

Rs. 9 crores on this account. Even on this very rough and clearly low figure, the amount overdue is over Rs. 50 crores.

The second category deals with matters arising out of the separation of the currencies of the two countries. The most important item is the assets remaining to be transferred out of the assets of the Issue Department of the Reserve Bank of India. The value is about Rs. 49 crores. The other items are relatively small and do not involve any substantial amount.

The third category relates to what may be broadly called post-partition transactions. A large volume of payments have been made in each country on behalf of the other which will have to be cleared up. On our side, the sum is of the order of Rs. 23 crores. I do not know what the sum on the Pakistan side is. All this will have to be gone into with the assistance of the Auditors General on both sides. Then we have a sum of Rs. 16.5 crores due to us on account of Defence stores supplied after partition to Pakistan for which, under an agreement entered into in May, 1948, they are due to pay us. There are also some rupee balances held by Pakistan in India about which there has been some argument. The sum thus held amounts to about Rs. 13 crores.

I do not wish to weary the House with a recital of the less important items. It is our intention to discuss all these items, both major and minor, in a frank and friendly way and strive to reach an overall settlement. I do not, therefore, wish to say any thing or take up any position in regard to any individual matter falling to be discussed, whatever the temptation or the provocation for it, which might in any way affect the discussion which we propose to have with the Pakistan Government. I only wish to emphasise that on the major outstanding issues, we should reach an overall settlement fair to both the countries.

This will be our approach at the ensuing meeting.

LEGISLATIVE COUNCILS BILL—
contd.

Mr. Speaker: The House will now resume further discussion on the Legislative Councils Bill, 1957. Out of 8 hours allotted for all stages of the Bill, 1 hour and 41 minutes have already been availed of and 6 hours and 19 minutes now remain. May I know the sense of the House as to how much time should be allotted to each stage of the Bill?

Shri Nagi Reddy (Anantapur): I want to submit that new and major amendments have been proposed by the Minister which have reached us this morning. Therefore, it becomes essential to have a general discussion for a longer time and also to increase the number of hours allotted to the Bill. I think some kind of adjustment should be made to increase the time first and then consider the time for each stage.

Sardar A. S. Saigal (Janjgir): You have allotted 8 hours for this Bill. I would request you to extend it by 2 hours more.

Shri Naushir Bharucha (East Khandesh): May I suggest 5½ hours for the first reading, 3 hours for the second reading, ½ hour for the third reading and the time be extended by one hour?

Mr. Speaker: What is the need for 5½ hours for the general discussion? There is no uniform rule with respect to each stage. I will give an opportunity to two or three Members to discuss the matter and come to a conclusion with respect to the time for each stage and then persuade the House to accept it or not to accept.

Shri Mohamed Imam (Chitaldrug): We oppose the entire Bill.

Mr. Speaker: The hon. Member will throw it out when I put it to the

[Mr. Speaker]

vote of the House. A general discussion of such a nature as to whether there ought to be a Council or not has been before the House on a number of occasions. A resolution was put forward here by Mr. Gurupadaswamy from the PSP Party and the whole day it was discussed. Therefore, it is a matter with respect to which even at the time of framing the Constitution there have been differences of opinion. Nothing is going to happen at this minute. If hon. Members feel so strongly they will try to throw out the Bill; we will give them an opportunity. Otherwise, nobody is going to be convicted or dislaunched from the view that a Council is or is not necessary. I leave it to the House. After all, I can extend the time by one hour. That is the discretion that has been granted to me by the Business Advisory Committee.

1 hour and 41 minutes have been already availed of. Let us have 2 more hours for the general discussion. Then we can take up the clause-by-clause consideration. Dr. D. R. Chavan may continue his speech.

Shri D. E. Chavan (Karad): Continuing by yesterday's speech, I would like to submit that there are two ways of looking at this Bill. One is, whether it is desirable to have a second House in Andhra State and secondly, whether it is necessary to increase the strength of the various Legislative Councils in different States.

Mr. Speaker: He has already taken 14 minutes; I will give him 3 more minutes.

Shri D. E. Chavan: Yes. With regard to the desirability or necessity of having a Council for Andhra Pradesh, I was submitting my arguments yesterday.

Mr. Speaker: The hon. Member belongs to Bombay. Why does he worry about Andhra Pradesh?

Shri D. E. Chavan: I am worried about the whole of India. I am worried because a similar type of resolu-

tion was passed in the Bombay Legislative Assembly and it was supported also by the requisite majority. For the purpose of expressing myself against the second chamber, I am referring to Andhra.

As I have submitted yesterday, I was making out a case against the desirability of having a second chamber in the State. For that purpose, I was reading out certain quotations from the speech of the former Chief Minister of the Bombay State, who is now Minister for Commerce and Industry here. When I referred to the name of Bombay's former Chief Minister, there was a great flutter in the House and the hon. Minister of Law was obliged to be on his legs. I was referring to his speech for strengthening my argument against the creation of a second chamber in Andhra Pradesh.

Mr. Speaker: The hon. Members go on writing to me from various States. One hon. Member from Punjab and another from another place have written to me that the distribution of work is not proper here. Some people monopolise while some others do not get a chance. So, the hon. Members need not give advice to Andhra Pradesh. There are hon. Members from Andhra Pradesh who will be able to take care of that State. That is the time legitimately due to the Andhra Pradesh. The hon. Member may kindly resume his seat if he has nothing more to say about his own State.

Now, before the hon. Members go away for lunch, I would like to announce to the House that the division on the first stage will take place at 2.30. I will call the hon. Minister at 2 and he will take about half an hour. So, the House can go on with this till 2 P.M.

Shri D. E. Chavan: I am reading a quotation that is applicable to my State also. My submission is that the resolutions passed by the respec-

tive state assemblies except that of Andhra Pradesh and for that matter the resolution of the Bombay Assembly under the provisions of the Constitution are not necessary. I would like the hon. Minister of Law to point out how the effect of that particular resolution of the former Assembly has been nullified by the Reorganisation Act.

I am quoting from what the former Chief Minister of Bombay and the present Commerce and Industry Minister has said on 14th December 1953:

"Then as regards representation and wisdom, it may be argued that anybody who is not prepared to face the rough and tumble of life like anybody else who does it for doing good to the people whom he wants to serve, lacks the necessary fibre to serve the people and it is a question whether such persons could be relied upon to guide the country in a safe way, and therefore, whether such people should be really provided for and encouraged. It may also be argued that this might encourage a tendency in some people to seek a safe way to take part in Government and providing easy means to people has always been the experience in the world so far. Therefore, that argument can also be made as against the argument in favour of enabling such people to guide the country on such important occasions."

I am referring to this because yesterday some hon. Members have stated that it is necessary to have second chambers for the purpose of giving functional representation or representation to other vested interests.

The argument was advanced that second chamber acts as a check on the hasty and ill-conceived legislation and that it acts as a break on the exuberance of the lower House and for that purpose it is necessary.

Shri B. S. Murthy (Kakinada—Reserved—Sch. Castes): If there is exu-

berances, there must be control over it.

Shri D. R. Chavan: That argument does not hold good. India is a democracy and elections are held on the basis of adult franchise. With regard to the expansion that is proposed, I may refer to this point. The States Reorganisation Bill was the outcome of the collective wisdom of this House. It was then decided that the strength should be 72 for the Bombay State. Now, what are the circumstances which have made the Government change that decision? I would like to request the hon. Law Minister to point out to this House the altered circumstances. The resolution passed by the Bombay Assembly on the 14th December, 1953 still stands. Could the hon. Law Minister point out to some provision in the States Reorganisation Act which nullifies that resolution? I submit that that resolution stands and so it is our duty to consider that resolution and not the resolution recently passed by the new Bombay Assembly.

Mr. Speaker: Now, the hon. Members who are from Andhra and who are anxious to speak will kindly rise in their seats.

Some Hon. Members rose—

Shri Hem Raj (Kangra): What about the other States?

Mr. Speaker: Other States which are not touched by this Bill? They will merely look on. The hon. Members are concerned over their own States. It all depends upon the time available.

Shri Venkatasubbaiah (Adoni): I wish to support the motion moved by the hon. Law Minister regarding the creation of a legislative council for Andhra Pradesh. The Andhra after forty years of insistent struggle got their State only very recently. After the reorganisation of the States, greater Andhra Pradesh was formed by bringing in some parts of the former Hyderabad State. We naturally felt that we have been given the power to manage our State and look after the welfare of the people. All the

[Shri Venkatasubbalah]

three crores of Andhra for the first time in history have come under one State. With the same feeling we said that a separate council and a second chamber should also be constituted so that many interests might have proper representation in the Councils. The Andhra Assembly passed a Resolution with the requisite majority to form a separate legislative council for Andhra Pradesh. But, Sir, in passing that Resolution, the Andhra State Assembly requested the centre that the strength of the Andhra Legislative Council should be fixed at 96. But I do not know why the hon. Minister for Law has reduced it to 90. When I see the schedule regarding the allocation of seats in the Legislative Councils concerning various other States like Uttar Pradesh, Bombay, Madhya Pradesh and Bihar, I find that there is no rationale. There has not been a fixed strength of the Councils in Bombay, Uttar Pradesh, Bihar etc. In Madhya Pradesh, the strength of the Legislative Assembly is only 288, but the strength of the Council that has to be formed has been fixed at 90, whereas the strength of the Andhra State Assembly, being 301, it is but natural that we also request and make a plea that the strength of the newly formed Legislative Council should be 96. As you know, there are different regions in Andhra like the Telengana area and backward area of Rayalaseema and also the Northern Circars. There are various interests there which have to be fully represented. Their representatives must also have a say in the Councils of the State. It is for this reason that I plead that the strength of the Andhra Legislative Council should be raised to 96 as I find there is no hard and fast rule regarding the composition of the Councils, of the States

I welcome the Bill. When clause-by-clause discussions are taken up I am going to move an amendment which I have given notice of and with this, Sir, I support the motion brought forward by the Hon. Minister for Law.

Mr. Speaker: I will call the hon. Member from Bihar. I will give a chance to everyone and I will come a second round. I will call Shri Shree Narayan Das. It is not that I make a distinction.

An Hon. Member: Are you going according to alphabetical order?

Mr. Speaker: I have got the list here. I will call Shri Shree Narayan Das from Bihar. Orissa has nothing to do with this Bill.

Shri Supakar (Sambalpur): We have got a right to speak.

Mr. Speaker: Hon. Members should see the 8 or 9 hours time limit that is allotted. Some people may not like to have a Second Chamber for the newly created Andhra Pradesh. Some others may like to increase the number. Persons from the areas concerned will have preference over other Members. Other Members will certainly have a right to participate provided the time is available. I shall call persons accordingly.

Shri S. Ghose (Burdwan): No one from West Bengal has spoken.

Mr. Speaker: Somebody from West Bengal has already spoken once. I will now call Shri Shree Narayan Das from Bihar.

Shri Shree Narayan Das (Darbhanga): Mr. Speaker, Sir, the scope of the Bill and the object of the Bill is to create one more Legislative Council for the State of Andhra and the other object is to increase the number of the Members of the various legislative councils in various states. There are some other provisions for the election of the Members in respect of these States. Now, this is not the occasion to go into the principles of having bicameral legislatures in the various States. But I would like to submit that it would have been better if we had not created new legislative councils. Although the Constitution-makers have made provisions for

the Legislative Councils in some of the States, they have left a number of States without Legislative Councils. That goes to show that the Constituent Assembly did not accept the principle to have legislative councils in the Centre as well as in the States. I cannot see what were the circumstances that led to the Constituting Assembly making a decision to have legislative councils in some of the States, while no mention has been made with regard to legislative councils in some other States. At the time when the States Reorganisation Bill was under consideration, some provisions were made with regard to the State of Madhya Pradesh; but, it will not be out of place if I mention that, under the conditions prevalent in India now, there is no necessity of having another Legislative Council. So far as the Central Legislature is concerned, there may be a necessity to have a second chamber because it is a federal union and a union of all the States. This House which has been elected by the electorate are all representatives of the masses, but, because it is a Federal Government it must be proper that there must be representatives to look after the interests of the various States so far as the rights provided in the Constitution are concerned. But, as regards the provisions for the Legislative Councils in the various States I see no necessity.

An Hon. Member: In all democratic countries you have bicameral legislatures.

Shri Shree Narayan Das: I am speaking my opinion; the hon. Member may speak his own opinion. Out of the 14 States that have now been created, there is no provision for the legislative councils in some of the States. I would like to suggest to this august body which is the final authority to make provisions in this regard that it would have been better if we had not made up our minds not to provide for any more legislative councils. I do not know what is the opinion of the people of Andhra although a Resolution has come from the Assembly that there should be a

provision. But, I would like to say that the legislative council does not serve any purpose there. The electorate has sent their representatives to the various legislative assemblies. Our Constitution has provided for representation of graduates, local authorities, district boards and there are provisions regarding nomination of literatures and other concerned.

Mr. Speaker: Hon. Members will kindly note that if Andhra Pradesh were not here and if it had not been added in the schedule, all this argument will be out of date because under the Act that we have already passed, the House has accepted legislative councils in all the other places. The only question is, whether you should increase or whether you should not increase the number. Therefore, the general question whether the Legislative Council ought to be there or whether it should not be there is irrelevant, except by way of passing reference when you say 'What is the use of increasing the number?' Therefore, Andhra people will take care of themselves. The Hon. Member has got a Council in his State.

Shri Shree Narayan Das: I am against having a second chamber in the States.

Mr. Speaker: What is he to do with his own Council in Bihar?

Shri Mohiuddin (Secunderabad): Has the hon. Member who is speaking tabled an amendment for the abolition of the second chamber in Bihar?

Mr. Speaker: I am only making an appeal to hon. Members. Every Member can speak on behalf of the entire community from end to end, from Cape Comorin to the Himalayas. When the time allotted to this measure is limited, I would request hon. Members to give more time to those Members whose States are directly affected. So far as Bihar is concerned, it is only an increase in number; let the hon. Member therefore confine himself to that. He can at the most make a passing reference that he is against the second chambers and he

[Mr. Speaker.]

would advise Andhra also not to have a second chamber and leave it at that. Several hon. Members from Andhra are anxious to speak; I have already noticed four of them.

Shri Shree Narayan Das: I shall try to finish in the time allotted to me.

Mr. Speaker: I would like to lessen the time.

Shri Shree Narayan Das: In view of what I have already stated just now, I would say that there is no need for a second chamber not only for Andhra but for all the States. This would be in the best interests of the country, and at a time when we are going through a financial crisis this would save us some money.

In regard to the increase in the number of Members in the various State Councils, the hon. Minister did not indicate what was the point in increasing the number. I was hearing the whole of his speech. The Constitution that was amended by the Seventh Amendment Bill only provided for the maximum number, that is, instead of the number being one-fourth of the total strength of the legislative assembly, a provision was made that the maximum number may be one-third. At the time of the amendment we did not think that the number of every State legislative council would be increased. As far as I remember, the hon. the Home Minister while moving the amendment said that he was only changing this provision in the Constitution because of one State. He said that in certain States the number of members of the legislative assembly was very small. In those States if the number was fixed at one-fourth the number of members of the legislative councils would be very small. Therefore, a provision to that effect was made.

Now in every State the number of members of the legislative councils is going to be increased. I would like to know what is the principle involved in it and what are the circumstances that have arisen now for Govern-

ment to take the decision to increase the number. The existing numbers in the various legislative councils were sufficient and if only the representatives of the local bodies, representatives of graduates and other interests were to be regulated, I think sufficient representation could have been given. There were, therefore, no special circumstances for Government to bring forward this measure.

In regard to the composition of the councils the provision in the Constitution says—Article 171 (3)—

“(a) as nearly as may be, one-third shall be elected by electorates consisting of members of municipalities, district boards, etc.,

(b) . . . one-twelfth shall be elected by electorates . . . who have been for at least three years graduates of any university, etc.,

(c) . . one-twelfth shall be elected by electorates consisting persons who have been for at least three years engaged in teaching, etc ,

(d) . . . one-third shall be elected by the members of the Legislative Assembly of the State . . .

and (e) the remainder shall be nominated by the Governor . . .”

For the sake of illustration I shall take Bihar. The strength of the Assembly there is 318. If the provision of the Constitution is adhered to, the maximum number will be 106. But by this measure the strength of the Council in Bihar is going to be increased from 72 to 96. Why is the number not going to be increased to 106? Why is it going to be only 96? The ratio specified in regard to the composition has also not been adhered to. Therefore, I am not convinced of the necessity or desirability of increasing the numbers in the various legislative councils.

With regard to the provision for nomination by the Governor in the Councils of the various States it is a healthy one because some good and able men may not come through election, and there must be some provision to take men of arts and literature, etc. But the number must be reduced to 6 and the remainder of the seats distributed among the various interests.

In the end I would say that I am not in favour of increasing the numbers and it would have been better if the number could have been allowed to remain as they are.

सरदार अ० सि० मंगल (जजगीर) : अध्यक्ष महोदय, विधि मंत्रालय यह जो लेजिस्लेटिव कौंसिल्स बिल, १९५७ लाया है, उस पर मैं मध्ये में अपने विचार रखना चाहता हूँ।

इस बिल के स्टेटमेंट आफ़ आबजेक्ट्स एंड रीजस को देखने में आपको मालूम होगा कि मध्य प्रदेश में एक लेजिस्लेटिव कौंसिल की स्थापना करना चाहते हैं। यह बहुत ही अच्छी चीज है जो मदन के सामने लाई जा रही है और जब वहा पर स्टेट्स रिआर्गनाइजेशन बिल पर विचार हो रहा था तब हमने उसको पास किया था।

इसके साथ ही आप यह भी देखेंगे कि लेजिस्लेटिव कौंसिल के मेम्बरों की तादाद वहा की पापुलेशन की बेसिस पर फ़िक्स नहीं की जायगी बल्कि वह लेजिस्लेटिव असेम्बली के मेम्बरों के आधार पर भी फ़िक्स न की जायगी और विधि मंत्रालय की मैं मराहना करता हूँ कि उन्होंने संविधान में प्रपोज़मेंट करवा कर एक चौथाई की जगह एक तिहाई कर दिया है अर्थात् किसी एक स्टेट की लेजिस्लेटिव कौंसिल के मेम्बरों की तादाद उस राज्य की लेजिस्लेटिव असेम्बली के मेम्बरों की तादाद की अब एक तिहाई होगी।

लेकिन इस संबंध में मैं इतना अवश्य कहना चाहूंगा कि आपने इस विधेयक को यहां पर पेश करने से पहले हर एक स्टेट को भेजा और स्टेटमेंट आफ़ आबजेक्ट्स एंड रीजस को देखने से मालूम होगा कि नौ प्रदेशों में से आठ ने लेजिस्लेटिव कौंसिल के मेम्बरों की तादाद के बारे में अपने अपने प्रोपोज़ल्स भेजे हैं। उत्तर प्रदेश ने १०८ की माग की है, बम्बई ने १०८ की माग की है, आंध्र प्रदेश ने ९६ की माग की है, मध्य प्रदेश ने ९६ की माग की है, वेस्ट बंगाल ने ७५ की माग की है, मैसूर ने ६९ की माग की है, मद्रास ने ६३ की माग की है और पंजाब ने ५१ की माग की है। यह माग उन उन राज्यों के लेजिस्लेचर्स ने रखी है और अपने अपने वहा इसके लिये प्रस्ताव पास किये कि हमारे राज्य में लेजिस्लेटिव कौंसिल के मेम्बरों की तादाद इतनी होनी चाहिये। जहा तक उत्तर प्रदेश का ताल्लुक है आपने यह बहुत ही अच्छा किया कि जो १०८ की उनकी माग थी वही आपने इस बिल में प्रोपोज़ की है। बम्बई की भी १०८ की माग थी जिसको कि आपने मान लिया है और बिल में १०८ रक्खा है। बिहार में जहां कि लेजिस्लेटिव असेम्बली की तादाद ३१८ है, वहा पर लेजिस्लेटिव कौंसिल के मेम्बरों की तादाद आपने ९६ प्रपोज़ की है। अब मध्य प्रदेश में जहा कि लेजिस्लेटिव असेम्बली के मेम्बरों की तादाद २८८ है, वहां की लेजिस्लेटिव कौंसिल की तादाद आप ९० ही रख रहे हैं। आंध्र प्रदेश जिसकी कि लेजिस्लेटिव असेम्बली की ३०१ की मेम्बरशिप है, वहा की कौंसिल की मेम्बरशिप आप ९० प्रोपोज़ कर रहे हैं।

मैं नहीं कह सकता कि वह कौन सा कारण है जिसकी कि वजह से स्टेट्स लेजिस्लेचर्स ने अपने अपने वहा की लेजिस्लेटिव कौंसिलों की स्ट्रेंथ के बारे में जो माग की है और प्रस्ताव पास किये हैं, उनके अनुसार बिल में कुछ जगहों पर लेजिस्लेटिव कौंसिलों के मेम्बरों की तादाद नहीं रखी है। अब मैं

[सरदार झ० सि० सहागल]

आपको बतलाना चाहता हूँ कि हमारे मध्य प्रदेश ने ६६ की मांग की थी लेकिन बिल में वहाँ की स्ट्रेथ केवल ६० ही रखी जा रही है। मैं नहीं कह सकता कि ऐसा करने का क्या कारण है? जब आपने स्टेट्स से इस विषय पर राय ली है तो आपको उनको मानना चाहिए।

आप विधेयक के पेज १२ पर क्लॉज ६ को देखें। उसमें लिखा हुआ है :

"Class II Panchayats which have been notified for the appointment of whole-time executive officers.";

उसमें आपने ६ कैटेगरीज रखी है :

(ii) under the heading "Madhya Pradesh", for the entries, the following entries shall be substituted, namely:—

1. Municipalities.
2. Janapada Sabhas.
3. Mandal Panchayats.
4. Cantonment Boards.
5. Notified Area Committees.
6. Town Area Committee."

