम सुभाष सिंह : अभी विधान में जमींदारी एबोलीशन के सम्बन्ध में तो प्रमैडमेंट हुआ ।

Shri C. C. Shah: There is another aspect of the matter. We should also remember this. The House of the People retains the ultimate power even under our Constitution. Whatever may be his grievance against composition of the Council of States, I am sure he will not deny that the Council of States also contains men of eminence by whose experience we can profit.

Dr. Lanka Sundaram: Why 220?

Shri C. C. Shah: We may not have a monopoly of all the wisdom merely because we call ourselves representatives of the people, elected by direct representation. In fact, it frequently happens that an election is not an easy job. Election is not a thing in which everybody would like to stand, however eminent and however useful he may be. There may be people in the country whose experience or whose wisdom will be useful and we must see that, even though they may not be willing to stand in an election, their experience and wisdom is available. The Second Chamber is intended for those by whose experience and wisdom we should profit and yet who

are not prepared to stand the strain of an election.

For example, I had been to the Commonwealth Parliamentary Conference in New Zealand in 1950. All the Commonwealth countries had collected there. One of the questions which we had to consider was whether a Second Chamber is necessary. Some of those who opposed a Second Chamber said very wittily that the Second Chamber is a place where the weary go to rest and the wicked cease to trouble. That is the description given by those who were opposed to the Second Chamber. Those in favour said that the Second Chamber is a place where we can profit by the wisdom of those who will not stand for an election and yet whose experience is available. I submit that in any event, it is premature to pass any hasty judgment.

Shri S. C. Samanta (Tamluk): I have given notice of an amendment to the original resolution which seeks to elicit public opinion whether there is a necessity for the existence of the Upper House both at the Centre and in the States in the future.

The decision to have an Upper House was taken in the Constituent Assembly. You know, Sir, that when this decision was made, in the Constituent Assembly, there were persons who voted against it. The decision was not taken unanimously. We have seen the work of the Second chamber at the Centre for more than two years. When we discussed the question of Second Chambers in the Constituent Assembly, two points were laid before us: there should be a check and men of worth in the country will be represented in the Parliament. As regards the check, what do we find when the other House sits? Bills are being introduced in that House, they are passed, they come to us and we pass them and they are enacted into laws. Where is the check?

Dr. Lanka Sundaram: We are to be the revising House.

Shri S. C. Samanta: They first pass it then it comes to us we pass and it becomes law. Only financial

matters go from us and get some check there. So, the time has come when we should ponder over it and see whether this check is necessary or not. We have framed the Constitution. It is a sacred thing and in it we have provided for the existence of the Upper House. So, now it is our bounden duty to go to the people to take their verdict whether during these two years the Upper House has acted in a way that its future existence is necessary. Instead of taking any decision either by this House, by Parliament, or by Government, my contention is it should go to the public for their opinion.

As regards representation, twelve persons who have special knowledge or practical experience of literature, science, art, social service etc. have been nominated by the President. We need them, and my suggestion is these 12 persons should be nominated to the Lower House by the President, so that we can utilise the experience and knowledge of these persons in this House instead of incurring so much expenditure for conducting a big House like the Upper House.

As regards the existence of Upper Houses in the States, at that time the Members representing the States in the Constituent Assembly took a decision whether there should be Upper Houses in their States or not. When the case of West Bengal was considered, I was against it, I voted against it, but by a majority it was passed. So, my feeling which has been from that time against the existence of the Upper House is also prevalent now. I would request the Government not to go further but to take the opinion of the general public who are conversant with the working of both the Houses for these two years.

My friend who spoke last said the time has not come to ponder over the matter now, but two years have passed. By this time some members in the Upper House have retired and others have come. Two years is not an insignificant time. We have gained experience during this time. So,

my suggestion is that public opinion should be taken in the matter.

My friend who spoke last said that under a federal constitution every country has an Upper House. I may cite England as an example. There, the Upper House is constituted of Lords, hereditary Lords.

