

would say in India we should find out the cheapest method and the most healthy method which does not affect the health adversely. It is a thing which must be done. Let us not be complacent about this issue.

My friends, the Communists, are interested because more population means more discontent, more food marches, more strikes, and more fights with Government. They are interested in a political move. I am not interested in that.

**Sardar A. S. Saigal:** They have got slogans.

**Shri Gidwani:** Let us be realistic. I tell you they are not afraid of the misery of the people; sometimes they intensify misery (*Interruptions*). I tell you I cannot bear the miseries of the people. Therefore, I do honestly appeal to our Health Minister not to consider it from personal viewpoint or personal prejudices. She quoted Gandhiji's name. I can also quote Gandhiji's name. But we have violated many things which Gandhiji said. We have forgotten so many things that he said. So let us not invoke his name. I would, therefore, urge that a committee of this House should be appointed to go into this matter, give advice and select suitable methods. These methods must be propagated so that the knowledge regarding them may be brought to the door of the poor people, particularly in the rural areas.

7 P.M.

**Mr. Chairman:** Is the hon. Member withdrawing his Resolution?

**Shri Gidwani:** Is there any difficulty to accept my Resolution?

**Rajkumari Amrit Kaur:** In view of the assurance I have given that the Government is doing everything that it can and since the problem is not one that can be solved overnight, I do not think the hon. Member will want to pursue his motion.

**Shri Gidwani:** In the light of the assurances given, I have no objection to withdraw my Resolution.

*The Resolution was, by leave, withdrawn.*

**Mr. Chairman:** There is no question about the amendments as the Resolution itself is withdrawn by the hon. Member. Let us now proceed to the next Resolution.

#### RESOLUTION RE SECOND CHAMBER AT THE CENTRE

**Shri M. S. Gurupadaswamy** (*My-sore*): I beg to move:

"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."

**Mr. Chairman:** How much time will the hon. Member need for his speech? The total time allotted for this Resolution is 2½ hours.

**Shri M. S. Gurupadaswamy:** Half an hour.

**Shri K. K. Basu** (*Diamond Harbour*): On a point of order. The Law Minister ought to be present here when this Resolution is discussed.

**The Deputy Minister of Home Affairs** (**Shri Datar**): I am here to represent the Government.

**Shri M. S. Gurupadaswamy:** Sir, each age has its pet political superstition. Feudalism was the favourite superstition of the Middle Ages. The divine right of kingship was the dominant superstition of the sixteenth and seventeenth centuries. In the same way, bicameralism is the dominant superstition of the modern age. When I say this, some Members of this august House may become annoyed, and the Members who belong to the other august House may equally be shocked. Bicameralism, in fact, has assumed almost the position

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of an axiom in political science today. If anything is done or said against it, it may naturally disturb the habit of thought of a century and a half. It may also disturb a few of us.

Mr. Marriot, in his lucid and useful book on "Second Chambers" sets out with a quotation of the historic phrase of Abbe Sieyes—

"If a Second Chamber dissents from the first, it is mischievous; if it agrees with it, it is superfluous."

He calls it "the superficial dilemma propounded by the arch constitution monger of the French Revolution", but on the next page, he admits that "theory finds it difficult to escape the dilemma propounded by Sieyes". Then, how can it become superficial?

Mr. Marriot opens his book with a remark—and some Members may agree with it—that "with rare unanimity, the civilized world has decided in favour of a bicameral legislature." Here he only reiterates a fact without scrutinising it. He justifies it on the ground that the choice of many nations justifies it. This is no valid justification at all.

[MR. DEPUTY-SPEAKER in the Chair]

If the majority of nations practise a particular thing should we also practise it? If the majority of nations hold a particular belief are we also obliged to hold that belief? Sir, I feel this is majority principle carried too far. That is why I said in my opening remarks that bicameralism has become a superstition uncritically accepted as a first political principle by political thinkers and writers.

Generally all political institutions are the result of historical evolution which in turn depends upon the play and conflict of divergent ideals, interests and forces of each nation.

Mr. Deputy-Speaker: The hon. Member will have twenty minutes now and ten minutes later.