यह ठीक है इसके मुताबिक आप उनको अपनी राय देने का अवसर देगे और उनको जो सदस्य होंगे उनको वे चुन कर भेजेंगे, इसके लिये मैं वित्त मंत्रालय की मराहना करता हूँ लेकिन इसके साथ ही साथ आपको यह भी देखना चाहिये कि जो आप हमें ६० मेम्बर्स दे रहे हैं उनमें काम चलने वाला नहीं है और मैं समझता हूँ कि आपको जो मध्य प्रदेश की मांग की है, उसको मंजूर करके वहाँ के लिये ६६ मेम्बर्स प्रोपोज करने चाहिये।

जहाँ तक दूसरे प्रदेशों का ताल्लुक है उन्होंने भी इस संबंध में अपनी अपनी रायें दी हैं और मेरा तो अपना यही मत है कि आपको उनको मानना चाहिये। लेकिन

अगर आप स्टेट्स के प्रोपोजर्स को नहीं मानते हैं तो उसके लिये आपके पास कोई सिद्धांत होना चाहिये जिस सिद्धांत के आधार पर आप यह सब करना चाहते हैं। यदि आपने किसी सिद्धांत को मान्यता नहीं दी है तो मैं जरूर करूंगा कि आप उन स्टेट्स की जिंन के कि पास आपने राय जानने के लिये भेजा था, उनकी अवहेलना कर रहे हैं। इन शब्दों के साथ मंत्री महोदय जो यह बिल लाये हैं, उसका मैं समर्थन करता हूँ लेकिन उसका समर्थन करने के साथ साथ मैं मंत्री महोदय से प्रार्थना करूंगा कि मध्य प्रदेश में जो लेजिस्लेटिव कौंसिल बनेगी उसमें ६० के स्थान पर ६६ मेम्बर्स देने की कृपा करें।

Shri N. R. Munisamy (Vellore):
 The main object behind the introduction of the system of bicameral legislatures is to arrest precipitate action or decision by the Lower House, so that the Upper House may after perusal of the various clauses in the Bill make such changes as are essential, keeping in view the objects and reasons behind the Bill. But so far as the representatives of the Upper Houses are concerned, that is of the Legislative Councils, the principle by which they are returned is of a different type. The persons who are chosen to the Upper House are not usually responsible to the people. The principal responsibility to the people is taken away. They do not have direct contact with the people. The only thing is they have got their own responsibility to certain sections of people. For example they are chosen by the representatives in the local Legislative Assembly, and then by the local bodies and municipalities, and again by graduates and teachers, and there is also some representation on the basis of culture, sciences and literature for which purpose they are nominated by the Governor. I would only say this much. The element of

contact with the people is altogether taken away, and the representatives of the Upper House are not discharging their duties in any other manner except that they only carry on the work so far as the legislative aspect is concerned, to the extent to which it is not being jeopardised to the detriment of the interests of the people and keeping in view the various clauses of the legislation passed in the Lower House. That is all that they do and they do not have any contact with the people. So that what happens in the long run is that those representatives constituting the Legislative Councils are not paying attention to the real needs of the people. From that point of view I would say that they are not the real representatives of the people, excepting that they are in an indirect way representing the people through the other chosen representatives of the people.

The other aspect which I wish to point out is this. Throughout the Bill I find that the scheme is with regard to fixing up of the term of office of the persons who are chosen by the Governor and by other bodies. For instance clause 7 refers to Madras. The present strength of the Legislative Council there is only fifty and it is proposed to be increased to sixty-three. How the additional thirteen Members are to be chosen is catalogued under this clause and I shall not read it. I will only refer to sub-clause (4) of this clause 7. Sub-clause (4) says:

"In order that, as nearly as may be, one-third of the members of the said Council may retire on the 20th April, 1958, and on the expiration of every second year thereafter, the Governor of Madras shall, after consultation with the Election Commission, make by order, such provisions as he thinks fit in regard to the terms of office of the members to be elected under clause (a) of sub-section (3) and of the mem-

ber to be nominated under clause (b) of that sub-section."

The point which I wish to make out is this. So far as fixing up of the term of office is concerned, the Governor in consultation with the Election Commission will fix it up. You will be aware that when the States Reorganisation Act was passed there was a writ petition in the Madras High Court by somebody when the Chairman of the Council eliminated his name and began to have lots with regard to the other Members, and Mr. John—I speak subject to correction, I forget his name—took a writ petition and he succeeded in the writ petition. And the consequence of it was that we had to come with another amendment to our Constitution in order that the number is increased and the difficulty is eliminated.

Similarly, the Governor is supposed to be the Head of the State and he should not be asked to figure so far as the fixing of the term of office is concerned. Ordinarily we all know that the Governor does things only on the advice of his Council of Ministers. The Chief Minister or the Cabinet will suggest that so many years must be given to a particular individual and a lesser number of years for another individual. So much so that the Governor will formally consult the Election Commission and fix the term. It would be encouraging indirectly some individuals whom they have in their mind and something like nepotism and favouritism would be the result of it.

12-58 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

So I would only say this. Just as at the time of fresh election the Election Commission as a whole draws by lot the term of office for all the Members in the Upper House, similarly here also, these being new Members, they may be fixed up by drawing lots in consultation with the Election Commission, and the Governor shall not be brought in this controversy.

[Shri N. R. Munisamy.]

Later on it might be laid that the Governor does not do any act *suo motu*. As we all know, he always does things in consultation with the Chief Minister of the State. He could take no action unless he was advised by the Cabinet. Therefore I say that the Governor shall not be brought into this and made a subject of criticism in the long run, that he had fixed up the term. And in the long run it may be regarded as a formal consultation with the Election Commission and he may fix his own men for four or six years.

I find that the same method has been adopted throughout the Bill, namely that the Governor should consult the Election Commission and fix the term of office. It is better that we eliminate this consultation by the Governor and in its place make the Election Commission itself draw lots and fix the term of office, failing which the Governor will later on be severely criticised by the public which should not be allowed as he is the head of the State. He should not also figure in this ugly controversy or face a petition in the High Court or the Supreme Court challenging his discretion, because it will be argued that the consultation is only for satisfying the provisions of this Bill and that really it encourages favouritism or nepotism and that whoever is wanted will be appointed.

13 hrs.

In regard to Bihar, no resolution seems to have been passed by the State Assembly, and the law Minister has increased the strength of the Bihar Council to be in conformity with the strength of the other Assemblies. To that extent he is all right. If I am wrong I would like to be corrected.

Barring these observations I do not think I have got anything more to say excepting that I commend this Bill as it is in conformity with the present policy of having two chambers. At this late stage there is no sense in opposing the principle.

श्री बीरबल सिंह (जीनपुर) : उपाध्यक्ष महोदय, यह विधेयक जो संविधान में संशोधन करने के लिये उपस्थित किया गया है, मैं इस का समर्थन नहीं कर सकता। इस विधेयक में आंध्र प्रदेश के लिये विधान परिषद् की व्यवस्था की गई है, और जहां पर पहले एक सदन था वहां पर अब दो सदन किये जा रहे हैं। दूसरे जिन प्रदेशों में अब तक दो सदन थे, वहां पर सदस्यों की संख्या बढ़ाई जा रही है : मैं सिद्धान्ततः प्रदेशों में दो सदनों के विरुद्ध हूँ। जिन देशों में संघ शासन है, वहां पर केन्द्र में तो दो सदन रखना अनुचित नहीं है, लेकिन प्रदेशों में दो सदनों का होना बिल्कुल ही अनावश्यक है। कांग्रेस भी हमेशा से इसके विरुद्ध रही है। जिस समय हम लोग स्वतन्त्रता की लड़ाई लड़ रहे थे उस समय प्रदेशों में दो सदनों का हमेशा विरोध किया गया। बल्कि एक तरह से ब्रिटिश गवर्नमेंट ने हमारे ऊपर यह बोझ लाद दिया कि प्रदेशों में भी दो सदन रखे जायें, और उम्मी बोझ को हम बराबर ढोते जा रहे हैं। साथ ही उस को और ज्यादा बढ़ा रहे हैं। ऐसे समय में जब कि हमारी आर्थिक व्यवस्था इतनी खराब है, सदस्यों की संख्या बढ़ाना या दो सदन स्थापित करना बहुत अनुचित होगा।

जो सदस्य बढ़ाये जा रहे हैं, उन में से हर एक के ऊपर जितना खर्च होगा उस में कम से कम पांच प्राइमरी स्कूल खोले जा सकते हैं, और ऐसे सदस्यों की संख्या २६३ बढ़ाई जा रही है। इस से मैं समझता हूँ कि सारे देश में १३०० प्राइमरी स्कूलें खुल सकते हैं। जबकि हमारे संविधान में यह व्यवस्था की गई है कि दस वर्षों के अन्दर सारे देश में अनिवार्य प्राइमरी शिक्षा हो जानी चाहिये, और वैसे की कमी की वजह से हम लोग उसे पूरा नहीं कर पा रहे हैं, ऐसी अवस्था में खर्च को बढ़ाना और भी अनुचित होगा। जितने सदस्य बढ़ाये

जा रहे हैं उन पर जो व्यय होगा उस से कम से कम मैं समझता हूँ, दो लाख विचारियों की शिक्षा का प्रबन्ध किया जा सकता है।

इसलिये मैं इस बिल का विरोध करता हूँ और कहता हूँ कि किसी भी प्रदेश में दो सदन नहीं होने चाहिये और जहाँ पर वह है, वहाँ पर भी यदि सम्भव हो तो उन को खत्म कर देना चाहिये। सदस्यों की संख्या तो किसी हालत में भी कहीं नहीं बढ़ाई जानी चाहिये।

Shri B. S. Murthy: Andhra has come in for a lot of criticism, but I think when the resolution passed by the Legislative Assembly of Andhra Pradesh is being given effect to in this august House, I think all the Members should support it.

The Andhra plea is simple. All the other States are having Legislative Councils. Why not we also have it?

An Hon. Member: Not all.

Shri B. S. Murthy: Almost all. Eight of them are having and Andhra with such a huge population and a vast area should also have its own Legislative Council. And once the Andhra Assembly has passed a resolution as required by the Constitution, it is but proper that Parliament should take cognizance of it and give effect to it. Hence this Bill has been brought forward, and in doing so, they have also tried to give effect to the new schedule so that the so-called anomalies may be removed as far as the strength of the Legislative Councils are concerned.

Some friends in the opposition seem to have peculiar notions about this bi-cameral system.

Shri Punnoose (Ambalapuzha): May I ask for a clarification? Is it Shri Murthy's point that this proposal is now made because the people of Andhra desire it?

Shri B. S. Murthy: It is too patent, and also accepted by all the world, that a Legislative Assembly represents the people of the State, and when the Legislative Assembly of the State has passed the required resolution by a two-third majority, where is the doubt, and how can it be said that the people of Andhra are not of this opinion? Therefore, my hon. friend from Kerala would do well to give credence to the resolution passed by the Legislative Assembly there. Therefore, the Andhras do want it and there is no doubt about it.

There seem to be some sort of peculiar ideas amongst our opposition friends.

Shri Punnoose: You were there.

Shri B. S. Murthy: I was there, and I shall be there.

Mr. Deputy-Speaker: Order, order. We wish the hon. Member to be here.

Shri B. S. Murthy: I assure my friend that I shall be there as and when circumstances require my presence.

Democracy is usually known as government by discussion. Therefore, in order to have a number of checks, the Mother of Parliaments provided several sets of mechanism and one amongst them is the bi-cameral system. There are several people whose advice, experience and talent should have been of greater use in this august House than elsewhere, but these people were shy of election; they did not want to come. As far as character is concerned, nobody can question it; about their expert knowledge, everybody has got praise for these people. Therefore, in order provide a forum for discussion on matters concerning the welfare the country, the Upper House has come into existence. Hence, it is not fair to criticise that the Party in power is creating a pinjrapole to have such of those people who could not come into this House through the front door, and it is a backdoor policy. I do not think one is justified in saying that.

[Shri B. S. Murthy]

Again, as long as there is a Rajya Sabha in existence and having certain control over what we discuss and pass here, I do not think we have any right to say that Legislative Assemblies should not have a similar check in the States. Therefore, it is fair to admit that the bicameral system has not proved unfruitful; on the other hand, it has given a fair chance for democratic organisations to grow in strength and volume.

In this connection, I must also say that the bicameral system, wherever it exists in almost all the democratic countries, has done good work. I think that the Councils in the States will also do good work. It is not to have our own people put there. As a matter of fact, except for 12 or 13, as the case may be, to be nominated by the Governor, all the others are having election. It may be indirect election; it may be a sort of checked election, but still it is election; it has not been by nomination. A single individual, the Chief Minister of the State or the Governor advised by the Chief Minister, is not allowed to have the whole list of 96 or 90, as the case may be as far as Andhra is concerned, nominated. Therefore, where is the doubt these people being representatives of certain interests? They may be persons who come from graduates' constituencies or local bodies constituencies or some other constituencies.

So it is not fair to criticise a Bill like this as a machination of the ruling Party to have their people nominated or put in Councils. It is but a fair election and all people have their chance. Even the Opposition parties can have a fair chance in getting several of their people elected. I can understand it if the Opposition parties have, as a rule, boycotted the Rajya Sabha and the Councils in the States saying that this is a useless organ of our Constitution, and therefore, they do not want to make use of it. But having made use of it, and being still prepared to make use of it, I do not think it lies in the

mouth of Opposition parties to say that this is a mechanism or machination of the Party in power.

My hon. friend, Shri Shree Narayan Das, was good enough to say that we should not have the bicameral system. The preceding speaker was also good enough to say that we, the Congress, did not want it. Today the Congress is one of the parties and the people's desire must be respected. As the Legislative Assemblies are asking for Upper Chambers, it is but proper that the Party in power should accede to the desire of the people and not to say that in 1921 at Karachi and in 1923 at Calcutta the Congress had resolved that there should be no bicameral system in India, therefore, we shall not have this system, this is not a good system. We must learn by experience. It is also stated that the old order changeth, yielding place to new. We should not become conservative. Therefore, when experience is gained, we must make use of it. Whatever is good in the world is ours, in the same way as whatever is truth, it is ours. Similarly, whatever is good in the British system of parliamentary government, whatever is good in the American system of Government, we must copy and see that it must be implemented. It must be incorporated in our popular democratic rule here. Therefore, I support this motion.

In conclusion, I would like to say that in giving nominations, 12 or 13 or 14, as the case may be, special consideration must be given to the linguistic minorities. In the name of experts, some people without expert knowledge, are being brought in. This should not be done. It is but fair that linguistic minorities, who have no chance of getting into the Assemblies and into Parliament here, should be given special consideration so much so that all the interests will be represented and all shades of opinion can be had in the counsels of the Councils.

Shri Nagl Reddy: I rise to oppose this Bill from A to Z...

Shri B. S. Murthy: And beyond.

Shri Nagi Reddy: If there is any. It is really surprising that this Bill should be on the agenda especially when we are talking of pruning the Plan and talking of austerity plans. Sometimes I feel that we want all the magnificence of the feudal, capitalist and socialist societies but not the benefits of the societies. Therefore, we find all clubbed into our society.

I remember when the leader of the PSP was speaking here on the President's Address, he told Government that it looked so feudal for a modern State that our President should come all the way in a coach which should have been in the exhibition. From that we are now on to the State in Councils about which we are now discussing. In the name of modernism, in the name of constitutional propriety, because some other modern States have done it, in the name of tradition, we seem to be anxious to have such a cumbersome machinery and set-up. On that basis, I oppose this Bill and I expect that at least Government would not increase the strength from 487 or so to something more—I have the list and I will give it out later.

The second reason is that there is a bit of contradiction which I find between the Centre and the States. We want some progressive legislation from the States, say, for example, land reforms. We are finding that in quite a number of States the landlord class has had such a hegemony over the Legislative Assemblies even now that with the increase in the strength of the State Councils and with indirect elections to follow, their strength will be increased to more than what it is now.

Progressive legislation can never be implemented by Second Chambers and all Second Chambers are a kind of hurdle in the way of progressive legislation. If it is not for that, I cannot understand why we are going to have the Second Chambers at all.

Therefore, I am opposed to increasing the weight of this class which has to be abolished even according to the Second Plan by land reforms. Because I oppose the weight of this class, which is going to be there in the Second Chambers, I oppose this Bill and I say: at least please do not impose them upon the new State of Andhra. They have already imposed it on certain States. Government is not coming forward to abolish them. I would request the Government at least to spare us, the Andhras, from this new imposition. (An Hon. Member: What about others?).

We have been talking of deficit Budgets. Everyday there is a discussion as to how we are going to fill up the gap. Everyday we are talking of the growing inflation in the country and how to check it. Every time the State Government is asked to do something, for example, if we ask for a few more rupees to increase the number of houses that are to be provided for the poorer classes in the villages—they say there is no money.

I know there is electricity running just half a mile away from one village—the lines are there—which has 50 wells under which there is irrigation going on. They have been asking for electricity to be provided for those wells. There are 50 wells and something like 100 families in that particular village which would be benefited by the electricity.

Shri B. K. Galkwad (Nasik): Are they Government wells?

Shri Nagi Reddy: In our country, in Andhra there are quite a number of wells which the peasants own under which 5, 10 or 12 acres are cultivated. These peasants have been requesting the Government to provide them with electricity and they have been asking because the line is going very near. They are always being told that because Government lacks money they are not able to provide this electricity.

[Shri Nagi Reddy]

I should like to know why we should spend this extra money on Houses, on these State Councils which practically do no business. They in no way increase the administrative capacity or efficiency of the States. Therefore, even from that point of view, I would say, if we are not able to abolish the existing State Councils, at least do not come and impose them on new States.

We must also remember—of course, it is not accepted from the Government benches—that at least there is a vast opinion in this country that even Governors' posts should be abolished; they have become incongruous in our administration. And, when such an opinion is being expressed by quite a number of people in our country, why should Government add this new ornament which has no value, which does not even glitter? Therefore, I would say that the State Councils are cumbersome. It is a machinery that is valueless and we should not at least try to emulate others simply because when the British were ruling our country in their own interests they had certain State Councils in our country.

Then, I see no reason why we should have second chambers. In some countries there are second chambers; in progressive countries like the U.S.A. and the USSR, each of a different type, they have second chambers. It may be said, why not we have them? I would like the hon. Members to just read the constitutions of those countries very carefully. They are multi-national countries, huge countries which have different States just as we have. But, they have one second chamber for the whole country and not second chambers for each State. I am sure the Russian Federation does not have a second chamber; the Ukrainian Federation has no second chamber and the Georgian Federation has no second chamber. In the same manner, even in America,

each separate State does not have a second chamber.

Personally, I may not even rule out a second chamber for the whole country, of course, not as it is established but in a different way, where-in equal representation is given to each-State, whether it is big or small, in which case, certainly, certain customs are safeguarded and certain regional interests are safeguarded. At least the present regional imbalance would not take place in the implementation of the second Five Year Plan, if such a second chamber is there. I can visualise that and I can, probably, think about it and may even accept it. I would say, what is the purpose of a second chamber in a State; whose interests do you want to guard other than the interests represented in the Assembly? The answer may be, the interests of Chambers of Commerce or some special interests of that type can be safeguarded and that is the purpose for which the second chamber is set up. Let us not, for that purpose, quote certain countries and the constitutions of those countries which do not possess such second chambers within their own countries.

Then, there is the question, every State is having one, why not the Andhra State? It is a big State; you are 3 crores of people. Bombay has it; West Bengal has it; Uttar Pradesh has it; Madhya Pradesh has it. Even Orissa has one (*An Hon. Member: No.*) I am sorry. Madras has one and Mysore, your neighbouring State has one; Why not you too? If my hon. friends are so very particular of giving us equality of treatment, I would request them to give us such equality in the expenditure in the Second Five Year Plan. I would like to have that kind of equal treatment instead of equal treatment in the matter of the second chamber. The treatment that is meted out to us so far as industries are concerned, is very well known. It is only 2 per cent of the estimated expenditure for the whole country. It is only 1.5 per cent so far as the estimated expenditure

on communications and transport is concerned, that is going to be spent in Andhra. I would say that if equal treatment is to be given, I would request Government to treat us equally in a different sphere and I would certainly say that I do not want this equal treatment so far as the State Councils are concerned.

Coming to Andhra, there are special reasons for saying that we should not have a State Council and that is a very important thing. I had already told you that we are suffering from deficit finance and we are not able to fill up the gap. We are not able to implement the Plan. That is one point which I have already talked about. But the most important factor is that the question of integration with Telangana is a problem which is not yet solved.

Shri Ajit Singh Sarhadi: I wish to raise a point of order. Is the discussion relevant in the line it has taken? The Constitution provides that there must be a second chamber.

Shri Nagi Reddy: No, no.

Shri Ajit Singh Sarhadi: If you read article 169, it says that unless there is a recommendation by the Assembly there the second chamber should be there. The recommendation of the Andhra Assembly is that there should be a second chamber.

Shri Nagi Reddy: I am coming to that. If the hon. Member hears me to the end

Mr. Deputy-Speaker: Order, order; let him make the point.