**Dr. Lanka, Sundaram:** Life Lords also.

**Shri S. C. Samanta:** But here what do we find? Excepting the persons having special knowledge of or practical experience in literature, science, art, social service etc., we find they are equal to us in all respects. So, if we want the experience and knowledge of these persons, let us welcome them to this House, and let us not incur so much expenditure on the other House. This is my personal thought. I am not going to impose my thought on the Government, but would request the Government to elicit public opinion so that we will be a real representative House, and we will be a real democratic House. I hope my amendment will be accepted by the Mover of the original Resolution.

**The Minister of Home Affairs and States (Dr. Katju):** We have heard many speeches and I think the debate has been a very useful one because it has indicated the trend of opinion which is prevailing on the topic. There are many Members who hold quite sincerely that a Second Chamber is a useless encumbrance, which serves no useful purpose. My other hon. friends have indicated the contrary opinion.

I should like, with your permission, to draw attention to some aspects to which it is necessary that we should pay great consideration.

The hon. Member who preceded me spoke about the Constituent Assembly. I have read some of the debates, and the House may take it from me that the Council of States was not established as an integral part of the Constitution without a thorough enquiry, thorough investigation and thorough

[Dr. Katju]

consideration, and after various points of view were expressed. My hon. friend said he opposed it, but the opposite view prevailed.

I shall go into the Constitution in a moment but we must pay attention to the Constitution itself. The Constitution is not a very simple proposition. It is desirable that the public in India—over 36 crores of people—should hold the Constitution in veneration. I am not saying that it is something immutable, that we cannot change it. Of course, we can change it and it can be suitably altered, but it should not be cultivated as a habit of mind—you are not satisfied with a particular provision of the Criminal Procedure Code alter it; or with any other all-India Act or a local Act, alter it. The Constitution stands on a footing of its own.

Please remember that so far as the Council of States is concerned, it is a part and parcel of our democratic structure. There is the President and along with the President is Parliament and article 79 of the Constitution says that Parliament means the two Houses—the House of the People and the Council of States—and the President.

This is a very serious matter. I am not saying for one moment that my hon. friend Mr. More or Dr. Lanka Sundaram were not right in expressing their views, but how much of time has expired? The Constitution was passed and it came into operation on the 26th January, 1950.

**Shri S. S. More:** Are you not prepared to respect the word of Mahatma Gandhi?

**Dr. Katju:** I am quoting nobody's words. I am quoting my own words. For God's sake listen.

Let me not look at him, Sir.

**Dr. Lanka Sundaram:** Turn your back,

**Dr. Katju:** This Parliament has been functioning now for two years. Very many unkind things have been said.

My hon. friend Dr. Lanka Sundaram gave a long list. He said Ministers should be Members of this House. He said we are a superior body. And there is duplication—why should there be duplicate statements? No new arguments are advanced, and so on and so forth. He even went into the ages. He said elderly people ought to be Members of the Council of States—there are teen-agers there. On that reasoning there should be no elderly person here at all! We should be all younger people. You divide the two Houses on the score of age: below fifty here, above fifty there!

**Dr. Lanka Sundaram:** All the retired lawyers should go there.

**Dr. Katju:** What I was going to say was this. I am not saying for one moment it is right or it is wrong. But the question is, this Parliament has now been functioning for only two years. What is the record? Can you point out any instance to show that the Council of States has been a stumbling-block and has not allowed laws to be passed? Have there been innumerable joint sittings where the House of the People, being the superior body, has had to intervene over and over again? Has the passage of laws been obstructed? How has the Council of States behaved? Has there been any single instance where the passage of laws has been in any way obstructed or delayed? There also, they discuss matters, but my hon. friend says it is all duplicate. I can speak with some knowledge here. We got the Preventive Detention (Amendment) Bill here, and we took six days in this House, but my hon. friend's counterparts there took only five days. Then we had the Press (Objectionable Matter) Amendment Bill, on which we took about sixteen hours, but in the other House, they took only thirteen hours. There also they talked, and they are entitled to talk. But what is the net result?