Shri M. S. Gurupadaswamy: I started a little late, Sir. For instance, in the case of the Mother of Parliaments, the evolution of a bicameral form was accidental. Now, after having lived a long life this self-styled Mother of Parliaments is afraid of a single life today, though this dualism has given rise to crisis after crisis and convulsion after convulsion.

In the United States the main problem which confronted the Constitution-makers was how to bring about confederation and then federation of many independent States and to provide them equal status under the Constitution. So, they had to devise the mechanism of a Senate to provide equal representation to all the federating units. But the supremacy of the Second Chamber in the American Constitution is most illogical, injurious and dangerous and cannot be justified. Its powers depress the spirit of the House of Representatives.

In Switzerland the Council of States has been regarded even today as the fifth wheel in the coach.

Shri P. N. Rajabhoj (Sholapur—Reserved—Sch. Castes): On a point of order, there is no quorum.

Shri M. S. Gurupadaswamy: Though the two-chamber legislature exists in most of the important countries of the world, nevertheless it is an outmoded and antiquated institution, which does not satisfy the requirements and demands of the modern age. Because of this outmoded mechanism, the power of the legislative branch of the Government has declined and the other two branches, executive and judiciary have assumed importance. If the law-making body has to function more effectively than now, then the only way in which it can be done is

to simplify and improve the structure of the legislative body and this can be done only by adopting unicameralism.

The Indian Constitution has made a provision for a double-chamber legislature. Article 79 states that "there shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People." Except a dozen nominated Members, the rest of the Members are elected by the representatives of the various State Assemblies. So, in effect, it means they function as representatives of the representatives of the people. The creation, presence and continuation of such a body of indirectly-elected members is an insult and danger to the prestige, power and dignity of the directly-elected Chamber. In a parliamentary democracy the representative government should be run exclusively by the House of popular representatives alone and by nobody else. The power that is exercised by the Council of States is to that extent a positive limitation to the power, prestige and privilege of this House.

It may be argued.....

**Mr. Deputy-Speaker:** I am afraid making such suggestions of a general nature would not convince the hon. Members. I have no right to make a speech on this, although I might say that it will convince the House much more if the hon. Member shows as to how in practice there has been a curtailment of the powers of the directly-elected legislature and how they were sought to be curtailed. These are the matters which the House will certainly take into consideration and not the general arguments which were considered at the time of framing the Constitution.

I am not giving any ruling on any point of order. All that I am saying is that the House would like to know

how a conflict arises in practice. I am only making a suggestion; I am not giving any ruling at all.

**Sri Raghavachari (Penukonda):** May I also suggest that in working the past two years experience has shown that the other House is simply a waste?

**Shri M. S. Gurupadaswamy:** I shall answer all the points raised. It may be argued that the presence of the Council of States operates directly as a security against hasty, rash and dangerous legislation and allows errors and mistakes to be corrected before they have produced any public mischiefs. I want to know how many times the Council of States has really acted as a revisory chamber. Except in two or three occasions where comparatively minor verbal amendments were moved, in no other case of legislation, the Council of States has shown its accumulated wisdom and foresight which can be called superior to that of the popular chamber. On no important matter the members of the Council of States have expressed their intelligent disapproval.

**Mr. Deputy-Speaker:** Does it not emphasise the wisdom of this House?

**Sbri Nambiar (Mayuram):** It is a comparative thing.

**Shri M. S. Gurupadaswamy:** On no important measure the Members of the Council of States have expressed their intelligent disapproval.

Still some people may argue that the second chamber is necessary to check the first. Then, I ask: who is to check the second?

**Shri Nambiar:** God.

**Shri M. S. Gurupadaswamy:** The Constitution of India gives equal power to both the House of the People and the Council of States except in Bills which involve financial mat-

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ter. Clause (1) of article 107 states as follows:

“Subject to the provisions of articles 109 and 117 with respect to Money Bills and other financial Bills, a Bill may originate in either House of Parliament.”

This provision has been the potential source of immense mischief, and it has been responsible to subvert the important rights and privileges of the House of the People which is the real representative body of the nation. During these two years many important Bills have originated in the Council and then passed on to us for our consent. This has made our House virtually a revising body and made the Council an originating chamber which, I hope, might not have been the real intention of the Constitution-makers.