Shri Ajit Singh Sarhadi: I am submitting that already as resolution by the elected members of the Andhra the Constitution to that effect also. Is the line of argument which my hon. friend is taking relevant in the light of that resolution?

Mr. Deputy-Speaker: Does the hon. Member want to say anything on that point?

Shri Nagi Reddy: No, Sir.

Shri Punnoose: The Legislative Assembly passes a resolution that there should be a Legislative Council and it is before the Parliament. It is as clear as daylight that this House can have its own say. Some Members may say that it should not have; others may say that it should be there. Many Members may be neutral also. It is our right.

Shri Mohamed Imam: It is not a mandatory provision. It only says that the "Parliament may by law provide..."

Shri Nagi Reddy: This point was discussed yesterday and, therefore, I have nothing to say on this.

Mr. Deputy-Speaker: Parliament is the last authority to decide whether there shall be a second chamber or not. The first requisite is that the local legislature should pass a resolution. We can only consider that here after that resolution is passed. When we have that resolution we have to consider and decide. If it automatically follows that because a legislature has adopted a resolution we have to reconcile ourselves to that, then there would be no need of considering it. We have to decide it here, and the decision that we take here would be the ultimate decision that would have effect.

Shri Nagi Reddy: Sir, I was talking of the new problems that have arisen in the newly formed State of Andhra Pradesh. The problems are so difficult that even the Government with all the good support of all parties is unable to solve many of them. At such a time as this, imposing this new structure on the at present dilapidated building of the new State will be a very great imposition; even the foundations of it will be dangerously shaken.

Mr. Deputy-Speaker: If there is a second chamber?

Shri Nagi Reddy: I am coming to that. For example, we are going to provide the election of certain members to the State Council on behalf of the District Boards, Panchayats or Municipal Councils, and I would remind the House that there are two different kinds of District Boards, one type on Telangana area and another type in Andhra area. Therefore, there cannot be a proper representation on the basis of indirect elections that we are providing for in this Bill.

So far as Andhra area is concerned, all members of the Panchayats are elected, but it is not so in Telangana. In Telangana there are quite a number of members in each Panchayat who are not elected but selected by the Government. In the same way, I would say that so far as Andhra is concerned there are no District Boards at all. There have been up till now certain nominated Boards, nominated by the Government. All the M.L.A.'s became members of District Boards and all the ex-Presidents of District Boards who were yet living became members of District Boards. Even that became probably too cumbersome for the Government to administer. Therefore, even that has been abolished, and only yesterday there is news that has appeared in the Andhra Press that the Local Board Minister has come forward to say that they are not going to have any elections for District Boards and no District Boards are going to be elected so far as Andhra Pradesh is concerned.

So, that problem has not yet been solved. The problems of integration of that type yet remain, and we are going to impose an Act for the State Government to act.

Mr. Deputy-Speaker: We will be straying away too far if we take up that line. If we take a decision that they shall have a second chamber, then those things would be adjusted by themselves. It is not that there

are two types of District Boards and, therefore, we cannot have a second chamber. It cannot be argued like that. That is no reasoning.

Shri Nagi Reddy: I am sorry, Sir, the point here is that we are framing certain rules for the election and I want to oppose the whole thing at least so far as Andhra is concerned.

Mr. Deputy-Speaker: We are not concerned with the rules. Now we have a Bill here.

Shri Nagi Reddy: The Bill says that there should be certain members elected from Local Boards. I say that this provision cannot be enacted to the justice of the people of Andhra Pradesh for the simple reason that all Board and all Panchayats are not elected on the same basis, on the basis of one Act or one principle. Therefore, it is going to be an imposition of a wrong principle on the foundation of a wrong principle.

Mr. Deputy-Speaker: But the State would see that they are brought on one principle. That would be a subsequent thing. Now this House will not think that because there are two types of District Boards it would be an imposition on them. When we have passed the Bill then the State would see whether the local bodies are formed on uniform methods or not. That is to be seen subsequently.

Shri Nagi Reddy: I do not accept that argument, and I do not think it is proper.

Mr. Deputy-Speaker: I do not want the hon. Member to accept the argument, but he has to accept my decision that this is not relevant.

Shri Nagi Reddy: No, Sir; the point is, I would like to question the framers of this Bill...

Mr. Deputy-Speaker: It would be better if the hon. Member accepts the decision for the present at least.

Shri Nagi Reddy: I accept the decision, but I am asking one question. What do the framers of the Bill mean....

Shri Punnoose: Sir, I want to seek one clarification from you. There are two types of Panchayats and two types of Municipal Councils. In one the members are elected and in the other they are selected. The argument was that in the present case it is not nomination but election where people have some sort of representation. Is it not relevant to the subject? There are Municipalities and District Boards where members are selected by the Government. Therefore, the argument was that this is bogus, this is a fraud on the people. Are we not entitled to say that?

Mr. Deputy-Speaker: No. I cannot agree with the hon. Member. My point was that we have now to take a decision whether we shall have a second chamber or not. Whether there are District Boards or other local bodies that can be constituted into that electoral college would be seen by the State Government. That would be for the State Government to see, and if there is some deficiency, if there are any difficulties that shall have to be adjusted and made up by the State Government if the elections are to take place. For the present we are not to see whether there are any different modes of constituting the District Boards, whether there are some nominations or not, and if there are any they should not be given this representation. That would not be the determining factor so far as this bill is concerned.

Shri H. N. Mukerjee (Calcutta-Central): Sir, may I make a submission? From what I hear I gather an impression that in Andhra Pradesh certain local bodies have a particular kind of composition. Here, Sir, in this Parliament we are being called upon to allow representation to certain local bodies in projected second chambers on the basis that those local bodies have a certain representative

character. If they do not have that representative character then, naturally, it would be for us to reconsider the whole position. From Andhra Pradesh the report comes that local bodies which are going to send some representatives to a projected second chamber are partly elected, partly nominated and, therefore, this juxtaposition brings a fresh complication to which, Sir, we should try to apply our mind. Therefore, I feel that this point should properly be brought up and discussed in the House with your support.

Mr. Deputy-Speaker: What I want to say here is only that, if the District Boards are not properly constituted, if they are nominated bodies and are not representative constituencies, whatever it is, shall we take that up here now and say that they should first be constituted properly?

Shri H. N. Mukerjee: Exactly.

Mr. Deputy-Speaker: That is not our purpose.

Shri Nagi Reddy: I would submit, Sir, that here is a clause which says that elections would take place from Municipalities, District Boards, Cantonment Boards, City and Town Committees and so on. It does not say....

Pandit D. N. Tiwary (Kesaria): For your information, Sir, I would like to point out that in Bihar too there are District Boards and Municipalities which are partly nominated and partly elected. One-fourth of the members of the Municipalities and District Boards there are nominated by Government. There also election to Council takes place through these District Boards and Municipalities.

Shri Nagi Reddy: My submission is that in one part of the State, that is the original Andhra State, there are

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no nominations at all. My submission is that there are two kinds of contradictory positions in existence and contrary rules in existence in the whole of Andhra Pradesh. Whereas in one part of Andhra, that Telangana, there is nomination to the panchayat, in my part of Andhra Pradesh, we do not have it. Therefore, I say that here the integration has not yet taken place and we are already giving by this Bill and the Act both the methods. If we are to oppose it, and say that district boards will be elected, the panchayats will be elected and the Cantonment areas will be elected and some of them are nominated and some of them are elected I would only say that if there had been nominations for all panchayats throughout Andhra Pradesh—

Mr. Deputy-Speaker: Does this Bill say that the district boards, all of whose members are elected, shall have the only option to elect?

Shri Nagi Reddy: Exactly that is my amendment.

Mr Deputy-Speaker: There is an amendment. But what does this Bill say?

Shri Nagi Reddy: My opinion is, if this Bill were to remain, the municipalities, the district Boards—

Mr. Deputy-Speaker: I am just putting this question to the hon. Member: whether there is a provision here that only those local bodies shall have the right to choose their representatives to the second chamber who have been themselves elected on adult franchise, or all the members are elected representatives there?

Shri Nagi Reddy: I do not understand. There is no provision of that type here.

Mr. Deputy-Speaker: This is what I wanted to impress upon the hon. Member.

Shri Nagi Reddy: That is exactly the reason why I want to oppose that clause.

Mr. Deputy-Speaker: He has every right to oppose the clause.

Shri Nagi Reddy: Therefore, I say that because it would be done within a short time, where is the hurry to pass this Bill at all and include Andhra Pradesh in this Bill? Why not wait for the integration of the common law to be established in the whole of Andhra Pradesh, when there are two types of laws now?

Mr. Deputy-Speaker: If there are difficulties, and those second chamber cannot be elected just now, then that will be only afterwards. It may not be elected now.

Shri Nagi Reddy: Well, Sir, if that guarantee that it may not be elected till the laws are integrated is given, that is a different matter. But so far as I know, after seeing the manner in which the Andhra Government is moving, especially as seen from yesterday's statement which is given out in the press, that district boards are not going to be elected any more, I am really afraid that this is going to be a handle for the Government to—

Shri H. N. Mukerjee: May I ask for a clarification from you, Sir? My idea is that in regard to these second chambers, we are committed to the idea of elective principles except in so far as a few seats in particular States are concerned. The elective principle has got to be uniformly applied. If there are certain local bodies in Andhra Pradesh which are not elected properly and if they have a kind of election to the second chamber in that particular State, then we are injecting into the elective principle something extraneous to it and that is beyond our jurisdiction and beyond our intention.

I feel, therefore, that the Minister might consider this point. In Andhra

Pradesh there does seem to be an anomalous position, and in Andhra, in the projected second chamber for Andhra Pradesh, we can only have nominations for a particular kind of membership, but from the local bodies we cannot have people elected, who do partake of the principle of nomination rather than the principle of election.

Mr. Deputy-Speaker: —who themselves are not elected.

Shri Nagi Reddy: No; the Government nominate them. It is the Government that nominate.

Mr. Deputy-Speaker: This is what the hon. Member wants to say—that is, the people, who themselves are not the real representatives of the people. That is what I said.

Shri Punnoose: It is not the intention of the Constitution at all.

Mr. Deputy-Speaker: I do not know what the procedure is in other States, but so far as I remember, I can say about the position in Punjab. There, in all district boards, I suppose all the members are elected.

Shri Nagi Reddy: It is always so in Andhra. But today, it has become topsy-turvy and all of them are nominated.

Mr. Deputy-Speaker: The hon. Member might conclude his remarks.

Shri Punnoose: In Kerala, all the members are elected in the district boards. Here, all of them are sought to be nominated.

Mr. Deputy-Speaker: The hon. Member might try to conclude.

Shri Nagi Reddy: For 15 minutes and more, I have been interrupted and cross-examined so much of the time was taken away.

Shri Radhelal Vyas (Ujjain): The hon. Minister will give his reply soon, and before then, other Members also must have a chance.

Mr. Deputy-Speaker: Those interruptions and interjections are also part of the job.

Shri Nagi Reddy: I have one or two more points and I shall finish. I say that so far as Andhra Pradesh is concerned, there is another point. For example, as regards the municipalities, we are giving a provision here that they will elect. May I remind the House of one fact that municipalities do not exist at all in Andhra in respect of some districts? For instance in two major municipalities, the biggest municipalities there,—Vijayawada and Guntur—no municipal councils at all are there for the last two years, for the simple reason that the ruling party is not going to get a majority there. They have been abolished; no elections are being held. I would ask, why we should come forth with clause here to say that municipal representatives should have the right to elect certain members to the State Councils when two municipalities, and major municipalities at that, are not allowed to even have elected councils. This way, we are going to make the whole of the State Council of Andhra a kind of handle of the ruling party and it is not even to the extent that is proposed here, namely, the representatives of those who ought to be elected. That is one point which I would like to say.

In the end, I say this. Quite a number of times I have seen it, and it has been my unfortunate experience that nominations to the Councils are political nominations. I had the experience in 1952, when I was a member of the Madras Legislative Assembly, when the ruling party nominated—of course, with all due respect to the greatest statesman of our nation—Rajaji. I only say that he was nominated for the specific purpose of becoming the Chief Minister of the State. The whole Constitution has been over-ruled in that, and the whole tradition has been ruined because of that. The Constitution says that great men of literature, great men of science—not that Rajaji is not a man of literature—could be

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But it was not for that purpose at all that they nominated him. I would ask, why try to impose a Council of that type on my part of the country when it is going on peacefully without that?

Therefore, for all these reasons, this Bill is a Bill which has no consideration except political consideration, to give certain political pensions to those people who are not in the political field today. It is to resolve acrimony and recriminations that are arising within the ruling party. Therefore, I think this Bill has no purpose. So, I say, at least let the Andhra State be not bothered with this new imposition of the Legislative Council.

Mr. Deputy-Speaker: Shri Assar.

Shri Mohamed Imam: May I know the list of Speakers?

Mr. Deputy-Speaker: No list. I am going to call the hon. Minister after Shri Assar speaks, and then I will give, during the clause-by-clause consideration stage, opportunities to those Members who had none in the general discussion.

Shri Yadav (Barabanki): I would submit that I have an amendment.

Mr. Deputy-Speaker: He will get an opportunity.

Shri Yadav: I have got an amendment to the motion.

Mr. Deputy-Speaker: Then also it does not necessarily follow that he must have an opportunity. It is not necessary, but I will see, after Shri Assar has spoken.

Shri Yadav: A few minutes only.

Mr. Deputy-Speaker: Let Shri Assar speak first. If there is time, I shall see if I can accommodate the hon. Member.

श्री आसार (रत्नागिरि) : उपाध्यक्ष महोदय, मैं इस बिल का सिद्धान्ततः विरोध करने के लिये खड़ा हुआ हूँ। आज जब हम इस बिल पर विचार करते हैं तो हमारे

मन में विधान परिषदों को खत्म करने का विचार आता है क्योंकि आज हमारे प्रत्यक्ष लेजिसलेशन में इसका कोई उपयोग नहीं है। आज हम आर्थिक दृष्टि से संकट में हैं और हर एक विभाग में कटौती का प्रस्ताव रखना चाहते हैं और भूखी नंगी जनता पर टैक्स लगाते हैं। ऐसे समय पर इस बिल द्वारा हम जनता पर विधान परिषदों का बोझ डालना चाहते हैं। भारतीय जन संघ की यह मांग है कि ऐसी जो फिजूल खर्ची है इसको तुरन्त बन्द करने के लिये विधान परिषदों को खत्म किया जाये। इस खर्च को कम करके हम आज करोड़ों रुपये की बचत कर सकते हैं और इस प्रकार अपनी भूखी नंगी जनता को, जिसे नये टैक्स लगाकर परेशान किया जाता है, कुछ राहत दे सकते हैं।

बम्बई विधान सभा ने सन् १९५३ में विधान परिषद् को खत्म करने का निश्चय किया था लेकिन आज वहाँ भी विधान परिषद् के सदस्य बढ़ाने का इस बिल में प्रबन्ध है। मुझे ताज्जुब होता है कि बम्बई सरकार इसमें क्यों भाग ले रही है। इसके बारे में मुझे तो ऐसा लगता है और जनता में भी यह चर्चा चल रही है कि जो कांग्रेसी चुनाव में हार जाते हैं उनको कहीं भी स्थान देना आवश्यक है, इसके लिये ये विधान परिषदें रखी गयी हैं और आज उनको बढ़ाया जा रहा है। और इस प्रकार से चुनाव में जो लोग हार गये हैं उनको बैकडोर से लाने का प्रयत्न हो रहा है।

दूसरी बात यह है कि आज काउंसिल और प्रसेम्बली के निर्माण में एक सी पद्धति लगायी जाती है। प्रसेम्बली के मेम्बर भौगोलिक आधार पर चुने जाते हैं और काउंसिल में भी प्रसेम्बली द्वारा चुने हुये मेम्बरों की संख्या अधिक होने के कारण उन्हीं हितों को रिप्रेजेंट करते हैं जिनको प्रसेम्बली भी रिप्रेजेंट करती है। इसलिये

काउंसिल का काम सिर्फ इसेम्बली के कामों पर मुहर लगाना है। इसलिये काउंसिलों के निर्माण का जो उद्देश्य है वह सफल नहीं हो पाता। आज काउंसिल में भी नामिनेटेड मेम्बर होते हैं। इसका कारण तो यह होता है कि कांग्रेस अपना वर्षस्व कायम रखना चाहती है यानी अपने अधिकारों का दुरुपयोग करती है।

मैंने यह बात ऊपर बताई है कि चुनाव में गिरे हुये उम्मीदवारों के लिये काउंसिल बनायी गयी है। इसके अलावा जिनको चुनावों में असेम्बली की सीट नहीं दी जाती उनको मनाने के लिये यह आश्वासन दिया जाता है कि आप नाराज न हों आपको काउंसिल में सीट दी जायेगी। इस कारण लोकतन्त्र नहीं चल सकता क्योंकि ऐसा करना लोकतन्त्र के लिये खतरनाक है। इसलिये मेरा यह स्पष्ट मत है कि विधान परिषदें खत्म की जायें, लेकिन यदि आप उनको रखना चाहते हैं तो उसके लिये मैं दो तीन प्रस्ताव रखना चाहता हूँ।

१. काउंसिल का चुनाव भौगोलिक दृष्टि से न हो कर व्यावसायिक क्षेत्र से हो;

२. नामिनेटेड मेम्बरों की नियुक्ति न की जाये; और

३. चुनाव में गिरे हुये उम्मीदवारों को काउंसिल के लिये खड़ा होने का अधिकार न हो।

Shri Yadav rose.

Mr. Deputy-Speaker: His amendment is out of order. He may speak for a few minutes.

Shri Jadhav (Malegoan): On a point of information. Did you call Yadav or Jadhav?

Mr. Deputy-Speaker: I have called the hon. Member who has tabled the amendment.

Shri Jadhav: I have also tabled amendment No. 66.

Mr. Deputy-Speaker: I have called this hon. Member who has tabled amendment No. 2.

Shri Yadav: My amendment is No. 1.

Shri Braj Raj Singh (Ferozabad): No. 2 is in my name.

Mr. Deputy-Speaker: Amendment No. 1 is all right. I was speaking about amendment No. 2 perhaps by overnight. Shri Yadav may speak.

श्री यादव : सब से पहले तो उपाध्यक्ष महोदय, मैं आपको धन्यवाद देना चाहता हूँ कि आपने मुझे बोलने का मौका दिया।

उपाध्यक्ष महोदय : बहुत थोड़ा समय है इसलिये आप धन्यवाद पर उसे खर्च न कीजिये।

श्री यादव : उपाध्यक्ष महोदय, यह जो विधेयक सदन के सामने प्रस्तुत है इस में मेरा एक संशोधन है। मैं इस बिल का उसूलन विरोध करता हूँ और माननीय सदन से निवेदन करना चाहूंगा कि इस विधेयक को जनता की राय जानने के लिये घुमाया जाये और यह कहता हूँ कि सन् १९५७ की दिसम्बर की ३१ तारीख तक वापस आ जाना चाहिये।

माननीय मंत्री महोदय ने जब इस विधेयक को सदन के सामने प्रस्तुत किया तो यह कहा था कि यह विधेयक कांट्रोवर्शियल नहीं है परन्तु मैं आपके द्वारा इस सदन से निवेदन करूंगा कि स्वतन्त्रता प्राप्ति के पूर्व कांग्रेस का निर्णय और कांग्रेस द्वारा निमित्त कमेटियां जिन्होंने इस मामले में छानबीन की उन्होंने भी यह अपनी राय दी है कि यह दो सदन वाला लेजिस्लेचर नहीं होना चाहिये। उसके बाद फिर सन् १९५३ में बम्बई लेजिस्लेचर का भी जो प्रस्ताव था उससे विदित होता है कि वहां की जनता, माननीय सदस्यगण और कुछ बड़े और विवेकी पुरुष इसके खिलाफ थे। इसके बाद मैंने अभी आदरणीय बीरबल जी की बात को सुना। वे भी कांग्रेस के

[श्री यादव]

है। वे उत्तर प्रदेश के हैं। उनका एक विशेष स्थान है और वह एक महान और योग्य पुरुष हैं। उनके भी ऐसे विचार सुने। इसी तरह से इस सदन में जो अनेकानेक दल हैं उनके भी सदस्यों की राय सुनी। और मैं यह निवेदन करना चाहूंगा कि केवल इस माननीय सदन के माननीय सदस्यों की राय इस विधेयक के खिलाफ नहीं है बल्कि इस सदन के बाहर भी देश के अन्दर जो बड़े और प्रभावशाली लोग हैं और जो जानकार लोग हैं उनकी भी राय यह है कि बाई-केमेरेल लेजिस्लेचर की पद्धति को कम से कम राज्यों में समाप्त किया जाये। इसलिये मैं चाहता हूँ कि बाईकेमेरेल लेजिस्लेचर नहीं होना चाहिये।