There is another factor, namely the factor of time. We must give time

to the public to decide whether on this vital matter, the whole organic structure of Parliament should be changed.

There is one other matter on which I should like to lay special emphasis. During the last twelve months, there has been rather a sad tendency on the part of this House to say, we are the superior people, and on the part of the other House to say, we are equals. The House is aware of all this, and I do not want to go into this at great length. Over and over again, that question has been raised. For instance, my hon. friend there referred to an incident in regard to questions and answers. In the House of Lords, there are no questions. There only three questions are put in a week....

**Dr. Lanka Sundaram:** Six in a week.

**Dr. Katju:** .....or something like that. Will hon. Members take it from me that when the original Rules were drafted, that was exactly what was proposed, viz., that the Council of States, like the House of Lords, should devote their attention to important topics? But every single Member there, irrespective of party affiliations, wanted some privilege or some opportunity to put questions.

**Dr. Lanka Sundaram:** What about the power of the purse?

**Dr. Katju:** Ultimately they said, we are prepared to give one concession, we shall have questions only on four days in a week, while in the House of the People, questions can be asked on five days in a week. So you see a sort of current flowing, namely disparagement of the Upper House in this House on the one side, and the anxiety on the part of the Upper House not to admit any lowering in position, excepting the one contemplated in the Constitution itself, viz., that it has nothing to do with money bills, budgets, etc.

**Shri S. S. More:** Is the hon. Minister arguing for the abolition of the other House?

**Shri Namblar:** Yes, in a way.

**Dr. Katju:** Otherwise, they are not prepared to say that their position is not equal.

Now, I would like to draw your attention to article 368 of the Constitution. We were indulging in rather—shall I say—very flowing language, and expressing our views either of the dislike of the Upper House or of the necessity of the Upper House, without considering the process which must be gone through before any change is effected. I would like to read, out article 368.....

**Dr. Lanka Sundaram:** Do not read, but launch it. That is to say, the procedure.

**Dr. Katju:** I attach the greatest importance to this aspect of the matter. What is the procedure prescribed by the Constitution itself, for bringing about an amendment of the Constitution? The House will permit me to read this short article, which runs as follows:

"An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President for his assent and upon such assent being given to the Bill, the Constitution shall stand amended in accordance with the terms of the Bill...."

Please remember that for the purpose of enacting an amendment, the procedure of a joint sitting is not permissible. You must have it passed separately by each House of Parliament. My respectful suggestion to you is that this is the point that I wanted to labour. The question whether Parliament shall consist of two Houses as is the present structure.

[Dr. Katju]

or only one House is a matter of vital importance, to be discussed dispassionately and in an objective manner, without flinging, if I may say so, aspersions or doing anything like that, because, under the existing procedure by which amendments may be effected to the Constitution, each House must agree. My hon. friend has given us a list of what is happening today. Do you imagine that unless and until we discuss this matter in a friendly and cordial atmosphere, saying that this matter requires great consideration from the national point of view and so on, it is conceivable that the Council of States will agree to commit *hara-kiri*?

**Shri Gidwani:** Suppose the Congress Working Committee passes a resolution to that effect, it will be done.

**Dr. Katju:** You are not a member of the Working Committee.

**Shri Gidwani:** I am not a member, but I know how it can be done. If they pass a resolution, tomorrow it will be done. (*Interruptions*)

**Dr. Katju:** I really do not know what those hon. Members are saying. Just listen to them.....

**Dr. Lanka Sundaram:** He is seeking your protection, because he cannot defend himself.

**Mr. Chairman:** The hon. Minister is developing his argument. If he is interrupted like this, the thread of the argument stands the chance of being snapped.