At this juncture I have to state another point which is equally important and which should go into the consideration of the House. If you look at the political composition of the two Houses you will find that both of them have a majority of one party, that is the Congress. (An Hon. Member: That is the trouble.) Moreover, the same occupational groups representing agriculture, banking, insurance, manufacturing, education, social welfare and the like are present in more or less the same degree in both the Houses. Therefore the same influences operating for or against measures in one House are active in the other. So the theory that one House is acting as a check or moderating influence on the other has no meaning at all. In my opinion the composition of both the Houses is such that it has produced a solidarity of opinion between them, which does not warrant two chambers. Especially, the unifying tendency of a political party having a majority in both Houses practically nullifies the restraining influence of one House upon the other. Suppose in future a different situation arises that the two Houses

bear different party complexion, it will then obviously produce rivalry, conflict and deadlock which tend to act to the detriment of the public.

Some Members may still justify the necessity of having both the House and the Council on the ground that the House of the People represents the common man whereas the Council of States represents the statesmen and the intellectual elite of society. But I find there is not much substance in the argument. I have here worked out figures to show that the House of the People is a House of able and competent representatives who can handle the affairs of the nation and the affairs of legislation without external aid and without the aid or advice of the statesmen who are sitting in the other House. Among 500 Members of this House, 63 Members were in the Constituent Assembly, 85 Members were in the old Central Legislature, 147 Members were in State Legislatures, 88 Members were in Municipalities, 50 Members were in District Boards, and 10 Members were in Panchayats. That means that 443 Members out of 500 have been associated in one way or the other with legislation and public life. Then regarding educational qualifications of the Members of this House, the figures are as follows. M.Ps. who have received education abroad are 53; M.Ps. who have received University education are 320; M.Ps. who have received education upto Intermediate are 48; M.Ps. who have received education upto Matriculation are 48; M.Ps. who have received education upto Middle School are 13; M.P. who has received education in Primary School is one.

Then, the total number of lawyers in this House is 172.

Shri Nambiar: Bad luck.

**Shri M. S. Gurupadaswamy:** I have not calculated the number in the other House.

**Mr. Deputy-Speaker:** Lawyers and legislators go together.

**An Hon. Member:** No, no.

**Shri M. S. Gurupadaswamy:** If you look at these figures you will realise that this House in which we are all representatives, contains sufficient talent and wisdom to adequately shoulder the responsibility of legislation. Another House for this is unnecessary and useless.

My case for the unicameral legislature is based largely upon the causes of failure of the bicameral system to function effectively in the case of law-making in this country. The creation of a one-house legislature in no way disturbs the principles upon which the legislative branch of government is founded, nor can it in any way threaten the political rights of the citizen, either individually or collectively. This reform which I am suggesting, merely modernises the machinery of legislation and simplifies its structure in order that the law makers may be able to cope with the present day conditions more effectively.

Sir, before commending the Resolution to the House, I request the Members to bestow their thought over it. It is not a small or trivial matter, but it is a very important problem. It is a problem which concerns the whole nation whether we should have a Parliament with one House or with two Houses. We must make up our mind today.

I am not in any way bringing this Resolution with a view to bring contempt to the other House. I am not bringing this with a view to cast aspersions on the members of the other House. So long as that House exists, it deserves our esteem and that House must be respected. There are few countries in the world which have adopted this single-chamber legislature. For example, Nebraska

has made a success out of it. I do not want to take the time of the House by quoting parallels here; parallels are often deceptive. I conclude my speech with my request to the hon. Members of this House to endorse my Resolution.

**Mr. Deputy-Speaker:** Resolution moved:

“That 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.”

There are a number of amendments that have been tabled, but I am afraid all of them are out of order.

**Sardar A. S. Saigal (Bilaspur):** All of them?

**Mr. Deputy-Speaker:** I will take them up one by one. This is a Resolution to abolish or do away with the other House completely. In so far as the amendment tabled by Shri D. C. Sharma recognises the second Chamber as essential and recommends that the rights and functions should be clearly and unambiguously defined, it goes against the grain of the Resolution. Then, Shri Raghunath Singh's amendment saying that instead, a Committee be appointed to study whether the Second Chamber is at all necessary. He can oppose the Resolution. Then, Shri V. B. Gandhi's amendment which says that the Council of States is necessary. He can vote against it. Then, Shri S. N. Das's amendment says 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. I will allow this. He seems to think that immediately it need not be abolished; but a Committee may be appointed. The principle is

[Mr. Deputy-Speaker]

accepted, but the method of working it out is different. That is amendment No. 5 standing in the name of Shri S. N. Das.