अभी अभी जब मंत्री महोदय ने यह प्रस्ताव प्रस्तुत किया तो यह कहा कि यह जो प्रस्ताव प्रस्तुत हो रहा है उसका एक मूल कारण तो यह है कि संविधान उन पर यह जिम्मेवारी डालता है इसलिये वे इसे लाने के लिये विवश हैं। उन्होंने यह भी कहा कि स्टेट्स ने भी मांग की है, इसलिये हम इसे पास करने जा रहे हैं। मैं निहायत अदब के साथ निवेदन करूंगा कि सदन में स्टेट्स रिआर्गनाइजेशन बिल जो पेश किया था उसमें तो बम्बई या मध्य प्रदेश में इस तरह की लेजिस्लेटिव काउंसिल की स्थापना करने के लिये राज्यों की कोई मांग नहीं थी। इसके प्रतिरिक्त मैं सन् १९५३ के बम्बई विधान सभा के प्रस्ताव के बारे में मंत्री महोदय का ध्यान खींचना चाहता हूँ। फिर मैं सदन का ध्यान संविधान की धारा १६६ की ओर खींचना चाहता हूँ। उसमें ये सीधे शब्द हैं कि पार्लियामेंट चाहे तो इस तरह की व्यवस्था कर सकती है, कोई जबरदस्ती नहीं है। यह जरूरी नहीं है कि यदि कोई विधान सभा यह प्रस्ताव पास कर दे तो यह पार्लियामेंट ऐसा करने के लिये मजबूर है। यदि इसका यह अर्थ लगाया

जाये कि पार्लियामेंट ऐसा करने के लिये बाध्य है तब तो इस पार्लियामेंट की सार्वभौमिक सत्ता पर एक जबरदस्त आघात होगा। तो ऐसी बात नहीं है। संविधान की इस धारा १६६ के अन्तर्गत एक व्यवस्था और है वह यह कि पार्लियामेंट अग्रर चाहे तो बाईकेमेरेल लेजिस्लेचर के सिस्टम को समाप्त कर सकती है।

एक बात उठायी जा सकती है इस सम्बन्ध में कि अग्रर विधान सभायें ऐसे प्रस्ताव पास करें। आज केरल को छोड़ कर भारत के समस्त राज्यों में किसका राज्य है? वहा पर कांग्रेस का बहुमत है। उन्ही के हाथों में वहा की सरकारें हैं। आज केन्द्रीय सरकार और राज्य सरकारें यह चाहती हैं कि हमारे खर्च में कमी हो। आज हम एक कठिन समय से गुजर रहे हैं और जनता पर मनमाने ढंग से टैक्स लगा रहें हैं। किस लिये? इसलिये कि हमारी पंचवर्षीय योजना चल रही है, हमको उसे पूरा करना है, उसके बगैर हम जी नहीं सकते। पिछले दिनों हमने देखा कि बर्ड क्लास के पैसंजर्ज के फ़ैर्यर्ज को, जो कि पहले से ही बहुत बड़े हुये थे, फिर बढ़ा दिया गया। आन्ध्र प्रदेश में पहले कभी भी बाई-केमेरेल लेजिस्लेचर नहीं था, परन्तु अब वहां पर लेजिस्लेटिव काउंसिल स्थापित करने की व्यवस्था की जा रही है। इस के समर्थन में वहा के प्रस्ताव का हवाला दिया जाता है। होगा कोई प्रस्ताव। परन्तु मैं इस सदन के सदस्यों से और माननीय मंत्री से पूछना चाहता हूँ कि आज तक आन्ध्र प्रदेश में विधान परिषद् नहीं थी, तो उसका अहित हो गया? उस पर कौन सी मुसीबत का पहाड़ टूट पड़ा? सभी काम वहां पर ठीक तरह चलते रहे हैं। उत्तर प्रदेश का लेजिस्लेटिव काउंसिल में स्टेट्स की संख्या ७२ है, लेकिन अब उस की बढ़ा कर

१०८, किया जा रहा है। मैं पूछना चाहता हूँ कि आखिर इस सब का मतलब क्या है? स्पष्ट है कि इससे खर्च बढ़ेगा, जो कि लाखों और करोड़ों में जाएगा। यह सब कुछ इस तथ्य के अग्रजुद किया जा रहा है कि पंच-वर्षीय योजना के लिए हम को एक एक पैसे की, जो कि हम जुटा सकते हों, जरूरत पड़ेगी। अगर सरकार वाकई पंचवर्षीय योजना को सफल बनाना चाहती है और उसके विषय में ईमानदार है, तो उसका कर्तव्य होना चाहिए कि वह प्रस्तुत विधेयक को वापस ले। अगर वह इसको वापस नहीं लेना चाहती है, तो फिर उसको यह बात समझ लेनी चाहिए कि यह एक कांग्रेसियल बिल है, देश की जनता इसको पसन्द नहीं करती है और इस सदन के माननीय सदस्य भी नहीं पसन्द नहीं करते हैं। मैं तो यहाँ तक निवेदन करना चाहता हूँ कि अगर इस सम्बन्ध में नियंत्रण की बात न हो, डिसिप्लिन की बात न हो, तो सत्तारूढ़ दल के अधिक सदस्य भी इसका विरोध करेंगे। इसलिए इसके बारे में जनता की राय जानना आवश्यक है।

इस बिल में एक व्यवस्था यह की गई है कि गवर्नर के द्वारा विधान परिषदों में सदस्य नामिनेटिड किए जायेंगे। इसका मतलब क्या है? जो लोग चुनाव में नहीं जीते हैं, उनको विधान परिषदों में लाने के लिए यह व्यवस्था की जा रही है। आज कांग्रेस दल एक ऐसा बड़ा दल है, जहाँ पदों के लिए, टिकटों के लिए और दूसरी सुविधाओं के लिए दरवाजे खटखटाए जाते हैं। अभी अभी आम चुनाव हुए हैं और माननीय सदस्यों ने देखा होगा कि टिकटों के लिये जितनी परेशानी थी। वह पहला नाटक शायद खत्म हो गया और अब माननीय मंत्री महोदय कुछ लोगों के लिए व्यवस्था करने के लिए, उनको कांसिल में ले जाने के लिए यह दूसरा नाटक कर रहे हैं। कला के नाम पर, विशेष हितों को प्रतिनिधित्व देने के नाम पर कुछ लोगों को, जिनको असेम्बली में न भेजा जा सका, या जो चुनाव में हार चुके हैं, विधान परिषदों

में स्थान देने के लिए नामिनेशन की व्यवस्था की गई है। किसी भी देश में, चाहे वह भारतवर्ष हो या कोई अन्य देश, जो पढ़े लिखे लोग होते हैं, खास तौर से कवि, लेखक और नाटक-रचयिता, जो कि स्वतंत्र विचारों के हुन्ना करते हैं, जिनसे देश का कल्याण हुन्ना करता है, सरकार उनको भ्रष्ट करने के लिए और अपने पक्ष की ओर अपने मन की बात कहलवाने के लिए ही नामिनेट कर के कांसिल में भेजती है।

मैं यह भी निवेदन करना चाहता हूँ कि हम तो इस देश में डायरेक्ट डेमोक्रेसी चाहते हैं। हम चाहते हैं कि लोगों को सीधा प्रतिनिधित्व मिले। इनडायरेक्ट डेमोक्रेसी कोई अच्छी और सन्तोषजनक चीज नहीं है। आज इन विधान परिषदों के द्वारा क्या हो रहा है? कहा जा सकता है कि इनके बिना डिस्ट्रिक्ट बोर्ड, म्यूनिसिपल बोर्ड, नोटिफाइड एरिया कमेटी, टाउन एरिया कमेटी और पंचायतों इत्यादि को रिप्रेजेंटेशन कैसे मिलेगा, अध्यापकों को रिप्रेजेंटेशन कैसे मिलेगा। मैं यह पूछना चाहता हूँ कि अगर यह सरकार जरा भी ईमानदार हो, उसको सोशलिस्टिक पैटर्न आफ सोसायटी के आदर्श का जरा भी ख्याल और लिहाज हो, तो फिर वह डीसेंटलाइजेशन आफ पावर-सत्ता का विकेंद्रीकरण—करने के लिए क्यों नहीं कदम उठाती। क्यों न डिस्ट्रिक्ट बोर्ड, म्यूनिसिपल बोर्ड और अन्य ऐसी संस्थाओं को पूरे अधिकार दिए जायें? क्यों न वही शिक्षा का संचालन करें और सारा राज-काज चलायें? अध्यापक उन्हीं में जा कर शिक्षा के विषय में अपनी राय दे सकते हैं। मैं यह निवेदन करना चाहता हूँ कि इस सम्बन्ध में सरकारी पार्टी की या उन माननीय सदस्यों की, जो कि इस बिल के समर्थक हैं, जितनी भी दलील है वे बिल्कुल शोबी और बेमतलब हैं। आज पैसे की बहुत कमी है। आज हम भूखे हैं, पैसे पैसे के लिए मोहताज हैं, पैसे के लिए हम अमरीका और रूस के सामने हाथ पसारते हैं। इस अवस्था में वह साहाना खर्च, यह राजसी ठाट-बाट देख,

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कर लोगों को हम लोगों की ईमानदारी पर शुबहा होता है। यह सब देख कर भारतवर्ष के जनसाधारण के मन में बड़ा क्षोभ पैदा हो रहा है। जब हम दो जवानों वाली बात करेंगे, तो वे हमारी ईमानदारी पर शुबहा करेंगे। एक तरफ तो फिज़ूलखर्ची को बुरा बताया जाता है और पंचवर्षीय योजना के नाम पर गरीब लोगों पर टैक्स लगाया जाता है और दूसरी तरफ नए नए खर्चों वाली मदें लाई जा रही हैं, जिन का कोई मतलब नहीं है, जो अनावश्यक हैं और जिनसे कोई फायदा होने वाला नहीं है।

उपाध्यक्ष महोदय, एक बात की तरफ मैं और इशारा करना चाहता हूँ। लैजिस्लेटिव कौंसिल के विषय में एक व्यवस्था यह है कि हर दो वर्ष के बाद कौंसिल के एक तिहाई सदस्य छंट जायेंगे—सारे के सारे नहीं। आम चुनाव पांच वर्ष के बाद किए जाते हैं। एक आम चुनाव सम्पन्न हो चुके हैं। हो सकता है कि अगली बार सत्ताएँ दल सफल न हो, वह समाप्त हो जाये और कोई दूसरा पार्टी उसके स्थान पर आ जाये, परन्तु उस समय कौंसिल में अधिकतर सदस्य उसी दल के होंगे—सिर्फ एक तिहाई छंटेंगे। क्या इस तरह हर बात में अगड़ा नहीं चलेगा। लोअर हाउस में तो किसी नई पार्टी का बहुमत होगा और कौंसिल में पुरानी पार्टी द्वारा चुने गए सदस्य होंगे। लाजिमी है कि इस व्यवस्था में बहुत सी त्रुटियों होंगी।

इन कारणों से मैं चाहूँगा कि इस बिल को, जो कि हर तरह से कांस्टीट्यूशनल है, जनता की राय जानने के लिए सर्कुलेट किया जाये। इसमें गवर्नर द्वारा नामीनेशन जैसी कई प्रतिनियमावादी धारयें सम्मिलित की गई हैं, जिन को निकाल देना चाहिए। इन शब्दों के साथ मैं इस सदन से और माननीय मंत्री महोदय से निवेदन करूँगा कि इसी बारे में कोई बड़ी जल्दी नहीं है। अगर कांजिस्ल्यू स्थापित करनी जरूरी है, तो हमारा स्थान

है कि १९६० तक तो कांग्रेस पार्टी यहाँ रहेगी ही, इसलिए इस बिल को बाद में भी लाया जा सकता है। फ़ाखिर कौन सी जल्दी है? कौन सा पहाड़ टूट पड़ा है? कम से कम द्वितीय पंचवर्षीय योजना को समाप्त हो जाने दीजिए। अगर उसके बाद इस पर विचार किया जा, तो बड़ा अच्छा होगा।

The Minister of Law (Shri A. K. Sen): Mr. Deputy-Speaker, I oppose the motion for circulation of the Bill and also for reference of the Bill to a Select Committee and I would ask the House to pass the motion moved by me to take the Bill into consideration.

The arguments advanced in favour of the motion for circulation and against the motion moved by me have been many. But, there has been one main feature throughout the discourse here which appears to me the strongest argument against the Bill. It is that we do not have any need for second chambers. I have said while moving the motion for consideration that such an argument would not be strictly relevant for the purpose of the discussion of the present Bill. Second chambers have been created by the Constitution and reiterated by the States Reorganisation Act. We are only giving effect to certain provisions in the Constitution, especially the Seventh Amendment. I have not really appreciated the arguments that the establishment of second chambers is basically wrong. Whether it is or is not would be relevant only for any future amendment of the Constitution or any Bill which seeks to abolish the existing councils in States which enjoy them.

Mr. Deputy-Speaker: The hon. Members have said that they referred to the one new council which was sought to be established.

Shri A. K. Sen: I am coming to that, Sir. As rightly pointed out by

the Hon'ble Deputy-Speaker those who advanced these arguments had sought to establish this relevancy on the ground that we were seeking to establish a council for the first time in the Andhra Pradesh. It is, therefore, necessary to state once again the reason why in the Bill we have provided for the creation of a council for Andhra Pradesh. The Constitution had specifically mentioned certain big States as those which would be enjoying second chambers. Among those was included the State of Madras as it originally was before its disintegration. Andhra Pradesh which was an integral part of the old State of Madras had been enjoying a particular territorial representation in the council in the Madras State before it was disintegrated.

When the new State of Andhra Pradesh was created, it was not really a question of establishing a new council. It was giving effect to the representation which they had in Madras by way of representation in the upper house. When the State of Madras became less territorially, that old State continued to enjoy a second chamber whereas the territories taken away from the old State of Madras and forming part of the new State of Andhra Pradesh were deprived of their representation which they had been enjoying in the upper house in the Madras State. That is why it was felt that consistent with the principles laid down by the Constitution and the States Reorganisation Act, it was not proper to take away the privilege enjoyed by that part of Madras now known as Andhra Pradesh together with the territories taken from Hyderabad. It is, therefore, not a question of setting up a Council for the first time for that territory and giving effect to a representation which they were not already enjoying under the altered circumstances, I am sure, the House will agree with me that while the old State of Madras, truncated as it is, would be enjoying its own Second Chamber, there is no reason whatsoever—fundamentally or otherwise—to deprive the

new State of Andhra Pradesh, composed mainly of territories which formed part of the old State of Madras, of their old privilege of having a second chamber. As I said, whether it was originally right or wrong to have a second chamber in certain States is not relevant for the purpose of our present discussion. It is necessary, however, to state a few points on principle because a good deal of argument has been advanced apparently based on certain high and noble principles.

It has been said that Second Chambers are basically wrong, though it may be necessary to have a Second Chamber at the Centre in a Federal State. But I suppose those hon. members who have been attacking second chambers in the States had felt pangs of conscience while they looked on their left or right to the Rajya Sabha here and thought that their attacks against Second Chambers might really overcome those whom we love and respect, and whose counsel we cherish, and who are very near us at the Centre.

Therefore, a certain contradictory argument was introduced which seemed to differentiate Second Chambers at the Centre from Second Chambers in the States on the basis that a Second Chamber at the Centre was necessary in a Federal State.

Sir, I submit that that argument is basically unsound and ignores the premises on which it is based. A second chamber in a Federal State like the United States of America or Australia or Canada, where it is known as the "Senate" is based on the principle that every State forming part of the Federation must have equal representation at the Centre. This fundamental premise from which that argument or that principle proceeds is that every State is equal in a Federal State. It has equal rights and therefore there must be some structure which recognises that principle and gives equal representation to the States as such. That is why in the United States Senate, every State,

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whether it is big or small, whether it has a population which may be very small compared to others, has equal representation. Same in Australia; same in Canada. But, here, Sir, the Second Chamber set up at the Centre is fundamentally different. We have not recognised the principle of equality of representation for every State, big or small. The Fourth Schedule forms the basis of representation of the Upper House at the Centre, and it negatives the principle of equality of States so far as the Indian Constitution is concerned. Therefore, to draw the analogy from America, Australia or Canada would be absolutely fallacious in supporting a Second Chamber in the Centre while attacking Second Chambers in the States.

Shri T. K. Chaudhuri (Berhampore): Is it the contention of the Hon. Minister that our Second Chamber here negatives also the principle of representation of States?

Shri A. K. Sen: I said that it negatives the principle of equality of representation of States. In regard to representation of States, certainly, the Fourth Schedule speaks loudly for it.

Shri Dasappa (Bangalore): How does the Hon. Minister propose to see that the States as such are represented here in Parliament?

Shri A. K. Sen: Look at the Fourth Schedule. That is the Upper House.

Shri Dasappa: The Upper House is necessary. There are the States to be represented.

Shri A. K. Sen: There is the argument which says that the Second Chamber at the Centre is all right but that Second Chambers in the States are not all right. I am attacking that argument as basically fallacious.

Shri Dasappa: We still have States to be represented in the Upper House here at the Centre.

Shri A. K. Sen: There are others. The States have the local authorities

to represent. It is no use laughing over it. Some special constituencies are mentioned in the Constitution and we must pay our deference to those principles, until that principle is changed.

Therefore, my submission is that for a very good reason we must take it for granted that the Constitution thought it proper to establish a Second Chamber at the Centre and in certain big States and for the future, in certain States, which might desire a Second Chamber and which Parliament may bring in by appropriate legislation.

As for the Andhra State, I have already mentioned that it is not a case where a new Council is created for the first time. It is a case where a part enjoying representation though an Upper House is being granted that privilege which it has enjoyed while it was part of another State.

Now, Sir, the second point on which the Bill has been attacked has come from Shri T. K. Chaudhuri supported by Shri Assar and Shri Chavan. It is always pleasing even to hear attacks which come from Shri T. K. Chaudhuri because they are always polished. One does not feel that the attack has come because it is so garbed, so nicely cushioned. I always enjoy his attacks because they are never rude, they are never curt. According to him, we have cleverly introduced this Bill in order to find a check in the Constitutional wall through which our patronage may flow, and by such process we might bring into power or into Parliament or the State Legislatures those who would not otherwise be fit or who would not otherwise be chosen to represent the people. That would be a highly correct and an unanswerable argument, if we had chosen to increase the nominated elements in the composition of the Upper Houses. In that case one might imagine that would be the way through which patronage may flow, because the other elements composing the Upper Houses would be coming from their respective consti-

tuencies only by the process of election. They have to be elected by the Legislature, by the local authorities, by the graduates and by the teachers. Those are constituencies created by the Constitution to help their representatives to represent their special views in the Upper House. How can the Government or any ruling party get their patronage expressed in concrete forms through those constituencies, unless they can carry those special constituencies with them in the matter of election? If we had tried to increase the representation of the nominated cadres at the expense of the elected elements, such an argument would have been justified. When we have made it perfectly clear that we have gone to the extent of changing the composition as laid down by Article 171 so as to keep the nominated element constant and giving a greater representation to the elected elements, such an attack is, Sir, unkind and unjustifiable. My submission is this. The motives of the Government which have been challenged by some hon. members are perfectly clear. Such a challenge has no foundation and I am constrained to say that those attacks have been chosen because better attacks have not been found possible.

The matter is very simple, as I had said at the very out-set. I said at the very out-set that certain changes were wrought for large scale transformations of certain States which had enjoyed second Chambers. The second fact is that the local legislatures, the State legislatures, had also undergone changes by reason of that fact and by reason also of the fact that due to special delimitations before the last general election as a result of increase in population the sizes of the respective legislatures have increased. Once you accept the principle that the Council must reflect a certain percentage of the composition of the legislature, of the Legislative Assemblies of the different States—and we must accept that principle as the only principle laid down in the Constitution—there is no

escape from the fact that while you increase the number composing the State Legislatures, you must at the same time give increased representation in the Upper House. There is no escape from that position.

Now, somebody said—I forget who it was, I think it was the hon. Member Mr. Das—that he found no reason why we have increased the number in certain States where there had already been second chambers. He said that the Seventh Amendment only prescribes a ceiling; it does not give a licence for increasing it, at any cost up to that ceiling. My answer is: what was the fun in increasing the ceiling from one-fourth to one-third, if it was not contemplated then that with the growth in the number composing the State legislature, such an increase must reflect itself in the Council, and the Constitutional fetter of the ceiling of one-fourth may come in the way. There was no fun in raising the ceiling unless it was intended at the same time that the increase might go beyond one-fourth. This House, along with the States, was not indulging in a Constitutional amendment for the fun of it. They knew that after the elections of 1956-57, the size of the local legislatures would be increased and that must reflect in the composition of the upper House. This limit might hamper such a constitutional reform and therefore the ceiling was raised.

Now the very fact that we have not taken advantage—we never wanted to take advantage of any enabling provision—of the ceiling by raising the strength up to the maximum—shows that we have really followed what was contemplated, namely that in order to give effective representation in the upper House in accordance with the constitutional provisions embodied in our Constitution it might be necessary to increase the ceiling beyond one-fourth and that is what exactly we have done. We have been accused here that in Bihar the increase is not exactly equivalent to one-third of the local legislature. It is so everywhere. We have gone beyond one-fourth, but have not gone up to one-

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third. We have kept to the spirit of the amendment. Now, Sir, that answers Mr. Das's argument.

Then it was pointed out in the case of Andhra that there may be local authorities which are not elected bodies. So far as the Constitution is concerned, it has chosen certain special constituencies for the upper Houses, one of these being the local authorities. How the local authorities are to be constituted, is a matter entirely for the respective States. If in certain States the elective element has been whittled down or abolished, or possibly not increased as much as it ought to be, it is a matter for that particular State legislature to rectify. It has been said that in Andhra the Congress is in power and they want to abolish all the local authorities and through these local authorities they want to get their dummies into the upper House. Well, Sir, I hope that there would be some party more concerned with local authorities than the Congress in future in Andhra.

Shri Nagi Reddy: Oh God!

An Hon. Member: Why God?

Shri Nagi Reddy: Because it is not a case in reality.

Shri A. K. Sen: I thought you believed more in your powers than in God. There is a Bengali saying about the name of God being in the mouth of unbeliever.