**Shri S. S. More:** We are helping him only.

**Dr. Katju:** When you go to the Council of States, and when any question arises there, *vis-a-vis* the House of the People—take it from me because I am a common Minister who goes there, but you do not go there—you find that there apparently, the whole House is one. They become a solid mass as opposed to the House of the people, on such occasions. All party

distinctions simply vanish away, and they say, we are the House, we must have this thing or that thing.

**Dr. Lanka Sundaram:** Vested interest.

**Dr. Katju:** Do you imagine that when a serious discussion of this vital problem takes place in this House, as to what should be done or should not be done, and hon. Members here pass a resolution or indicate a desire or pass a bill by absolute majority or two-thirds majority, and the bill goes to the Council of States, they will simply sign on the dotted line, and say, because the House of the People says that we should commit suicide, we are going to commit suicide, here is our throat etc.? Let us be a little serious about this matter.

I rather regret the tone and the atmosphere introduced in this discussion by my hon. friends whom I love greatly, Dr. Ram Subhag Singh and Dr. Lanka Sundaram. They think this is not a serious matter at all. 'You can do what you like any time. You have just to say a word and they are gone. They will evaporate; the Council of States will evaporate by a sort of hydrogen bomb which may be dropped from here'. This is not so. This is a matter, as I said, of great importance. You had the Constituent Assembly and the previous discussions. All the points that were raised here were raised there. Mr. Samanta will agree with me that they were raised there and they were met. You may say we are trying to ape. My hon. friend over there particularly may call me by any name he likes. But I do not want to call myself an ape at all. (*Interruption.*) But the thing was done and the Constitution, as it stands, says—Parliament: two Houses, both equal, entitled to equal veneration. What is the good of throwing aspersions upon them, casting ridicule upon them? They are there. My hon. friend said: 'Oh, they are the fortunate few. Here am I. I have got into the dust...'

**Dr. Ram Subhag Singh:** There is no question of casting aspersions on them. I stated the fact. If he wants to challenge that fact, he can do it.

**Dr. Katju:** My point is this. I am not trying to blame him. Take, for instance, the Communist party. There are Members of the Communist party there and there are Members of the Communist party here. Now, will anybody say that a Member of the Communist party who has been elected to this House is, inside the party, considered to be a man of greater consequence, greater importance, because he has come by the process of election here and his elder brother—or younger brother—has gone to the Council of States by the vote in a Legislative Assembly? My hon. friend, Mr. Sundarayya is there. Does the Communist party hold Mr. Sundarayya in less respect than the Leader of the Communist party here? What is the good of saying 'Well, we come by the process of election. Therefore, we are the elect. The people who go there are of less value. We have come here to this House by election. The Members who have gone there had been elected by a limited, indirect method'. But so far as the Congress party is concerned, so far as the P.S.P. is concerned and the Communist party is concerned, they are equally entitled to great weight. The public considers them, venerates them. I do not go into names. But this is not fair. You say: 'The process of election—A.I. We are the chosen few. We have gone to the masses. Therefore, we are entitled to great consideration. You people, you are of the lesser breed. You have not gone through that struggle. You have come simply through a process of nomination'. Someone over there said 'nepotism, favouritism' and all that. Now, I say, Sir, with great respect to you, that the introduction of this spirit into this controversy is not desirable.

**Dr. Lanka Sundaram:** What about the facts?

**Dr. Katju:** It is not conducive to the matter being discussed in a proper atmosphere.

Therefore, I sum up my submission to you in this way. In the first place, we must recognise that our Constitution, as it stands at present, is based upon the fundamental structure that there shall be two Houses. You may disagree with it in principle; that I do not question. But it is the very basic structure. Some reference was made to the Legislative Councils in the different States. Parliament itself was conscious that it was a matter of lesser importance; because you remember, Sir, there is an article—article 169—which says that if the Legislative Assembly of a State passes a resolution, then Parliament may, by parliamentary legislation,—the usual procedure, joint procedure and all that—pass it. But so far as the Council of States is concerned, apart from the general power given for an amendment of the Constitution, there is not a trace in the Constitution itself suggesting that it is a light matter. It is a very important matter. I do say that we will be trifling with ourselves. I say to my hon. friends who have expressed opinions, that it will not be proper on our part to meddle with this structure so rapidly. We must at least give this question a term of five years. When the next General Election comes along, then you may make a sort of plank in your party programme and say.....