Then, Shri P. N. Rajabhoj's amendment, which says that the following Resolution be substituted:

"This House is of opinion that the Second Chamber both in the Centre and the States are superfluous, and steps should be taken by Government to abolish them forthwith."

I think the introduction of the States is superfluous here. So far as the Centre is concerned, except the language that it is superfluous, this is the same thing as the original Resolution. I am not allowing this amendment.

Then, Shri Gidwani's amendment is the same as the original Resolution. Shri N. L. Joshi: his amendment is opposed to the principle of the original Resolution. Shri Sadhan Gupta: his amendment adds to the scope of the original Resolution. This is quite unnecessary. Otherwise, except for the language, the resolution is the same as the original Resolution. I am not allowing it.

Shri S. C. Samanta's amendment which says 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. It suggests that instead of a Committee going into the question, public opinion should be elicited. I will allow this amendment.

Then, the amendment of Shri Jethalal Joshi. It is opposed to the original Resolution. He can vote against it. Then, the amendment of Shri P. Subba Rao which says that the Second chamber at the Centre as at present constituted is quite unnecessary and that it should be constituted on a different ideology

and steps may be taken to make the necessary amendments in the Constitution. It is opposed to the original Resolution that wants total abolition. Shri H. G. Vaishnav: the amendment says that the Second Chamber is essential. He can vote against the Resolution.

**Dr. Ram Subhag Singh** (Shahabad South): The amendment says, "That after 'may' insert 'forthwith'." He seems to say that the Second Chamber is quite unnecessary and that steps may forthwith be taken to make the necessary amendments. I leave it to the House to accept or reject it. I will allow the amendment.

**Some Hon. Members:** He is not here.

**Mr. Deputy-Speaker:** He is not here; therefore, it is not allowed.

Then, the amendment of Shri Sadhan Gupta, which seeks to add the following at the end of the Resolution, "with a view to abolish it." He seems to agree that the Second Chamber is quite unnecessary and that steps be taken to make the necessary amendments to the Constitution with a view to abolish it. It makes the Resolution more explicit. I will allow this.

The amendments that are allowed to be moved are: No. 5 of Shri S. N. Das, No. 10 standing in the name of Shri S. C. Samanta and No. 14 standing in the name of Shri Sadhan Gupta.

**Shri S. N. Das** (Darbhanga Central): I beg to move:

That for the original Resolution the following be substituted, namely:—

"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."

**Shri S. C. Samanta** (Tamluk): I beg to move:

That for the original Resolution the following be substituted, namely:—

"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."

**Shri Sadhan Gupta** (Calcutta South-East): I beg to move:

That at the end of the Resolution the following be added, namely:—

"with a view to abolish it".

**Mr. Deputy-Speaker:** Amendments moved:

(1) That for the original Resolution, the following be substituted, namely:—

"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."

(2) That for the original Resolution the following be substituted, namely:—

"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."

(3) That at the end of the Resolution, the following be added, namely:—

"with a view to abolish it".

The Resolution is thrown open for discussion: ten minutes for each hon. Member.

**Shri Sadhan Gupta:** I absolutely endorse the views of the Mover of the Resolution that the Second Chamber is quite unnecessary and that necessary amendments should be introduced in our Constitution with a view to abolish it. I have moved an amendment in order to improve the Resolution and make it more complete and more effective.

I shall not go into a quotation of authorities for the purpose of showing how second chambers are pernicious. Second chambers have come into existence in most countries on account of historical reasons. In most countries, not in all but in most countries, they have come into existence because of the conflict between two classes of the population. Because one exploiting reactionary class wanted to stick to its power, and a rising class, relatively progressive class, was trying to make greater incursions into those powers.

**Mr. Deputy-Speaker:** The House will now adjourn. The hon. Member may continue on the next Resolution day.

*The House then adjourned till Two of the Clock on Monday, the 22nd March, 1954.*