It is nice to hear the name of God occasionally in this agnostic age.

Mr. Deputy-Speaker: If the unbeliever comes round why should we not welcome him?

Shri A. K. Sen: It is very refreshing.

Any way we live in a democracy. If one party has been running roughshod over local authorities I am sure the people are robust enough to throw them out. But if they are brought back to power, it shows they are not doing it.

Shri Nagi Reddy: They will do it.

Shri A. K. Sen: I hope so. We shall be very glad if they do that. In this country, fortunately, we have a machinery by which the ruling party can be thrown out which cannot be said of every country.

An Hon. Member: A very old story!

Shri A. K. Sen: Very old, but a very living story.

Now, Sir, I say, therefore, the appeal should be to the local electorate, to the local legislature rather than here, because we have chosen under the Constitution certain special constituencies, namely local authorities and they must be the units through which election to the upper House has to be effectuated.

The next point taken was by the hon. Member Mr. Naga Reddy. He quoted the example of America, USSR and some other countries. About America I have already dealt with. About USSR, frankly speaking, apart from reading the constitution in its barest details, I have not investigated the constitution further. But I am sure the hon. Member will agree with me that the structure of the constitution there is fundamentally different from ours. There is one-party rule there. The State is equated with the party and election hardly exists and we have not yet convinced ourselves that that is a better form of constitution than ours.

Shri Nagi Reddy: On a point of information, We were talking of second chambers. USSR has a second chamber at the top but not in the sub-nations, like Ukraine, Georgia, etc.

Shri A. K. Sen: In the absence of free elections, whether it is one chamber, two chambers or three chambers, it is the same.

Now, Sir, Mr. Naga Reddy questions our motives.

Mr. Deputy-Speaker: Mr. Nagi Reddy.

Shri A. K. Sen: Very well, Mr. Nagi Reddy. Naga is masculine; Nagi is feminine. That explains my mistake.

He questions our motives again. He said it is only political consideration which has induced the Government to undertake this measure. It is an attack which frequently confronts us. We can only say that the people believe that we are not actuated by

political considerations only and that is why the party which rules today has been returned to power. The moment we change our ideas, our considerations and our motives, I have not the slightest doubt that we shall be voted out of power and my hon. friend over there would be voted to power for better ideals, better motives and better considerations.

Now, Sir, I have been impressed by the arguments put forward by Mr. Assar on a particular matter. He says that trade, industry and other special interests should have been given representation. That argument has its merits, because in many countries, as we know, the system of functional representation, which was mentioned by Mr. Sharma yesterday, has been preferred to representation territorially or otherwise, that is, the type of representation that we have chosen for ourselves. But, Sir, a perusal of the records of the Constituent Assembly would show beyond doubt that that question was finally rejected by the Constituent Assembly as not proper to be accepted by us. This was debated for a fairly long time as to whether we should have special interests like trade, industry and labour—I should certainly mention labour along with trade and industry—to bring their special interests into the picture by representation in the Upper House. But unfortunately those that favoured that view were in a minority in the Constituent Assembly. The Constituent Assembly while rejecting that principle accepted the one under which we are holding our elections today for the Upper House. For good or bad, we must accept that principle as binding and proceed accordingly in framing our measure.

Sir, one further point which needs to be mentioned and I shall be confining myself to the limit prescribed by you. That was mentioned, I think, by Mr. Chavan and Mr. Yadav. Both of them said that there was an old resolution—we have forgotten about it now. They have succeeded in raking it up from the archives of the Bombay Legislative Assembly—passed in 1953. I have not, frankly, read it, but I take the version given by the hon. Members as correct. It is said that the Bombay Legislative Assembly by that resolution recommended the abolition of the Second Chamber so far as Bombay is concerned. Much water has flown down the Ganges since then! That old State of Bombay no longer exists. That old Legislature no longer exists. It is a new State of Bombay formed under an Act passed by this Parliament only last year by which it was directed that a new Council should be constituted immediately after the reorganisation of the Bombay State. It was the collective wisdom of this House which I suppose is enough to supersede such an odd resolution passed by an odd Assembly. Pursuant to that Act, as I said in my very opening speech, we were compelled to provide in the new Bill for the constitution of a Council in the Bombay State, that is the new Bombay State. What is the use of thinking of old resolutions when this House has negated them and the newly elected House of Bombay has passed a fresh resolution recommending the constitution of a Council as early as possible?

I think that finishes my reply to the various points raised by hon. Members. I am extremely grateful to them for the keen interest they have shown and I am confident that this House will accept my motion.

Shri Dasappa: What about Mysore? You have not said anything.

Shri A. K. Sen: The hon. Member wants to know about Mysore. Hon. Members have no doubt noticed that for the Punjab we have provided the delimitation of constituencies in the Bill itself. In the Bill we have

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introduced and which we have been discussing from yesterday we did not provide similarly for Bombay and Mysore. I am accepting the suggestion coming from Mysore and Bombay now.

Shri Mohamed Imam: You are moving a separate amendment, is it not?

Shri A. K. Sen: Yes. I referred to this because Mr. Dasappa mentioned it.

Shri Mohamed Imam: Mr. Dasappa is not the only representative from Mysore.

Shri Dasappa: He did not mention Mysore.

Mr. Deputy-Speaker: Order, order.

Shri A. K. Sen: He is one and I am answering his queries. He may not be the only one but he is certainly one who is entitled to respect. And I am only, in deference to his query, saying that we are moving a separate amendment for that purpose.

Mr. Deputy-Speaker: I will put the amendments first. Amendments No. 1 and No. 68 are identical. Therefore only one shall have to be put. I will put amendment No. 1 in the name of Mr. T. C. N. Menon

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st of December, 1957."

The Lok Sabha divided.

14-36 hrs.

[MR. SPEAKER in the Chair.]

**Shri Pramathanath Banerjee (Con-
 tai):** Sir, there is a mistake
 Division No. 32]

Mr. Speaker: If there is a mistake I shall ignore it.

Shri Sadhan Gupta (Calcutta-East):
 The vote should be recorded correctly.

Mr. Speaker: What does the hon. Member want to vote for?

Shri Pramathanath Banerjee: I want to vote for 'Ayes'.

Mr. Speaker: Hon. Members will kindly note that a photostat copy will be hung up outside. If there is any mistake, it may be brought to my notice. Then I will put it correctly in the official records. But there should not be any after-thought in this matter. Immediately a mistake is committed, if it is brought to my notice, I am prepared to accept it. Now Shri Pramathanath Banerjee has voted for 'Noes'. That has to be corrected into 'Ayes'. The result of the division

Shri S. L. Saksena (Maharajganj):
 I have also committed a mistake.

Mr. Speaker: I cannot excuse the mistake on the part of the hon. Member. He has been a Member of Parliament for a number of years. I can excuse if a new member has done it.

Shri Nagi Reddy: His machine is out of order.

Mr. Speaker: We are all either small or big machines and machines sometimes do go out of order. Now the result of the division, after including the name of the hon. Member, is as follows:

Ayes 52; Noes 134. So the amendment is lost.

[14.40 hrs.]

AYES

Assar, Shri
 Awasthi, Shri
 Banerjee, Shri Pramathanath
 Beck, Shri Ignace
 Bhedauria, Shri
 Bharucha, Shri Naushir

Bray Raj Singh, Shri
 Brij Narayan "Brijesh", Pandit
 Chakravartty, Shrimati Renu
 Chandramani Kulo, Shri
 Chaudhuri, Shri T.K.
 Chavan, Shri D.R.

Dige, Shri
 Elias, Shri M.
 Gaikwad, Shri B.K.
 Ghosal, Shri
 Ghose, Shri S.
 Goray, Shri

Gupta, Shri Sadhan
Imam, Shri Mohamed
Iyer, Shri Eswara
Jadhav, Shri
Kodiyam, Shri
Kumaran, Shri
Kumbhar, Shri
Kunhan, Shri
Majhi, Shri R. C.
Mathur, Shri M. D.
Menon, Shri Narayanankutty

More, Shri
Mukerjee, Shri H. N.
Mullick, Shri B. C.
Panigrahi, Shri
Parmar, Shri K. U.
Parulekar, Shri
Parvathi Krishnan, Shrimati
Patel, Shri P. R.
Patil, Shri Balasaheb
Patil, Shri Nana
Pradhan, Shri B. C.

Ramam, Shri
Rao, Shri D. V.
Reddy, Shri Nagi
Sharma, Shri H. C.
Singh, Shri L. Achav
Siva Raj, Shri
Sugandhi, Shri
Valjpayee, Shri
Valvi, Shri
Yadav, Shri
Yajnik, Shri

NOES

Abdul Lateef, Shri
Achar, Shri
Ambalam, Shri Subbliah
Arumugham, Shri R. S.
Arumugham, Shri S. R.
Ashanna, Shri
Ayyakannu, Shri
Bahadur Singh, Shri
Balakrishnan, Shri
Berman, Shri
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Bhakt Darshan, Shri
Bhargava, Pandit Thakur Das
Bhogi Bhai, Shri
Bidart, Shri
Boroob, Shri P. C.
Botc, Shri P. C.
Brahm Perkaah, Ch.
Chandra Shanker, Shri
Chuni Lal, Shri
Daljit Singh, Shri
Dasappa, Shri
Das, Shri K. K.
Das, Shri N. T.
Das, Shri Shree Narayan
Dindod, Shri
Eacharan, Shri I.
Elayaperumal, Shri
Gaekwad, Shri Patesingh Rao
Ganapathy, Shri
Gandhu, Shri M. M.
Ghosh, Shri M. K.
Gounder, Shri K. P.
Hasda, Shri Subodh
Hem Raj, Shri
Hukam Singh, Sardar
Jain, Shri M. C.
Jangde, Shri
Jena, Shri K. C.
Jhunjhunwala, Shri
Jyotsni, Pandit J. P.
Kannasabai, Shri
Kanungo, Shri

Keshava, Shri
Khumit, Shri
Krishna Rao, Shri M. V.
Lahiri, Shri
Lal, Shri R. S.
Laskar, Shri N. C.
Laxmi Bai, Shrimati
Matti, Shri N. B.
Malliah, Shri U. S.
Malviya, Shri Motilal
Mandal, Dr. Pashupati
Maniyangadan, Shri
Mathur, Shri Harish Chandra
Mehta, Shri J. R.
Mishra, Shri B. D.
Mishra, Shri Bibhuti
Mishra, Shri R. D.
Munisamy, Shri N. R.
Morarka, Shri
Murmu, Shri Paika
Murthuy, Shri B. S.
Naidu, Shri Govindarajulu
Nair, Shri Kuttakrishnan
Nallakoya, Shri
Nanjappa, Shri
Narayanamsamy, Shri R.
Nehru, Shrimati Uma
Nek Ram, Shri
Onkar Lal, Shri
Oza, Shri
Padalu, Shri K. V.
Palchoudhuri, Shrimati Ita
Panna Lal, Shri
Parmar, Shri Deen Bandhu
Parmar, Shri Y. S.
Patel, Shrimati Maniben
Patel, Shri N. N.
Patei, Shri Rajeshwar
Pillai, Shri Thanu
Radhamohan Singh, Shri
Raghunath Singh, Shri
Rajiah, Shri
Rakhmaji, Shri
Raman, Shri C. R. Pattabhi
Ramananda Tirtha, Swami

Rajawami, Shri S. V.
Ramaswamy, Shri K. S.
Ram Subhag Singh, Dr.
Rane, Shri
Ranga, Shri
Rangarao, Shri
Rao, Shri Jaganatha
Reddy, Shri Narapa
Reddy, Shri Ramu
Roy, Shri Bishwanath
Rungsoo Suisa, Shri
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Samanta, Shri S. C.
Sanganoo, Shri
Satyanarayana, Shri
Selku, Shri
Sen, Shri A. K.
Shah, Shrimati Jayaben
Shankaraiya, Shri
Sharma, Shri D. C.
Shastri, Shri Lal Bahadur
Shivananajappa, Shri
Siddiah, Shri
Singh, Shri D. N.
Singh, Shri T. N.
Sinha, Shri Gajendra Prasad
Sinha, Shri Satyendra Narayan
Snatak, Shri Nardeo.
Soren, Shri
Subbarayan, Dr. P.
Subramanyam, Shri T.
Tewari, Shri Dwarikenath,
Thummaiah, Shri
Thomas, Shri A. M.
Tiwari, Shri R. S.
Tiwary, Pandit D. N.
Tula Ram, Shri
Umrao Singh, Shri
Upadhyaya, Shri Shiva Datt
Venkatasubbalah, Shri
Vishwanath Prasad, Shri
Vyas, Shri R. C.
Vyasa, Shri Radhical

The motion was negatived.

Mr. Speaker: So, I take it that other amendments Nos. 3, 66, 67 and 79 for circulation are being withdrawn. Have the hon. Members the leave of the House to withdraw those amendments?

The amendments were, by leave, withdrawn.

Mr. Speaker: I take it that amendment No. 69 is not pressed.

The amendment was, by leave, withdrawn.

Mr. Speaker: The question is:

"That the Bill to provide for the creation of a Legislative Council for the State of Andhra Pradesh and the increasing of the strength of the Legislative Councils of the States having such Councils and for matters connected therewith be taken into consideration."

The motion was adopted

Clause 2.—(Definitions)

Mr. Speaker: The House will now take up clause by clause consideration. Hon. Members from Andhra can say that we do not want a Legislative Council at all for the Andhra State. But, in the case of others, they cannot say: we do not want a Council. We will take up clause 2. I find that there are no amendments to clause 2.

The question is:

"That clause 2 stands part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Creation of Legislative Councils for Andhra Pradesh)

Shri Nagi Reddy: I beg to move:

(i) Page 1—

omit lines 11 to 15.

(ii) Page 1, lines 12 and 13—

omit "a Legislative Council for the State of Andhra Pradesh".

(iii) Page 1, line 15—

omit "Andhra Pradesh".

Shri Yadav: I beg to move:

(i) Page 1, line 16—

for "90" substitute "78".

(ii) Page 2—

omit lines 5 to 7.

Shri Narayanankutty Menon (Mukandapuram): I beg to move:

(i) Page 1, line 16—

for "90" substitute "41".

Shri D. V. Rao (Nalgonda): I beg to move:

(i) Page 1, line 16—

for "90" substitute "45".

(ii) Page 1, line 19—

for "31, 8 and 8" substitute "16, 4 and 4".

(iii) Page 2, line 4—

for "31" substitute "16".

(iv) Page 2, line 7—

for "12" substitute "5".

Shri T. K. Chaudhuri: I beg to move:

(i) Pages 1 and 2—

omit lines 16 to 19 and 1 to 7, respectively.

(ii) Page 2, lines 9 and 10—

for "after consultation with the Election Commission, shall by order" substitute—"shall ask the Election Commission to".

(iii) Page 2, lines 13 and 14—

omit "under each of the sub-clauses (a), (b) and (c) of clause (3) of article 171".

(iv) Page 2, lines 19 and 20—

omit "and of the Representation of the People Act, 1950, and the Representation of the People Act, 1951".

Shri Venkatasubbalah: I beg to move:

(i) Page 1, line 16—

for "90" substitute "96".

(ii) Page 1, line 19—

for "31" substitute "34".

(iii) Page 2, line 4—

for "31" substitute "34".

Mr. Speaker: All these amendments are before the House.

Shri Negi Reddy: There is nothing for me to add to what I have already stated. Yet, I would only say this because I have to reply to a point made by the hon. Minister that the Andhra Pradesh Assembly had passed a resolution to this effect. But, after the Andhra Pradesh Assembly has passed the resolution, the Parliament should also take into consideration the experience that we had for the past so many years in the working of the State Councils and whether they have done us any good.

14-45 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

It is only if there is something useful that something more is to be added to the administrative machinery that we already have. Well, there must be a necessity to add something more to the existing State machinery. At a time when we are concentrating all our efforts to increase our revenues, to increase our efforts to successfully implement the Second Five Year Plan, when we are asking the people to sacrifice so much and tighten their belts and shoulder responsibilities, I fail to understand why we are going to add another Bill for the extravagant expenditure that is already taking place. I wish the hon. Minister will take this into consideration and will not add much more deficit to the already existing deficit of the Andhra State, even though the Andhra State Legislative Assembly might have asked for it. Therefore, I request, at least Andhra might be deleted from this Bill.

Shri Ranga (Tenali): My hon. friend says at this stage that the Bill be withdrawn. If we had any objection to the bi-cameral system of legislature, we would have changed it at the time of making the Constitution. Or we could have changed it the second time when we provided for second chambers in various States. I think it is a bit too late now to ask this House to say that Andhra State should not have its second chamber.

Secondly, the people of Andhra, through their elected representatives in their Legislative Assembly, have already expressed their opinion in favour of having a second chamber. So, I do not think it would be proper for us now to go against the express wishes of the people of that particular area after all that has happened.

Thirdly, I am not quite satisfied with the decision about fixing the number at 90 and not 96. If you look into the provisions of the Bill, you will find that they have given full quota for the teachers and graduates. It is only when we come to the representation to be given to the Assembly members and also to the local boards that we find the reduction in the number given to the Andhra's second chamber has affected them. It limits their interests too. I would like to know whether it is too late already for the Government to amend it suitably so that the number could be raised from 90 to 96, as was asked for in the Andhra Legislative Assembly.

I began to entertain a doubt yesterday whether provisions made in this particular Bill would really affect the right of the members of the local boards i.e., district boards, major panchayats and minor panchayats, to take part in this election, after having been elected to their panchayats. I consulted the Law Minister and also the original Act of 1950 and I found that they are entitled to the franchise. Therefore, I sincerely hope that in order to make this proposed second chamber much more representative than it is proposed here, it would be a good thing to increase the strength, because then the elected representatives of the local Assembly and also the elected representatives of the Panchayats, major and minor, and the district boards would come, together, to have a greater quantum of representation than proposed in this Bill.

Swami Ramananda Tirtha (Aurangabad): I did not want to participate in the discussion, but after hearing the arguments of my friend opposite, Shri Nagi Reddy, I wish to say a few words.

[Swami Ramananda Tirtha]

It is too late in the day to dispute the relevancy or otherwise of having second chambers in the country since we have accepted that already, and it is only an appeal from Phillip sober to Philip drunk. Therefore, it is not correct now to say that we should not have second chambers.

In regard to Andhra State, Shri Nagi Reddy has stated that because of the representation given to the district boards and certain other municipalities which have been superseded, the elective principle suffers and therefore this Bill should be held up. The law Minister has already stated that that is not the proposition before the House. I can very well appreciate and also re-raise the difficulties which Shri Nagi Reddy had in mind in regard to the composition of the Legislative Council in the new Andhra State. Well, if there is any inconsistency or lacuna or defect, it has to be rectified there in the State. I can understand that there should not be representatives elected by non-representatives of the people. That is perfectly correct, and I hope the Andhra Government and the Andhra State Assembly will see to it that before this Legislative Council of the new Andhra State is formed, these defects are removed. But to hold up the passage of this Bill because there are certain defects in the composition of the district boards or the local bodies would be too much.

Certain arguments have been advanced that if this House or the Government wants to show any favour to Andhra State, it should be shown in regard to the developmental schemes and not in regard to the legislature. That is quite a different matter and should not be mixed up with this issue. Andhra State is a vigorous State, and one of the finest States of the Republic of India, and we should not grudge a second chamber to such a State when there are going to be second chambers in other States also. I think the Andhra people are entitled to it and I fully support this.

Shri D. V. Rao: My amendment is for reducing the strength of the Andhra Legislative Council by half.

Most of the local bodies are nominated in the Telengana districts, and in the Andhra part there are advisory councils. Four or five days ago, the Minister of Local Boards in Andhra State, Shri Brahmananda Reddy, stated that Rs. 30 to Rs. 40 lakhs are required for these elections, and due to paucity of funds it is impossible to hold the district board elections, that therefore a suggestion is under consideration that hereafter the NES block advisory councils may discharge the functions of the district boards, that there may be some advisory bodies for the districts and nothing more. When this is the case we cannot expect any elected representatives in the district boards and therefore these nominated representatives electing members of the Legislative Council will be quite undemocratic.

Mr. Deputy-Speaker: There is one difficulty. He will find that article 171 (3) of the Constitution states:

“(a) as nearly as may be, one-third shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify;”

Parliament can specify the other local bodies, but so far as the district boards are concerned, Parliament cannot say that they shall not be represented in the Council.

Shri D. V. Rao: I want to say that such representation will not be proper and democratic. Hence we should reduce the strength of the Legislative Council. That is my point.

Then, elections to the panchayats are going to be completed by the end of the Second Five Year Plan. Now, in the Andhra area of the State, they have some elected panchayats, while in the Telengana area there are two types of panchayats, some partially nominated and others, which are now

coming into existence, fully elected. Therefore, here also the nominated members will take part in electing the members of the Legislative Council, and that will be quite undemocratic. Therefore, to give the full strength to the Council would be harmful and should be reduced to half.

Our Constitution provides that only secondary school teachers and above can take part in these elections, the primary school teachers cannot take part. Therefore, it is no use giving representation to the fullest extent and hence I want a reduction in the strength.

The hon. Minister has stated that as far as possible he is trying to minimise nominated Members. In that connection I have suggested a reduction, that only five should be nominated Members.

Therefore, I request that my amendment may be accepted by the House.

Shri Narayanankutty Menon: I have moved a formal amendment to reduce the strength of the Andhra upper house to 41. I have moved this amendment to record a protest against not only increasing the strength of upper houses in the States, but also against the creation of an upper house in a State where an upper house is not functioning today.