**Dr. Lanka Sundaram:** Will you make it?

**Dr. Katju:**...if we go there this time, we shall promote this legislation. We do not hold a mandate from the electorate on this. I do not think any political party, the Congress party or any other party over there raised this point during the course of its election campaign. No one did it. We all thought that we were going to have two Houses. Therefore, I say this question should not be touched at present till the next General Elections

[Dr. Katju]

are over and till the Indian people are consulted in this matter, in a proper manner. If political parties so desire, this may be considered.

**Shri S. S. More:** Have a plebiscite.

**Dr. Katju:** Secondly, I say this is a matter in which, in the national interest, discussion must proceed in a very very cordial atmosphere. I do not want the two Houses to be wrangling between themselves. Because, human nature being what it is, it is not desirable that any element of aspersion, any element of what may be called acerbity should be introduced. From that point of view, I thought that I had better draw the attention of the House to the provisions of article 368. So far as the merits of the question are concerned, I do not propose to express any opinion because till there is a mandate from the public, we should not go into it. When this Constitution was framed, Mr. Chairman, you are aware that for three years all aspects were discussed and we must allow it to stand as it is.

I do not want to meet, if I may say so, the smaller points which were raised. All these points are capable of correction by common consent.

**Dr. Lanka Sundaram:** Make a beginning with them now.

**Dr. Katju:** Therefore, I am not able to accept the Resolution. So far as the opinion of the House is concerned, though the speeches may not have been very many in number, the number of amendments which have been moved and which are diametrically opposite to each other go to show that this is not a simple question. On this matter, the public opinion as reflected in this House is strongly divergent.

**Shri M. S. Gurupadaswamy (Mysore):** Mr. Chairman, Sir, I thought that the Home Minister may not accept my Resolution. But, I expected a better defence from him.

**Shri S. S. More:** You are a bad optimist.

**Shri M. S. Gurupadaswamy:** While defending his case, he lost it.

**An Hon. Member:** He did not deal with the merits.

**Shri M. S. Gurupadaswamy:** He said that the Constitution is a very sacred document and should not be tampered with. I know it is. My Resolution also runs:

“the Second Chamber is unnecessary and steps may be taken to amend the Constitution.”

While commending the Resolution, I was conscious of what I was doing. I know that the Constitution should not be interfered with in a light-hearted manner. The hon. Minister said that the other House should be consulted in this matter. The other House may not agree for this. That is true; we know that. But, just now, Mr. Gidwani interrupted him and said that the Congress party has got a majority both in this House and the other House. If a decision is taken by the Congress party, it will not be very difficult to amend the Constitution.

**Shri S. S. More:** With a hint from Panditji.

**Shri M. S. Gurupadaswamy:** He said that the Constitution should not be interfered with in a light-hearted manner. I want to know who framed the Constitution.

**An Hon. Member:** The majority.

**Dr. Katju:** The people of India.

**Shri M. S. Gurupadaswamy:** I ask, whether the people who framed the Constitution were those elected on adult franchise? No.

**Shri S. S. More:** A Congress caucus.

**Shri M. S. Gurupadaswamy:** It was framed by a select few who did not really represent the masses.

**Shri Bhagwat Jha Azad:** The views of the people are reflected in the last election.



**Shri M. S. Gurupadaswamy:** So, all the other parties—excepting the Congress Party—have been saying that the Constitution is an outmoded document and it should be amended. That has been the feeling of the majority of the people. (*Interruptions.*) Merely on the ground that the Constitution is a sacred document, you should not say that we should not interfere with it, or that you should not in any way amend it in spite of the fact that certain provisions of it are inherently bad.