The hon. Minister in commending the Bill for the consideration of the House made that because our Constitution has accepted in principle the functioning of second chambers, in discussing this Bill it is not proper for us nor is it warranted to discuss the merits and demerits of the second chamber itself.

No doubt the Constitution has accepted the principle of second chambers, and this Bill, in accordance with the provisions of the Constitution, is giving a second chamber to this particular State. If in considering this Bill generally or any particular clause of it, discussion about second chambers becomes irrelevant, this Bill should not have been introduced at all.

15 hrs.

About the merits and demerits of the second chambers, that discussion becomes relevant because if we are to support the provisions of the Bill or oppose them, the only relevancy as far as this is concerned, is that of the necessity for the functioning of second chambers. It has been accepted by everyone concerned that the very conception of a second chamber has become antiquated and out-dated especially after the party system of government has come into being. You will find that this House is functioning under the Constitution and there is an Upper House. What, in effect, will happen when a party is in power will be that the party whip will be functioning in the Lower House and naturally the same whip cannot function in a different way in the Upper House. The result will be that the benefit we are supposed to get from a more mature deliberation in the Upper House will be nullified. When during the Second Five Year Plan period we could not afford to have even envelopes for Parliament Members everyday and they have to return them, when austerity measures have gone to that extent, how can we afford to have the luxury of accommodating all these gentlemen in the Upper Houses and spending so much of money. If it is so essential for the functioning of the democratic system of government, certainly at whatever cost we should find a provision for Upper Houses. But when once it is agreed by everyone that in effect this will be a luxury not having anything to do with the purpose of democratic functioning, certainly it is a luxury which we cannot afford.

But as the Andhra Pradesh Assembly has asked for it by a resolution, I am introducing an amendment to keep it to the absolute minimum of 41, so that the purpose of the benefit which, according to the Hon. Minister, may accrue to the Andhra Lower House, the benefit of mature deliberation, and at the same time the purpose of keeping expenditure to the absolute minimum, may be served.

Shri Venkatasubbaiah: My amendment seeks to raise the strength of the proposed Andhra Pradesh Legislative Council from 90 to 96. When we look at the Schedule here, we find that the strength of the Council that has been decided is not all in conformity with the principle of one-third strength of the Legislative Assembly. In my previous speech, I mentioned that the strength of the Madhya Pradesh Assembly is 288 and has been given the same strength as that of the proposed Andhra Legislative Council. My request to the hon. Minister is that since Andhra Pradesh is the fourth largest State with so many interests there and since three different regions come together there, adequate representation should be given and the strength increased from 90 to 96.

Regarding the question of the representative character of local authorities raised by Shri Nagi Reddy, I wish to say that his statement is not entirely correct. So far as the Andhra portion of Andhra Pradesh is concerned, the entire area is covered by panchayats for which elections have been held on the basis of adult franchise and almost all the villages have come under the panchayat system. There is no nominated character in the panchayats. Elections have also been held for the municipalities.

Regarding district boards, our Minister of Local Self-Government was saying the other day that instead of district boards, we should constitute NES Block Committees so that the work in connection with the Second Plan might be carried out more effectively. He did not mention in his speech about the constitution of these Block Advisory Committees, whether they should be on an elected basis or on a nominated basis, because in the NES Block Committees also various panchayats, which have been elected on adult franchise, have representation. So we cannot rule it out and say that these Block Committees are far from having an elected representative character.

I would once again request the hon. Minister and appeal to him to see that

the strength of the proposed Council is increased from 90 to 96.

Shri B. S. Murthy: I just want to say two or three words in regard to what Shri Nagi Reddy was saying about austerity measures, that austerity measures would not allow the Andhras to have the luxury of a Legislative Council. I would like to tell my hon. friend that this is another austerity measure because you will get new talent to sit in deliberation regarding our Second Plan.....

Shri Nagi Reddy: Political pensioners.

Shri B. S. Murthy: Political Jobbery?

Shri Nagi Reddy: Exactly.

Shri B. S. Murthy: I leave it to you, according to your standards, to judge the meaning.

Shri Jaipal Singh (Ranchi—West-Reserved—Sch. Tribes): Is he addressing the Chair?

Shri B. S. Murthy: My hon. friend is not in the Chair.

Therefore, the plan is to get as much new talent as possible that is available in the Andhra State so much so that the welfare of the State will be better cared for and then all the austerity measures could be dispassionately discussed and new methods devised.

Regarding Shri D. V. Rao, he said that the Minister of Local Self-Government in Andhra stated this and that. I do not agree with him. Here in page 11, in the Third Schedule, it has been mentioned—Municipalities, District Boards, Cantonment Boards, City and Town Committees, Class I panchayats and Class II panchayats. Therefore, I do not think it is possible for the Andhra State to postpone the district board elections.

The point that has been engaging the mind of the Andhra Minister is whether to have district boards, as they are at present constituted, or to have a different type of boards which can function better for the welfare of the people.

Shri Nagi Reddy: By nomination.

Shri B. S. Murthy: My hon. friend, Shri Nagi Reddy, thinks of nomination. In his Party, there is nothing but nomination.

Shri Nagi Reddy: We are talking of a State of affairs in Andhra where the Minister has come forward to say that he is keen to nominate district boards. That is a fact.

Mr. Deputy-Speaker: Can he continue to make a speech while sitting?

Shri B. S. Murthy: I am only giving back in the same coin. Elections are there; selections are there; nominations are there. These are varieties. My hon. friend, Shri Nagi Reddy, knows only of nomination, nothing but nomination. We shall have all these. Therefore, we shall certainly have elections to district boards.

Mr. Deputy-Speaker: He may be brief now.

Shri B. S. Murthy: The third point I want to make is this. In the list of the proposed strength of each State, for Bihar they proposed 96 with a 318-Member Legislative Assembly, and for Madhya Pradesh, the figures are 90 and 288. I think this is a very unjust dispensation and I consider that in view of the vastness of the area and the large proportion of people inhabiting that part of the country now known as Andhra Pradesh, full justice should be done and the strength that has more or less unanimously been requested by Andhra Pradesh through its Legislative Assembly should be granted. When U.P. asked for 108 seats, it has been granted; when Bombay asked for 108 seats, it has been granted. Why should not the request of Andhra Pradesh also be considered on the same level?

Therefore, I think, if it is not too late, to do it now, and if it is too late now, at least by an amending Bill, the moderate and modest request of the Andhras may be acceded to.

Shri Venkatasubbalah: There is an amendment to that effect.

Mr. Deputy-Speaker: He is afraid that that might not be accepted.

Shri B. S. Murthy: I think the request by the Andhra Assembly may be conceded with grace.

Shri A. K. Sen: Mr. Deputy-Speaker, Sir, with regard to the necessity for setting up a Council for Andhra Pradesh, I have already made my submission and I do not want to repeat myself. The reasons have been explained by me in fairly great detail and I do not want to take the time of the House any further in dwelling on them over again. As I had already said, it is because of the reorganisation of the State combined with the fact that that part of Madras already enjoyed an Upper House we thought it necessary to continue that privilege enjoyed by that part of Madras now known as Andhra with added territories

With regard to the request made by Shri Ranga and other hon. Members for increasing the representation from 90 to 96, as I had already stated today and yesterday, we do not think it necessary or desirable to increase the representation up to the maximum limit of one-third of the local Legislative Assemblies. We have increased the strength in order to give effective representation in the Upper House consistent with the increase in the size of the Legislative Assembly. At the same time, we have not gone right up to the ceiling. It is a principle which is commendable and I do not see any flaw in it myself. We have been accused for even increasing it to 90 and there have been amendments moved today for reducing that to 45, or, in other words, we should make the composition of the Upper House a farce; that is to present a true picture of the Upper House by giving it effective representation consistent with the size of the State Legislative Assembly. For these reasons, I oppose all the amendments and I submit that the clause, as it is, should be passed.

Shri Venkatasubbalah: We wanted it only in relation to other States; other

States have been given so much representation.

Mr. Deputy-Speaker: He is not prepared to agree to that. Is there any particular amendment that I am required to put separately?

Shri Nagi Reddy: We want the amendments in the name of Shri Venkateshwara Rao to be put separately; and, so far as my amendments are concerned, I will take the chance in opposing the whole clause

Mr. Deputy-Speaker: What are the numbers of those amendments?

Shri Nagi Reddy: They are 19, 20, 21 and 22

Shri Braj Raj Singh: We want also 113 to be put separately

Mr. Deputy-Speaker: Now, I will put amendments 19, 20, 21 and 22

The question is:

Page 1, line 16—

for "90" substitute "45"

The motion was negatived

Mr. Deputy-Speaker: The question is:

Page 1, line 19—

for "31, 8 and 8" substitute "16, 4 and 4".

The motion was negatived

Mr. Deputy-Speaker: The question is:

Page 2, line 4—

for "31" substitute "16"

The motion was negatived

Mr. Deputy-Speaker: The question is:

Page 2, line 7—

for "12" substitute "5".

The motion was negatived

Mr. Deputy-Speaker: I will not put amendment No. 113. The question is:

Page 2—

omit lines 5 to 7

The motion was negatived

Mr. Deputy-Speaker: Now, I will put all the other amendments that have been moved. The question is:

Page 1—

omit lines 11 to 15.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 1, lines 12 and 13—

omit "a Legislative Council for the State of Andhra Pradesh"

The motion was negatived

Mr. Deputy-Speaker: The question is:

Page 1, line 15—

omit "Andhra Pradesh"

The motion was negatived

Mr. Deputy-Speaker: The question is:

Page 1, line 16—

for "90" substitute "78"

The motion was negatived

Mr. Deputy-Speaker: The question is:

Page 1, line 16—

for "90 substitute "41".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Pages 1 and 2—

omit lines 16 to 19 and 1 to 7, respectively.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, lines 9 and 10—

for "after consultation with the Election Commission, shall by order" substitute—"shall ask the Election Commission to"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, lines 13 and 14—

omit "under each of the sub-clauses (a), (b) and (c) of clause (3) of article 171".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, lines 19 and 20—

omit "and of the Representation of the People Act, 1950, and the Representation of the People Act, 1951".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Division No. 33]

Abdul Lateef, Shri
 Achar, Shri
 Ambalam, Shri Subbiah.
 Arumugham, Shri R. S.
 Arumugham, Shri S R
 Ashanna, Shri
 Balakrishnan, Shri
 Balmiki, Shri
 Bangahi Thakur, Shri
 Barupal, Shri P. L.
 Rasappa, Shri

Bhakt Darshan, Shri
 Bargeva, Pandit M. B
 Bhogji Bhat, Shri
 Bidari, Shri
 Birbal Singh, Shri
 Brendra Singhji, Shri
 Borooah, Shri P. C
 Bose, Shri P. C.
 Brahm Perakash, Ch.
 Chandra Shanker, Shri
 Chaturvedi, Shri

Chuni Lal, Shri
 Daljit Singh, Shri
 Das, Shri K. K.
 Das, Shri N. T.
 Das, Shri Shree Narayan
 Desai, Shri Morari
 Dindod, Shri
 Dinesh Singh, Shri
 Dube, Shri Mulchand
 Escharan, Shri I.
 Geakwad, Shri Fatsunghrao

Page 1, line 16—

for "90" substitute "96".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 1, line 19—

for "31" substitute "34".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, line 4—

for "31" substitute "34"

The motion was negatived.

Mr. Deputy-Speaker: Now, the question is:

"That clause 3 stand part of the Bill".

Those in favour please say, 'Aye'.

Several Hon. Members: 'Aye'.

Mr. Deputy-Speaker: Those against will please say, 'No'.

Some Hon. Members: 'No'.

Mr. Deputy-Speaker: I think the 'Ayes' have it.

Shri Nagi Reddy: The 'Noes' have it:

Mr. Deputy-Speaker: I will have the lobbies cleared.

The Lok Sabha divided: Ayes: 137;
 Noes: 40.

[15.20 hrs.

AYES

Ganapathy, Shri
Gandhi, Shri M. M.
Ghosh, Shri M. K.
Gounder, Shri K. P.
Hem Raja, Shri.
Jain, Shri M. C.
Jaipal Singh, Shri
Jangde, Shri
Jena, Shri K. C.
Jhunjhunwala, Shri
Jyotsnbi, Pandit J. P.
Keshava, Shri
Khiraji, Shri
Khuda Buksh, Shri M
Khawja, Shri Jamal
Kistaiya, Shri
Krishana Rao, Shri M. V.
Lachhi Ram, Shri
Lal, Shri R. S.
Laskar, Shri N. C.
Laxmi Bai, Shrimati
Maiti, Shri N. B.
Malliah, Shri U. S.
Malviya, Shri Motilal
Mandal, Dr. Pashupati
Maniyangadan, Shri
Mathur, Shri Harish Chandra
athur, Shri M. D.
Mishra, Shri B. D.
Mishra, Shri Bibhuti
Mishra, Shri L. N.
Mishra, Shri R. D.
Mishra, Shri R. R.
Morarka, Shri
Murmu, Shri Paika

Murthy, Shri B. S.
Naidu, Shri Govindarajah
Nair, Shri Kuttikrishnan
Naldurgker, Shri
Nallakoya, Shri
Nanjappa, Shri
Nathawani, Shri
Nehru, Shri Jawahrlal
Nehru, Shrimati Uma
Onkar Lal, Shri
Padalu, Shri K. V.
Padam Dev, Shri
Pandey, Shri K. N.
Pauna Lal, Shri
Parmar, Shri Deen Bandhu
Parmar, Shri Y. S.
Patel, Shrimati Maniben
Patel, Shri N. N.
Patel, Shri Rajeshwar
Pillai, Shri Thanu
Pocker Sahib, Shri
Prabhakar, Shri Naval
Radhamohan Singh, Shri
Radha Raman, Shri
Rajiah, Shri
Raman, Shri C. R. Patabbi
Ramananda Tirtha, Swami
Ramaswami, Shri S. V.
Rampure, Shri M.
Ram Subhag Singh, Dr
Rane, Shri
Rangarao, Shri
Rao, Shri Jaganatha
Ray, Shrimati Renuka
Reddy, Shri Bali

Reddy, Shri Narapa
Reddy, Shri Rami
Roy, Shri Biahwanath
Rungeung Suisa, Shri
Sadhu Ram, Shri
Sahu, Shri Rameahwar
Saigal, Sardar A. S.
Sanganna, Shri
Satyanarayana, Shri
Sen, Shri A. K.
Shankaraiya, Shri
Shivananjappa, Shri
Singh, Shri Babunath
Singh, Shri D. N.
Singh, Shri T. N.
Sinha, Shri K. P.
Sinha, Shri Satyendra Narayan
Snatak, Shri Nardeo
Subbarayan, Dr. P.
Subramanyam, Shri T.
Tahir, Shri Mohammed
Tewari, Shri Dwarikanath.
Thimmatah, Shri
Thomas, Shri A. M
Tiwari, Shri Babu Lal
Tiwari, Shri R. S
Tiwari, Pandit D. N
Tula Ram, Shri.
Umrao Singh, Shri
Upadhyaya, Shri Shiv Da
Venkatasubbasah, Shri
Vishwanath Prasad, Shri
Vyasa, Shri R. C.
Vyasa, Shri Radhelal

NOES

vasthi, Shri
Banerjee, Shri Premathanath
Bharucha, Shri Naushur
Braj Raj Singh, Shri
Chakravartty, Shrimati Ranu
Chandramani Kalo, Shri
Chaudhuri, Shri T. K
Chavan, Shri D. R.
Dige, Shri
Elias, Shri M
Gaikwad, Shri B. K
Ghosal, Shri
Ghose, Shri S.
Gupta, Shri Sadhan

Imam, Shri Mohamed
Iyer, Shri Eastwara
Jadhav, Shri
Kodiyan, Shri
Kumbhar, Shri
Kunhan, Shri
Majhi, Shri R. C.
Menon, Dr K. B.
Menon, Shri Narayanankutty
Mukerjee, Shri H. N
Mullick, Shri B. C
Parulekar, Shri
Parvathi Krishnanan, Shrimati
Patil, Shri Nana

Raju, Sh V
Ramam, Shri
Rao, Shri D. V
Reddy, Shri Nagi
Sharma, Shri H. C
Singh, Shri Rasendra
Shiv Raj, Shri
Soren, Shri
Sugandhu, Shri
Tangamuni, Shri
Valvi, Shri
Warior, Shri

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4.— (Increase in the strength of the Bihar Legislative Council)

Mr. Deputy-Speaker: We shall now take up clause 4. What are the amendments that hon. Members would like to move to this clause?

Shri T. K. Chaudhuri: I would like to move my amendment No. 111.

Pandit D. N. Tiwary: Nos. 7, 8 and 9.

Shri T. K. Chaudhuri: I beg to move:

Pages 2 and 3—

for clause 4, substitute—

"4. (1) The total number of members in the Legislative Council of a State having such a Council, including the State of Andhra shall be the maximum number permissible under article 171(1) of the Constitution.

(2) Of the total number of members of the Legislative Council of a State—

(a) as nearly as may be one-third shall be elected by electorates, consisting of members of local bodies, such as municipalities, district boards, cantonment boards, city and town committees, notified area committees, town area committees, village panchayats, mandal panchayats or anchal panchayats and such other local authorities as Parliament may by law specify;

(b) as nearly as may be, one-sixth shall be elected by electorates consisting of persons residing in the State for three years who are members of Registered Trade-Unions operating within the State;

(c) as nearly as may be one-twelfth shall be elected by electorates consisting of the members of all registered Chambers of Commerce and other trade-bodies representing various industrial and trading interests operating in the State and functioning at least for five years at a stretch before their

names can be registered for purposes of preparation of electoral rolls under this Act;

(d) as nearly as may be one-sixth shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions including technological institutions recognised by the State and located within the State as may be prescribed by or under any law made by the Parliament; and

(e) as nearly as may be, three-twelfths shall be elected by members of all rural primary co-operated societies within the State.

(3) The members to be elected under sub-clauses (a), (b), (c), (d) and (e) of sub-section (2) shall be chosen in such territorial constituencies as may be prescribed by or under any law made by Parliament under the system of proportional representation by means of single transferable vote."

Mr. Deputy-Speaker, Sir, if you look to all the amendments that I moved to clause 3 and the amendment that I have tabled to clause 4 and the rest, as a matter of fact, my amendment No. 111 to clause 4 seeks to replace all the clauses from 4 to 11.

The long and short of it is that as we are dealing here with the composition of Legislative Councils in the States, I think it is the proper time and occasion when the whole question of the basic principle of the composition of the Legislative Councils in the States should be considered *de novo*.

I was slightly encouraged to hear a little while ago the hon. Minister expressing his sympathy for the principle of functional representation. If we are to have second chambers in the States, I think the only principle on which they could be justified is the principle of functional representation. One of the countries with which we

[Shri T. K. Chaudhuri]

are very friendly, and also a socialist country, namely, Yugoslavia, has a second chamber more or less on this principle. But, as we are now only aiming at a socialist pattern of society and we are not yet a socialist society, we have to accept the social structure as it is and, therefore, the functional representation proposed by me seeks to give representation, apart from the local bodies or local authorities, also to members of registered trade unions operating in each State, which means I seek that one section of these Councils should represent the working class.

Pandit D. N. Tiwary: Sir, I rise on a point of order.

Mr. Deputy-Speaker: I am also thinking about that.

Pandit D. N. Tiwary: We are discussing clause 4 which deals with Bihar. I do not know what my hon. friend is speaking about.

Mr. Deputy-Speaker: I was also thinking over it, whether this amendment can be admissible at all. The hon. Member now wants to replace all the methods that we have got of constituting these Councils. His objective is not simply to increase or decrease the membership of the Council of Bihar which is mentioned in this clause 4, though there are other provisions also laid down which relate to Councils in general. The hon. Member's amendment is to substitute clause 4 wherein he says:

"4. (1) The total number of members in the Legislative Council of a State having such a Council, including the State of Andhra shall be the maximum number permissible under article 171(1) of the Constitution."

Shri T. K. Chaudhuri: That includes Bihar also.

Mr. Deputy-Speaker: Yes, I know that. Then he says:

"(2) Of the total number of members of the Legislative Council of a State—

(a) as nearly as may be, one-

third shall be elected by electorates consisting of members of local bodies....."

Shri T. K. Chaudhuri: May I make a submission? That is why I prefaced my speech by drawing the attention of the House to the whole scheme of amendment that I have in view.

Mr. Deputy-Speaker: But the difficulty is that there will be conflict with the articles of the Constitution.

Shri T. K. Chaudhuri: No, Sir. Yesterday.....

Shri Jaipal Singh: I do not know, Sir, how it fits in to this particular clause.

Shri T. K. Chaudhuri: It fits in.

Mr. Deputy-Speaker: Let him explain, and then we will see.

Shri T. K. Chaudhuri: Yesterday we had a ruling from the Chair that this Parliament is quite competent to go into the question of the composition of the Legislative Councils given in this Bill. It was my contention yesterday that it militates against the provisions of the Constitution, but the Chair was pleased to rule that the composition can be discussed, and my point of order was ruled out. As a matter of fact, I do not want only to replace clause 4 or substitute clause 4.

Mr. Deputy-Speaker: When we are considering clause 4 which relates to the constitution or increase in the number of the membership in the Legislative Council of Bihar, how can we bring the whole question of how Legislative Councils shall be constituted and what their composition should be?

Shri T. K. Chaudhuri: In that matter, Sir, I am helpless. I had given notice of my amendment, if you call for the original paper in which I submitted the notice you will find that therein I have said that this clause which I have proposed in this amendment was to substitute all the clauses from 4 to 11. As a matter of fact, my scheme is sort of changing the scheme of the whole Bill altogether.

And, in my defence I have the ruling from the Chair given yesterday, that the composition can be discussed and it is within the scope of this amendment. If we accept the ruling of the Chair given yesterday, my amendment is fully within the scope of the Bill that we have taken into consideration.

Mr. Deputy-Speaker: I have read that ruling. The observations of the Chairman were:

"My view is that when the Constitution has given authority under article 169 to create a new legislative council for any State or abolish any legislative council of any State where it is existing, it automatically implies that this article authorises Parliament, without any amendment of the Constitution, to make alterations in the composition also."

Is that what the hon. Member is referring to?

Shri T. K. Chaudhuri: Yes, Sir.

Mr. Deputy-Speaker: But, whether that composition that is referred to implies the increase or decrease in number or the whole method that is to be adopted is the question.

Shri T. K. Chaudhuri: No, Sir, that is what I wanted to point out yesterday. As a matter of fact, if you look to the Third Schedule on page 11 you will find that in regard to Andhra Pradesh, Madhya Pradesh and Mysore representation has been given not only to Municipalities, District Boards, Cantonment Boards, City and Town committees as under the scheme already in existence in the Constitution. But Class I Panchayats and Class II Panchayats have been brought in under Andhra Pradesh. With regard to Madhya Pradesh Janapada Sabhas, Mandal Panchayats and such other bodies have been sought to be given representation. In these cases the composition of the Legislative Councils, that is the representation sought to be given to different sections or classes of the people, is sought to be altered and likewise, if we accept the ruling of the Chair, I am perfectly

within rights in moving my amendment.

Mr. Deputy-Speaker: I do not know what the Chairman had in mind then. This article 169, when it says that this shall not be considered as an amendment of the Constitution, in my opinion, only means that when a Council is abolished or created, no amendment of the Constitution is necessary. That, perhaps, was meant; but the hon. Member might advance his arguments.

Shri T. K. Chaudhuri: The ruling also refers to the composition.

Mr. Deputy-Speaker: I have read it. If the hon. Member might give his grounds for his acceptance of his amendment, I will then consider the other point.

Shri T. K. Chaudhuri: All right. As we have a mixed economy here, under my scheme, I have proposed that—

Mr. Deputy-Speaker: But the other conditions still remain, even if the ruling given by the Chairman—certainly that must be respected as correct—and the idea given by the hon. Member be correct, and then, these amendments now will not fit in with the clause that we have under discussion, because, this clause relates only to the Constitution of Legislative Councils and increase in the number of the Bihar Council.

Shri T. K. Chaudhuri: I am a little bit helpless there. In my original copy of the amendment which I submitted to the Notice Office, I had specifically written down that this clause—the group of clauses 4 to 11—should be deleted and be substituted by a new clause. But, unfortunately for me, I find that the Secretariat has put it under clause 4.

Mr. Deputy-Speaker: He could have moved a separate clause altogether for the insertion of a new clause.

Shri T. K. Chaudhuri: I said that a new clause 4 be inserted. That was what occurs in the paper that I gave to the Notice Office.

Mr. Deputy-Speaker: I will look into that. But, let clause 4 be discussed first and even if there is an amendment for the insertion of a new clause, we will take it up afterwards.

Shri T. K. Chaudhuri: So, I shall stop now.

Shri Jaipal Singh: Mr. Deputy-Speaker, Let me confess at the outset, that I am totally opposed to all the subterfuges we resort to by way of indirect elections and the like. But the attitude I have always taken, as in other matters, is this; such as, for instance, in regard to reserved seats for Scheduled Tribes or the Scheduled Castes or even the nominations of Anglo-Indians and nominations of specialists to the Rajya Sabha and the like. So long as some people get it, others must get it. So, taking that stand, I find that Bihar must also have a Legislative Council.

I would like to make my position very clear: that, while I am totally opposed to indirect elections as such, if other parts of the country enjoy a certain benefit, my own State also must not be deprived of that benefit. The State of Bihar, such as it is now—I hope it will take some other shapes hereafter, but shaped as it is at present—has a special right to a special consideration. It is not merely a State. It is a very extraordinary State. North Bihar and South Bihar are poles apart as it were, and yet, today, it is one State. South Bihar is a remarkable area. It has one of the largest concentrations of the most ancient people in this country.

The particular amendment that I wish to support is the one moved by Shri Jhulan Sinha where he has pleaded that the figure for the Legislative Council for the present State of Bihar be increased from 96 to 106. The whole spirit of the Constitution has been to enable people who are under-privileged, who are, to use a very common phrase, 'backward' to make their voice felt and so that they may be enabled to voice their feelings and views in the forums of the legis-

latures. The increase from 96 to 106 may not be very great, but every little counts, and that is why I do plead that we are not as forward as some of the other States like, say, Bombay, or, for the matter of that, Andhra, are. Indeed, the whole of South India is very prominent in North India; we are far from prominent. I would have liked the hon. Law Minister to be here, and I do hope the officiating Minister there will convey our very serious concern in this particular matter.

We do not pretend to be as advanced as others are. We have not the wherewithal, and it is exactly for that reason that I think we should have the might and majesty of numbers in the legislature. The increase from 96 to 106 is in no way going to affect the exchequer either of the Centre or of the States in a very vital way, but it is certainly going to be a very serious matter if, in South Bihar, which is predominantly a tribal area, whether we like it or not, we can play the fool with the census figures. But the human beings are there. Even if two or three more can be given from those hill tracts, it will be to the advantage of this country. I need not say anything more.

The other amendments are consequential to it. But I do plead with my hon. friend the Minister of Law who has just come, that he should have a little mercy on his neighbours. Time was when the parts for which I am pleading was part of his own province of Bengal. It has now become West Bengal and Bihar has become something else. He will agree with me that the more we have of the minorities—and this is exactly what the actual result or the consequential effect of this amendment which increases the number from 96 to 106 will be—in a State like Bihar, the more will be the number of people that will be coming to the upper House than would be possible otherwise.

Pandit D. N. Tiwary: After the speech of Shri Jaipal Singh, I have nothing more to add. But I would

suggest one thing. Instead of 106, it should be a little less, because the numbers could be divisible by three. You have one-third number to be balloted out every two years, and therefore, the number should be such that one-third could be balloted out. If it is 106, it is not divisible by three.

Dr. Ram Subhag Singh (Sasaram): It may be 105.

Shri Jaipal Singh: It may be 105.

Pandit D. N. Tiwary: It may be 105.

An Hon Member: 108.

Pandit D. N. Tiwary: That will be more than one-third. It must not be more than one-third. So, my suggestion is, make it 102 or 105, so that it could be divisible by three.

I would also suggest that instead of 84, it should be 36 in sub-clause (a) for election by Legislative Assemblies, and it should be 9 and 9 for election by graduates' constituency and teachers' constituency. As it is, you will see that it is given as 8 and 8. It is also not divisible by three. When we have to ballot for removal of one-third strength, it would be feasible to have a number which could be divisible by three. So, even at this stage, I would suggest to the Law Minister that he may bring an amendment to this effect or he may accept amendment, with your permission, so that the number would be 36 and 36 and 9 and 9 respectively. That will give a better picture and it will be workable. Otherwise, I do not think this will be workable at all.

Shri P. R. Patel (Mehsana): I beg to move:

(i) Page 2, line 22—
after "96" insert "and shall be reconstituted"

(ii) Page 2, line 37—
omit "additional".

(iii) Page 3, line 1—
omit "additional".

(iv) Page 3—

omit line 3

(v) Page 3, line 9—

omit "additional"

In support of these amendments, I beg to make a short submission. The States Reorganisation Act came into force on the last day of August, 1956 and at that time, the collective wisdom of this House decided that the councils should be reconstituted. For this, I beg to refer to sections 33, 34, etc. The idea behind these sections is that after the new general elections, the councils should be reconstituted and there should be fresh elections to the councils.

I beg to draw your attention to sub-section (4) of section 33. There is a proviso which says:

"Provided that the election referred to in clause (b) of sub-section (2) shall be held only after the general election to the Legislative Assembly of the new State of Madhya Pradesh has been held."

So, the intention and at the same time the decision of this House was that there should be fresh elections to the council, after the general elections. Sub-sections (4) and (5) of section 34 make the point very clear.

For Bombay, there was a temporary arrangement for the council and some members from Saurashtra, Vidharaba and Marathwada were added to it. The wording of section 34(2) is like this:

"Until the said Council has been reconstituted in accordance with the provisions of sub-sections (4) and (5) of this section and summoned to meet for the first time, the said Council shall consist of—

(a) all the sitting members of the Legislative Council of the existing State of Bombay, except those representing the Belgaum, Bijapur and Dharwar constituencies; and

[Shri P. R. Patel]

(b) 25 members to represent the territories specified in clauses (b), (c), (d) and (e) of sub-section (1) of section 8 who shall be chosen in such manner as may be prescribed."

That was a temporary arrangement. Sub-sections (4) and (5) speak of the reconstitution of the Council. That is very clear:

"As soon as may be after the commencement of this Act, the President, after consultation with the Election Commission, shall by order determine—

(a) the constituencies into which the said new State shall be divided for the purpose of elections to the Council under each of the sub-clauses (a), (b) and (c) of clause (3) of article 171;

(b) the extent of each constituency; and

(c) the number of seats allotted to each constituency."

"(5) As soon as may be after the appointed day, steps shall be taken to constitute the said Council in accordance with the provisions of this section and the provisions of the Representation of the People Act, 1950 and the Representation of the People Act, 1951."

It is very clear from all these sections that the House took the decision a year before that after the general elections, the Councils should be reconstituted. That was the collective wisdom of the whole House and we are questioning it. My submission is, what has happened within this one year that we are going to question that collective wisdom of this House? Only one thing, namely, the general elections. In the general elections the ruling party suffered some losses here and there. In Bombay, in the Legislative Assembly, there were only 70 on the opposition side; now there are more than 165. So, naturally, if there

are fresh elections today; the opposition may gain some seats in the Council. In order to deprive the opposition of more seats in the Council, this amendment has been placed before the House.

My submission is that this is not the honest way of dealing with democracy. In democracy, if a decision is taken by the House, it is the duty of the Government to implement it. But when the question of Bombay comes, I hear arguments from the other side that that was the collective wisdom of the House. I put the question whether in this matter there was collective wisdom of the House or not? If you find there has been some fault in the collective wisdom of this House and that fault was only regarding the number of seats to be given in the Council, that is a small matter. If this House has committed some error in a small matter and if you are going to revise it, that means that the bigger error also must be revised by the House, and that is the bilingual State of Bombay. But I do not want to go into it.

My only submission is this. At the time of the general elections, a right was given to the elected members that after being elected, they shall have the right to elect the members of the Council. That right was given by law and on that right, so many persons fought the elections. That right was acquired under the law. But after the elections, after so many months, this new Bill is introduced and that takes away the right that was acquired by the members of the Legislative Assemblies of different States. Would it be desirable and fair to take away the right that has been created by a new legislation? I submit that this is not the proper way.

I humbly submit that the Law Minister in charge of this may reconsider the matter. After all, for more seats in the Council for the party in power, if you play with the legislation, then there will be an end of

democracy. The political party in power will be charged with sinister motives rather than fairplay. Therefore, I submit that my amendments may be accepted. They are very simple. Where there have been "additional" words, I have suggested that they should be omitted and I have asked that the Councils be reconstituted. There is nothing more in these amendments.

I want to say one more thing. In the last week of December, 1953, the Bombay Assembly passed a resolution to abolish the Council. I do not dispute with it. I am not disputing whether there should be Council or not because the States Reorganisation Act has accepted the Councils. So, I do not go into it. But, say, after 2 or 3 years, if Parliament passes an Act deciding that there should be a Council in Bombay State, then the question will come whether the collective wisdom of the Bombay Assembly was proper or whether the Bombay Assembly resolution was passed on some wrong notions. In August, 1956 we passed the States Reorganisation Act and in that Act we decided that after the general elections, the Councils should be reconstituted and there should be fresh elections to the Councils. The Law Minister comes before the House and says that whatever was done by this august House a year before should be wiped off. He says, in other words, that the persons who decided had committed blunders and so he is coming with better wisdom in advising the House to accept the Bill. This is not proper way and in the interest of democracy, I would humbly request the Law Minister to amend the whole Bill according to the intention of the States Reorganisation Act and not look to the interest of his party.

Mr. Deputy-Speaker: Amendments moved:

Page 2, line 22—

after "96" insert "and shall be reconstituted"

Page 2, line 37—

omit "additional",

Page 3, line 1—

omit "additional"

Page 3—

omit line 3

Page 3, line 9—

omit "additional"

Shri Chaudhuri may say what he wants to say. I have consulted the records and the debates of yesterday and I feel inclined, whatever the Chairman has ruled, to say that he may say all that he has to say. So far as his original amendment was concerned, I have seen that original amendment notice as well. Mostly it concerns the omission of certain clauses. They are not circulated because the hon. Member who gives notice for the omission of a clause can oppose that clause; there is no definite amendment needed like that.

Shri T. K. Chaudhuri: Thank you for your ruling; that at least permits me to resume the points I wanted to elaborate about the composition of the legislative councils.

I propose that one section of these legislative councils should represent— one-third to be precise—members of the local bodies of all sorts commencing from the village level. One-sixth should be representatives of the working class—that is to say, members of registered trade unions operating within the State. My third proposal is to give representation to trade bodies and chambers of commerce. I am very much opposed to them as they are constituted; yet, we are living in a mixed economy and accepted a private sector or capitalist sector of the economy and under the present system there is hardly any way out of it. So, we have to give them representation if we want to make these councils truly representative from the functional point of view. Fourthly, the teachers should be represented. They are already there. I only want to expand the scope of the provisions giving representation to teachers and technological institutions and even primary school teachers might be given

[Shri T. K. Chaudhuri]

representation. Under sub-clause (d) of my proposed new clause (4), I want to give representation to the rural population organised in primary co-operative societies. I want to do away with the principle of nomination altogether.

I was a little bit encouraged when I heard the Law Minister expressing sympathy for the principle of functional representation. That feeling evaporated however as soon as I heard his argument about it. He seems to be of the opinion that when the Constituent Assembly discussed giving functional representation in the State councils, it did not agree to do it and so there is nothing that can be done about it now. I do not agree with that argument because our Constitution-makers did not intend it to be sacrosanct for all times to come. Specific provisions are there in the Constitution for the amendment of the Constitution. As a matter of fact this House has amended the Constitution several times—seven times—on certain fundamental questions of principle of social or economic organisation. Simply because the Constituent Assembly decided this question in a certain way, it cannot be contented that we cannot reopen that question now. I believe that if the second chambers can have any utility in the States and are to serve any useful function, it is from the point of view of functional representation. It is known in political science as a guild system or a corporate system which has been put into practice. As I mentioned, in Yugoslavia, they have a second chamber on the functional principle. Of course the social organisation may be fundamentally different there. We cannot have exactly that kind of guild system but within the limits of our system and our Constitutional framework and the social system that we have. We can certainly have a system like that. It would be desirable from all points of view.

Mr. Deputy-Speaker: Amendment moved:

Pages 2 and 3—

for clause 4, substitute:

"4. (1) The total number of members in the Legislative Council of a State having such a Council, including the State of Andhra shall be the maximum number permissible under article 171 (1) of the Constitution.

(2) Of the total number of members of the Legislative Council of a State—

(a) as nearly as may be, one-third shall be elected by electorates consisting of members of local bodies, such as municipalities, district boards, cantonment boards, city and town committees, notified area committees, town area committees, village panchayats, mandal panchayats or anchal panchayats and such other local authorities as Parliament may by law specify;

(b) as nearly as may be, one-sixth shall be elected by electorates consisting of persons residing in the State for three years who are members of Registered Trade-Unions operating within the State;

(c) as nearly as may be one-twelfth shall be elected by electorates consisting of the members of all registered Chambers of Commerce and other trade-bodies representing various industrial and trading interests operating in the State and functioning at least for five years at a stretch before their names can be registered for purposes of preparation of electoral rolls under this Act;

(d) as nearly as may be one-sixth shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions including technological institutions recognised by the State and located within the State as may be prescribed by or under any law made by the Parliament; and

(e) as nearly as may be, three twelfths shall be elected by members.

of all rural primary co-operative societies within the State.

(3). The members to be elected under sub-clauses (a), (b), (c), (d) and (e) of sub-section (2) shall be chosen in such territorial constituencies as may be prescribed by or under any law made by Parliament under the system of proportional representation by means of single transferable vote."

Shri Mulchand Dube (Farrukhabad): Mr. Deputy-Speaker, I beg to draw your attention to article 172(2) of our Constitution which reads as follows:

"The Legislative Council of a State shall not be subject to dissolution, but as nearly as possible one-third of the members thereof shall retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law."

The council is not subject to dissolution and so the States Reorganisation Act did not enact that the council should be dissolved. It cannot enact that law. Therefore, the word reconstitute used in the States Reorganisation Act does not mean that the council could be dissolved or fresh election to the council would be held. Therefore, the argument of my hon. friend who spoke just before me to revise the Constitution really means this. (*Interruptions*).

16 hrs.

Mr. Deputy-Speaker: Let him have his say. N]

Shri Mulchand Dube: My submission is that the Act is not subject to that interpretation as that interpretation would be incorrect. As regards the argument of my learned friend who has just spoken that the scope should be enlarged and certain parties which are not provided for under article 171 should be added, is untenable. My submission is that would

mean amending of the Constitution, article 171 clause 3. That amendment is not before us. If my hon. friend wants that the Constitution should be amended to bring in a fresh list of electors the proper procedure for that would be to bring in a Bill to amend the Constitution but it would not be done in this Bill. That is all I want to say.

Mr. Deputy-Speaker: The hon. Minister.

Shri T. K. Chaudhuri: I would ask one question to explain one point.

Mr. Deputy-Speaker: He has just spoken. Nobody has spoken against his argument.

Shri T. K. Chaudhuri: It is one point only.

Mr. Deputy-Speaker: Why has he forgotten to mention that point? He has just now finished his speech.

Shri T. K. Chaudhuri: I want to know what uniformity has been sought to be achieved in the matter of representation of local bodies in different States. Different kinds of local bodies have been given representation. We have got the village panchayats at the village level. In the original Constitution the arrangement was that a certain set of local bodies were specifically mentioned in Article 171(3).

Mr. Deputy-Speaker: That is all? (*Interruptions*). He has given his own interpretation. There can be different interpretations of the same clause or the article by different hon. members. It is for the House to decide. The Hon. Minister will now reply.

Shri A. K. Sen: Mr. Deputy-Speaker Sir, I am sorry I cannot support the amendment moved to increase the strength from the proposed figure of 96 to 106 or the other figures. I have explained in my opening speech and in my reply why we struck a *via media* between the actual figure at which the strength stood at the time we undertook the measure and introduced it in this House and the limit

[Shri A. K. Sen]

of one-third fixed as ceiling under article 171. As I had explained to hon. members, this task of reconciliation was not a very easy one. We had to adjust it rather delicately. The strength of the particular legislative assembly had increased as a result of the election held in 1957. We had to give effective representation of the increased size of the legislature to the Upper House and yet we did not want to increase the strength right up to the maximum fixed under the Constitution. That means, we had to strike at a figure between one-fourth and one-third. We have really arrived at this figure of 96, which, in my opinion, is fairly reasonable, and within it would find representation of the interests which my hon. friend Shri Jaipal Singh wants to be represented, namely, the hill tribes and other backward classes. I have no doubt that they are very much in the mind of those on whom the task of electing representatives would be entrusted. There is no doubt that they will be sending their representatives after mature deliberation and thought. There are special constituencies like the assembly, the local authority, the teachers and the graduates. Of course, the nominated cadre remains the same. Shri Tiwari raised a point of order, which, really is not a point of order at all, if I may say so, with due respect to him. He says that if we cannot have one-third of 34, the figure should be raised to 36. It is well recognised that one-third means as nearly one-third as possible. Take the Upper House, the Rajya Sabha. There one-third retires every three years. They have not a round figure. In the case of companies, one-third of the directors retire. That means, as nearly one-third as possible. If the figure is 34, it is calculated as one-third of 33. That is the nearest figure to 34.

One other point was taken up which I must frankly say I am unable to follow. This point was raised by the hon. member from Gujerat,

Shri Patel. Frankly speaking, I am unable to follow the point of reconstitution. In the case of reconstituted provinces, the question of reconstitution was considered by the States Reorganisation Act, and provisions were made for Constitution because territories have been taken out or added and the entire State changed its composition. But the State of Bihar exists substantially as it originally was, except for the portions affected by the States' Reorganisation Act. As pointed out by Shri Dube, the Upper Houses are not to be dissolved. They are not liable to dissolution. They continue for all time to come with the limit of one-third retiring every three years. Reconstitution was thought out, therefore, in the case of Bombay and Mysore. As I had already explained, there are two amendments from Government side in order to bring Bombay and Mysore in line with the Punjab. The hon. Members will appreciate that there has already been constituted the Interim Council in Bombay as well as in Mysore. So far as the Punjab is concerned, we had provided for reconstitution and so far as Bombay and Mysore were concerned, we thought of the possibility of reconstituting them all over again. But it now appears that it would be better to have it instead of having a new election altogether. But we shall deal with this when we come to the next clause.

So far as Bihar is concerned, I fail to understand any kind of reconstitution at all. I don't know how the question of States Reorganisation Act is pertinent to the point at issue. But I think the hon. Member is so engrossed with the problem of Bombay that he thinks that it has to be reflected in Bihar as well. It has no relation with the Bihar State. The clause should be passed as it is.