7 P.M.

**Dr. Suresh Chandra (Aurangabad):** On a point of order. The hon. Member just stated that the persons who framed the Constitution did not represent the people. I feel that it is an insult to the Constitution. (*Interruption.*) The hon. Member has taken his oath in the House and so it is not open to him to say that the Constitution was not framed by those who represent it.

**Mr. Chairman:** There is no point of order here. Any person has a right to say that the Constitution should be changed, and even the Constitution itself provides for a change. Every word of the Constitution is liable to change. The Constitution is a thing which one should respect but it is not infallible nor immune from change. Many constitutions are made and they are changed, and any person may say that he does not accept the Constitution, but that does not go against any rules or any legal principle. We ourselves amended the Constitution. I do not think there is any point of order here.

**Dr. Suresh Chandra:** If I may say so, you have not understood my point of order. My point of order is not that the hon. Member has stated that he does not agree with every word of the Constitution, but my point of order is that he has insulted those people who have framed the Constitution.

**Mr. Chairman:** I may not have understood the point of objection according to the conception of the hon. Member, but I have no reason

to change my ruling, nor do I think that the hon. Member has insulted the framers of the Constitution.

**Shri Nambiar:** Facts are unpalatable to the hon. Member.

**Shri M. S. Gurupadaswamy:** I repeat what I said that the Constitution is not a sacred document and that document was not framed by the most representative people, and if there are drawbacks and loopholes in the Constitution, we are entitled to change it. Last time I was making a point that the Upper House was nothing but a reflex of the Lower House. If you see the political complexion and colour of the Upper House, it is nothing but a duplicate body, and you cannot avoid the impression that it is a political fossil of the previous age. It is more a luxury for us and we should not allow it to continue for long. The other day, I was giving some figures to justify my argument. I have worked out more figures today. Last time I said that there are enough competent men to frame, deliberate and carry on the work of legislation, and I said that there are 172 lawyers. Now, if you look at the composition of the House you will find there are 62 cultivators...

**Mr. Chairman:** These arguments ought to have been advanced earlier at the time the hon. Member moved his motion. It is now for the hon. Member to counter the arguments advanced by Members against his motion. Instead of doing that, he is giving new arguments. This is the time when he should address himself to the arguments advanced by the Home Minister and others against his motion.

**Shri M. S. Gurupadaswamy:** The Home Minister has not advanced any arguments and there is nothing to counter.

**An Hon. Member:** Then the hon. Member need not reply.

**Shri M. S. Gurupadaswamy:** There are certain points which are important, and I say that this House is

[Shri M. S. Gurupadaswami]

competent to make all legislations and that the Upper House is superfluous. I will in a minute show that the composition of the House is such that it represents all the interests in the land.

**Shri S. S. More:** Even vested interests.

**Shri M. S. Gurupadaswamy:** Of course. There are a good number of cultivators: they number 62. Businessmen number 49; educationists 32; journalists 33; retired civil and military service people 28 and public workers 84.

These are the age groups. Between 25 and 30: 19; between 30 and 35: 51; between 35 and 40: 63; between 40 and 45: 67; between 45 and 50: 78; between 50 and 55: 103.

**Mr. Chairman:** Nobody has taken objection to the representative character of this House.

**Shri M. S. Gurupadaswamy:** Between 55 and 60: 50; between 60 and 65: 30; between 65 and 70: 9; and above 70: 4.

This House from the point of view of age composition, from the point of view of its representative character, is quite competent to deal with the matter of legislation and the other House is not at all necessary.

The hon. the Home Minister was saying that the other House has been insulted by my bringing forward this Resolution.

**Mr. Chairman:** He never said that. What he said was that language derogatory to the other House should not be used.

**Shri M. S. Gurupadaswamy:** If I have heard him correctly, he said that this Resolution should not have been brought, because it tends to create

an atmosphere which is bad for the other House.

Sir, I have not moved this Resolution in a spirit of levity. We all believe that the other House has not been doing its work satisfactorily, and if it is doing any work at all it is nothing but duplication. On account of the existence of the other House, our House has been reduced to the position of a revisory body. That House has become the primary Chamber, while this House has become a secondary Chamber. It is very unfortunate. The Constitution provides equal powers for both the Chambers, except in financial matters. But all important legislative measures are being introduced in the other House and they are being passed on to this House for discussion. It is very unsatisfactory indeed. This House, being a representative body, a body which is elected directly by the people, should be given more respect, should receive better consideration at the hands of the Executive. This House has been treated all along in a way which is not befitting its dignity and status. So, I repeat that this Resolution is one which calls for consideration. I am not saying that as soon as this Resolution is accepted the other House should be abolished. All that I am saying is that steps should be taken to amend the Constitution, for which a Committee may be set up, if you choose. Or, if it is felt that public opinion should be ascertained, it may be circulated. I am not saying that the Upper House should be abolished immediately and now. I say that steps may be taken in this direction for abolition. The hon. Minister could have accepted this Resolution as it is innocuous and very simple. The hon. Minister was telling that it is a very grave matter, but I say it is a very innocuous Resolution which could have been accepted. Unfortunately it has not been accepted. I still repeat that in the interests of the country he may please reconsider the decision and he may himself come forward with such a move.

**Mr. Chairman:** Three amendments have been moved and I will now put them to the vote of the House. The question is:

That for the original Resolution the following be substituted:

"This House is of opinion that the time has now come when a high level Committee should be appointed to examine the working of Indian Parliament and other cognate matters including public opinion thereon, with a view to find out whether there exists any necessity for such a Chamber now at the Centre."

*The motion was negatived.*

**Mr. Chairman:** The question is:

That for the original Resolution the following be substituted:

"This House is of opinion that public opinion should be elicited whether the existence of a Second Chamber either at the Centre or in any State in India is at all necessary for the future."

*The motion was negatived.*

**Mr. Chairman:** The question is:

That at the end of the Resolution the following be added:

"With a view to abolish it."

*The motion was negatived.*

**Mr. Chairman:** The question is: ✓

"This House is of opinion that the existence of the Second Chamber at the Centre is quite unnecessary and steps may be taken to make the necessary amendments in the Constitution."

*The motion was negatived.* ✓

**RESOLUTION RE. WORKING OF ADMINISTRATIVE MACHINERY AND METHODS AT THE CENTRE**

श्री एस० एन० वासु (वरमन्मथेश्वर्य्य):

सभापति जी, मैं निम्नलिखित प्रस्ताव सभा के सामने पेश करता हूँ। मेरा प्रस्ताव इस प्रकार है :

"This House is of opinion that a Commission be soon appointed to inquire into the working of the existing administrative machinery and methods at the Centre, covering particularly the following aspects with a view to suggesting comprehensive measures for reforming and reorganising the administrative set-up, namely:—

- (a) adequacy or otherwise of the existing enactments, rules and regulations regarding recruitment, training and conditions of services;
- (b) adequacy or otherwise of the existing All-India Services including the necessity and desirability of establishing an All-India Economic Service and Social Service;
- (c) adequacy or otherwise of the existing rules, regulations and procedure regarding disciplinary action against Government employees;
- (d) the existing trends of deterioration in the administration, the causes underlying them and possible short-term remedies to arrest further deterioration and long-term and urgent measures to stop the rot; and
- (e) necessity and desirability of suitably changing the existing constitutional provisions with regard to the various safeguards provided for the existing services."

इस प्रस्ताव पर कुछ कहने के पहले मैं यह बात साफ कर देना चाहता हूँ कि इस