Mr. Deputy-Speaker: Shri Tiwari is not here. When I asked for amendments to be moved, he stood up and spoke but I find the amendment stands in the name of Shri Jhulan Sinha

Hon. Members should not speak on amendments where notice has been given by other hon. members. If he wanted an opportunity to speak, he would have told me so, and not pick up amendments from other hon. Members. I think hon. Members should be careful to see that they give the number of amendments which stand in their own name and not in the name of others. Now, I want to know whether Shri T. K. Chaudhuri presses his amendment.

Shri T. K. Chaudhuri: I want to press it.

Mr. Deputy-Speaker: I shall put amendment No. 111 to the vote of the House. The question is:

‘Pages 2 and 3—

for clause 4, substitute—

“4. (1) The total number of members in the Legislative Council of a State having such a Council, including the State of Andhra shall be the maximum number permissible under article 171(1) of the Constitution.

(2) Of the total number of members of the Legislative Council of a State—

(a) as nearly as may be, one-third shall be elected by electorates consisting of members of local bodies, such as municipalities, district boards, cantonment boards, city and town committees, notified area committees, town area committees, village panchayats, mandal panchayats or anchal panchayats and such other local authorities as Parliament may by law specify;

(b) as nearly as may be, one-sixth shall be elected by electorates consisting of persons residing in the State for three years who are members of Registered Trade Unions operating within the State;

(c) as nearly as may be one-twelfth shall be elected by electorates consisting of the members of all registered Chambers of Commerce and other trade-bodies representing various industrial and trading interests operating in the State and functioning at least for five years at a stretch before their names can be registered for purposes of preparation of electoral rolls under this Act;

(d) as nearly as may be one-sixth shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions including technological institutions recognised by the State and located within the State as may be prescribed by or under any law made by the Parliament; and

(e) as nearly as may be three-twelfth shall be elected by members of all rural primary co-operative societies within the State.

(3) The members to be elected under sub-clauses (a), (b), (c), (d), and (e) of sub-section (2) shall be chosen in such territorial constituencies as may be prescribed by or under any law made by Parliament under the system of proportional representation by means of single transferable vote.”

The motion was negatived.

Mr. Deputy-Speaker: I shall now put amendment Nos. 50, 51, 52, 53 and 54 to vote. The question is.

Page 2, line 22—

after “96” insert “and shall be re-constituted”.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, line 37—

omit “additional”.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3, line 1—

omit "additional".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3—

omit line 3.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3, line 9—

omit "additional".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5—(Increase in the strength of the Bombay Legislative Council).

Mr. Deputy-Speaker: There is a Government amendment No. 132.

Shri Naushir Bharucha: On a point of order, we have not given even one day's notice; this was circulated this morning. Practically the whole Bill has been recast by this amendment. About ten foolscap sheets of amendments typed in single spacing were circulated this morning.

Mr. Deputy-Speaker: The ordinary procedure that we have been following is that we accept amendments even from private Members at the last stage if they are acceptable to Government. This is an amendment which has been moved by Government itself.

Shri Naushir Bharucha: A ten-page amendment? One can understand two lines or three lines. It is too difficult to swallow this at one stroke.

Shri A. K. Sen: Not for Mr. Bharucha.

Mr. Deputy-Speaker: The question arose before the Speaker as well.

Also that has been our procedure. I think hon. Members should reconcile themselves to this now.

Shri Naushir Bharucha: It is better that Government were warned about it. It is not fair to hon. Members.

Mr. Deputy-Speaker: I entirely agree with the hon. Member and I shall ask Government that they shall be careful and try to give notice in advance.

Shri A. K. Sen: I beg to move:

Page 3—

for clause 5, substitute:—

"5. Increase in the strength of the Bombay Legislative Council.—

(1) The total number of seats in the Legislative Council of Bombay shall be increased to 108 and of those seats—

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (b), (b) and (c) of clause (3) of article 171 shall be 36, 9 and 9, respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Bombay in accordance with the provisions of sub-clause (d) of the said clause shall be 42; and

(c) the number to be filled by persons nominated by the Governor of Bombay in accordance with the provisions of sub-clause (e) of that clause shall be 12.

(2) As from the commencement of this Act, the Delimitation of Council Constituencies (Bombay) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Second Schedule, and in the said Order as so modified, any reference to the State of Bombay shall be construed as a reference to that State as formed by section 8 of the States Re-organisation Act, 1956.

(3) As from the commencement of this Act—

(a) every sitting member of the said Council representing immediately before such commencement any council constituency

specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the council constituency specified against that constituency in column 2 of the said Table:

TABLE

1	2
Bombay City (Graduates)	Greater Bombay (Graduates)
Ahmedabad City (Graduates)	Gujarat (Graduates)
Northern Division (Graduates)	
Poona City (Graduates)	Maharashtra (Graduates)
Southern Division (Graduates)	
Bombay City (Teachers)	Greater Bombay-cum-Maharashtra (Teachers)
Poona City (Teachers)	
Central Division (Teachers)	
Southern Division (Teachers)	Gujarat (Teachers)
Ahmedabad City (Teachers)	
Northern Division (Teachers)	Greater Bombay-cum-Maharashtra West (Local Authorities)
Bombay City (Local Authorities)	
Ahmedabad City (Local Authorities)	Gujarat North (Local Authorities)
Ahmedabad District (Local Authorities)	
Mehsana-cum-Banas Kantha (Local Authorities)	Gujarat South (Local Authorities)
Baroda-cum-Amreli (Local Authorities)	
Broach-cum-Panch Mahals (Local Authorities)	
Kaira (Local Authorities)	Maharashtra North (Local Authorities)
Surat (Local Authorities)	
East Khandesh (Local Authorities)	
Nasik (Local Authorities)	Maharashtra South (Local Authorities)
Ahmednagar-cum-West Khandesh (Local Authorities)	
Poona City (Local Authorities)	Maharashtra West (Local Authorities)
Poona (Local Authorities)	
Sholapur (Local Authorities)	
North Satara (Local Authorities)	
Kolaba-cum-Thana (Local Authorities)	Maharashtra West (Local Authorities)
Ratnagiri-cum-Kanara (Local Authorities)	
Kolhapur-cum-South Satara (Local Authorities)	

[Shri A. K. Sen]

(b) every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Bombay and every sitting member of the said Council chosen in pursuance of clause (b) of sub-section (2) of section 34 of the States Reorganisation Act, 1956, shall be deemed to have been duly elected by the members of the Legislative Assembly of the present State of Bombay.

(4) As soon as may after such commencement, elections shall be held to fill such of the seats allotted to the several Council Constituencies by the Delimitation of Council Constituencies (Bombay) Order, 1951, as modified by this Act and such of the seats to be filled by persons referred to in clause (b) of sub-section (1) as are then vacant, as if those seats had then become vacant.

(5) The said Council shall be deemed to have been first constituted on the date on which the Legislative Council of the former State of Bombay was first constituted.

(6) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 24th April, 1958, and on the expiration of every second year thereafter, the Governor of Bombay shall, after consultation with the election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the sitting members chosen in pursuance of clause (b) of sub-section (2) of section 34 of the States Reorganisation Act, 1956, and of the members to be elected under sub-section (4) of this section.

(7) Section 34 of the States Reorganisation Act, 1956, shall be amended, and shall be deemed to have been amended, as follows:—

(a) in sub-section (2), for the words, brackets and figures 'Until the said Council has been reconstituted in accordance with the provisions of sub-sections (4) and (5) of this section and summoned to meet for the first time' the words 'Until otherwise provided by law' shall be substituted;

(b) sub-sections (3), (4) and (5) shall be omitted.

(8) In this section, the expression 'the former State of Bombay' means the State of Bombay as it existed immediately before the 1st day of November, 1956.

Mr. Deputy-Speaker: The Government's amendment is before the House? Any other amendments that are going to be moved?

Shri Nathwani: I have tabled an amendment No. 154, the notice of which was not given in time. It is time-barred, unless Government is prepared to accept it. I do not know how far it is acceptable to the hon. Minister. I think at least the principle will be acceptable.

Mr. Deputy-Speaker: It is not for the hon. Member to say on behalf of Government.

Shri A. K. Sen: The principle deserves consideration. May I request you in view of the objections taken?

Mr. Deputy-Speaker: Is the hon. Minister going to accept it.

Shri A. K. Sen: Not as it is. I have to examine it. I would request you to take the vote on this clause tomorrow, so that I may consider Mr. Nathwani's amendment. The principle appeals to me and I shall explain to you why, if necessary.

Mr. Deputy-Speaker: Clause 5 is held over for tomorrow.

There are no amendments to clause 6. I shall put it to vote.

The question is:

"That clause 6 stand part of the Bill".

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

Clause 8—(Increase in the strength of the Mysore Legislative Council).

Shri A. K. Sen: I beg to move:

Page 5—

for clause 8 substitute:

"8. Increase in the strength of the Mysore Legislative Council.—

(1) The total number of seats in the Legislative Council of Mysore shall be increased to 63 and of those seats—

(a) the number to be filled by persons elected by electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 21, 6 and 6 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Mysore in accordance with the provisions of sub-clause (d) of the said clause shall be 21; and

(c) the number to be filled by persons nominated by the Governor of Mysore in accordance with the provisions of sub-clause (e) of that clause shall be 9.

(2) As from the commencement of this Act, the Delimitation of Council Constituencies (Mysore) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Fourth Schedule, and in the said Order as so modified, a reference to the State of Mysore shall be construed as a reference to that State as formed by section 7 of the States Reorganisation Act, 1956.

(3) As from the commencement of this Act,—

(a) every sitting member of the said Council representing immediately before such commencement a council constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the council constituency specified against that constituency in column 2 of the said Table:—

TABLE

1	2
Mysore (Graduates) constituency	Mysore South (Graduates) constituency.
Mysore (Teachers) constituency	Mysore South (Teachers) constituency.
Kolar (Local Authorities) constituency	Mysore South East (Local Authorities) constituency.
Tumkur (Local Authorities) constituency	
Bangalore (Local Authorities) constituency	
Hassan (Local Authorities) constituency	Mysore South (Local Authorities) constituency.
Mandya (Local Authorities) constituency	
Mysore (Local Authorities) constituency	
Chickmagalur (Local Authorities) constituency	Mysore South West (Local Authorities) constituency.
Shimoga (Local Authorities) constituency	
Chitaldrug-cum-Bellary (Local Authorities) constituency	

[Shri A. K. Sen]

(b) every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Mysore, every sitting member of the said Council chosen in pursuance of clause (b) of sub-section (2) of section 36 of the States Reorganisation Act, 1956, and the sitting member of the said Council specified by the Chairman of the Legislative Council of Madras under sub-rule (7) of rule 4 of the States Reorganisation (Election to Provisional State Legislatures) Rules, 1956, shall be deemed to have been duly elected by the members of the Legislative Assembly of the present State of Mysore; and

(c) every sitting member of the said Council nominated by the Rajpramukh of the former State of Mysore shall be deemed to have been nominated to the said Council by the Governor of the present State of Mysore.

(4) The three members who, immediately before the 1st November, 1956, were members of the Legislative Council of Bombay and became on that date members of the Legislative Council of Mysore by virtue of sub-rule (7) of rule 4 of the States Reorganisation (Election to Provisional State Legislatures) Rules, 1956, shall be deemed to have been elected to the Legislative Council of Mysore by the Mysore North West (Local Authorities) constituency.

(5) As soon as may be after the commencement of this Act, elections shall be held to fill such of the seats allotted, to the several council constituencies by the Delimitation of Council Constituencies (Mysore) Order, 1951, as modified by this Act and such of the seats to be filled by persons

referred to in clause (b) of sub-section (1) as are then vacant, as if those seats had become vacant.

(6) As soon as may be after such commencement, the vacancies in the seats allotted under clause (c) of sub-section (1) shall be filled by nomination by the Governor.

(7) The said Council shall be deemed to have been first constituted on the date on which the Legislative Council of the former State of Mysore was first constituted.

(8) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 26th April, 1958 and on the expiration of every second year thereafter, the Governor of Mysore, shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the sitting members chosen in pursuance of clause (b) of sub-section (2) of section 36 of the States Reorganisation Act, 1956, and of the members to be elected and nominated under sub-sections (5) and (6) of this section.

(9) Section 36 of the States Reorganisation Act, 1956, shall be amended, and shall be deemed always to have been amended, as follows:—

(a) in sub-section (2) for the words, brackets and figures 'Until the said Council has been reconstituted in accordance with the provisions of sub-sections (3) and (4) of this section and summoned to meet for the first time,' the words 'Until otherwise provided by law' shall be substituted; and

(b) sub-sections (3) and (4) shall be omitted.

(10) In this section, the expression 'the former State of Mysore' means the State of Mysore as it existed immediately before the 1st day of November, 1956."

The amendment may look long, but the substance is very simple. Under the States Reorganisation Act a constituted Legislative Assembly, as also an interim Legislative Council was recommended for the State of Mysore, like the State of Bombay. It was contemplated that first of all immediately after the new territories were constituted there would be an interim Council constituted, and thereafter after necessary legislation by Parliament, a new Legislative Council should be constituted altogether. The original strength of the Mysore Legislative Council was 52. To that was added 12.....

Shri Mohamed Imam: It was forty plus twelve.

Shri A. K. Sen: The new strength was 52. The original strength was 40; to that was added 12 for the new territories added to Mysore. It was also provided by the States Reorganisation Act (the relevant section is printed in the Bill, it is at the end) that there would be reconstitution all over again even after the addition of 12 representatives from the new territories. It was really superfluous to have an election all over again by dissolving the newly constituted Council which had already been functioning with the new added territories and the new additional 12 representatives. We thought it desirable that we should accept that interim constitution as the final reconstitution and the amendment seeks to give effect to that.

In fact, I may mention that all the Members of Parliament from Mysore who have seen me in connection with this are agreeable to this amendment. I do not know about hon. Members of the opposition, but if the increase is granted under the Bill, as proposed by us, then it will be certainly superfluous to have the entire Council constituted all over again, probably having the same composition. It will mean additional expense and trouble without resulting in any corresponding benefit to any one. The new constitution was made necessary because of the added territories and 12 addi-

tional representatives came from those added territories. That Council has been functioning; there is no sense in dissolving it and having the entire Council elected all over again involving expenses and trouble. Nobody has ever suggested that there could be any better Council by dissolving it or that the Council has not been discharging its functions properly. Therefore, Government thought it fit to accept the proposals which came from many representatives of Mysore in this House and I commend this amendment and request that it may be accepted.

Shri Mohamed Imam: I have tabled an amendment to this amendment, No. 144.

Shri Achar: I have got my amendment No. 26.

Shri Shankaralya (Mysore): I have got amendments No. 82 and 83.

I beg to move:

(i) Page 5, line 12—

for "63" substitute "60".

(ii) Page 5, line 15—

for "63" substitute "69".

Shri Mohamed Imam: I beg to move:

That in the amendment proposed by Shri Asoke K. Sen printed as No. 133 in List of amendments—

omit sub-clauses 3 and 4.

Shri Achar (Mangalore): I beg to move:

Page 5—

for clause 8, substitute:

"8. (1) The total number of seats in the Legislative Council of Mysore shall be increased to 69 and to those seats—

(a) the numbers to be filled by persons elected by electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 23, 6 and 6 respectively.

(b) the number to be filled by persons elected by the members of

[Shri Achar]

the Legislative Assembly of Mysore in accordance with the provisions of sub-clause (d) of the said clause shall be 23; and

(c) the number to be filled by persons nominated by the Governor of Mysore in accordance with the provisions of Sub-clause (e) of that clause shall be 11.

(2). As from the commencement of this Act the Delimitation of Council Constituencies (Mysore) Order, 1951, shall until other provision is made by law, have effect subject to the modification directed by the Second (A) schedule and in the said order as modified,

a reference to the State of Mysore shall be construed as a reference to that State as formed by section 7 of the States Reorganisation Act, 1956.

(3). As from the commencement of this Act,—

(a) every sitting member of the said Council representing immediately before such commencement any Local Authorities constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the Local Authorities constituency specified against that constituency in column 2 of the said Table:—

TABLE

1	2
Kolar (Local Authority) Bangalore (Local Authority)	Bangalore cum Kolar (Local Authorities).
Tumkur (Local Authority) Hassan (Local Authority).	Tumkur cum Hassan (Local Authorities)
Mandya (Local Authority) Mysore (Local Authority).	Mysore cum Mandya (Local Authorities).
Chickmagalur (Local Authority) Shimoga (Local Authority)	Chickmagalur cum Shimoga (Local Authorities).
Chital-droog cum Bellary (Local Authority).	Chital-droog cum Bellary (Local Authorities).
Bijapur (Local Authority) Belgaum (Local Authority)	Bijapur cum Belgaum (Local Authorities)
Dharwar (Local Authority)	Dharwar cum North Kanara (Local Authorities)

(b) every sitting member of the said Council representing immediately before such commencement the graduates constituency specified in column 1 of the Table

below shall be deemed to have been elected to the said Council by the graduates constituency specified against that constituency in column 2 of the said Table;

TABLE

1	2
Mysore (Graduates)	Mysore I (Graduates) ;

(c) every sitting member of the said Council representing immediately before such commencement the teachers' constituency specified in column 1 of the Table

below shall be deemed to have been elected to the said Council by the teachers' constituency specified against that constituency in column 2 of the said Table;

TABLE

I

2

Mysore (Teachers)

Mysore (Teachers) ;

(d) every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Mysore and every sitting member of the said Council chosen in the manner prescribed as provided under section 36(2) (b) of the States Reorganisation Act shall be deemed to have been duly elected by the members of the Legislative Assembly of the present state of Mysore; and

(e) every sitting member of the said Council nominated by the Rajpramukh of the former State of Mysore and the sitting member chosen as prescribed under section 36(2) (b) of the States Reorganisation Act shall be deemed to have been nominated to the said Council by the Governor of the present State of Mysore.

(4). As soon as may be after such commencement, elections shall be held to fill:—

(a) such of the seats allotted to the several Council constituencies by the Delimitation of Council Constituencies (Mysore) Order 1951 as modified by this Act, and remaining unfilled by the foregoing provisions of this section; and

(b) the additional seats to be filled by persons referred to in clause (b) of sub-section (i) as if those seats had become vacant.

(5). As soon as may be after such commencement the Governor of the State may fill by nomination the additional seats allotted under clause (c) of sub-section

(i) and remaining unfilled by the foregoing provisions of this section.

(6). The said Council shall be deemed to have been first constituted on the date on which the Legislative Council of the former state of Mysore was first constituted.

(7). In order that as nearly as may be one-third of the members of the said Council may retire on the 26th April, 1958 and on the expiration of every second year thereafter the Governor of Mysore after consultation with the Election Commission make by order such provisions as he thinks fit in regard to the terms of office of the sitting-members chosen as prescribed under clause (b) of sub-section (2) of section 36 of the States Reorganisation Act 1956, and of the members to be elected and nominated under sub-sections (4) and (5) of this section.

(8). Section 36 of the States Reorganisation Act, 1956 shall be amended, and shall be deemed always to have been amended as follows:—

(a) in sub-section (2) for the words brackets and figures 'until the said Council has been reconstituted in accordance with the provisions of sub-sections (3) and (4) of this section and summoned to meet for the first time', the words 'Until otherwise provided by law' shall be substituted; and

(b) sub-sections (3) and (4) shall be omitted.

[Shri Achar]

(9). In this section the expression "the former state of Mysore the State of Mysore as it existed immediately before the 1st day of November, 1956."

Mr. Deputy-Speaker: All these amendments to clause 8 are before the House. Shri Achar may now continue his speech.

Shri Achar: Government has accepted the principle underlying my amendment. In fact, their amendment is more or less the same as mine. But there are two differences. In fact we had a talk....

Mr. Deputy-Speaker: The hon. Member need not disclose that talk.

Shri Achar: I am not disclosing anything. We had a talk that is all I said. I would not have moved my amendment at all. But I wish to make a final appeal to the hon. Minister; that is why I am moving it.

The two differences between my amendment and the hon. Minister's are these. One is with regard to the total number. I have suggested 69 in my amendment.

The Government has proposed sixty-three. I would not have mind about the number at all so much and I would not have pressed for this number. It is not for the sake of number. What has happened is that the new Council which is now functioning has got fairly a good number of representatives from the old Mysore State. If the number is increased to sixty-nine, this will give a chance for better representation from the areas which have joined Mysore now from Madras, Hyderabad and Bombay.

Shri A. K. Sen: Mr. Achar never loses hope!

Shri Achar: It is from that point of view that I am appealing to the hon. the Law Minister that he may accept the amendment.

Mr. Deputy-Speaker: Appeals should not be accompanied by arguments.

Shri Achar: I am trying to convince him. Without arguments he may not be convinced. That is one thing.

Apart from that there is another point. There is some little difference between the delimitation suggested by my amendment and by the Government amendment. I find in the Government amendment...

Shri A. K. Sen: Yes, I ought to have mentioned it. There is a clerical error there. I hope it has been corrected in the amendment proposed.

Mr. Deputy-Speaker: That, he is going to correct.

Shri Achar: My amendment is necessary for the Schedule. That is, the total number provided for the Local Authorities constituencies is twenty-one. I mentioned it. Whereas the total provided for Local Authorities constituencies is twenty-one, as typed it comes only to twenty.

Shri A. K. Sen: Instead of the figure "2" it should be "3" there.

Shri Achar: That is with regard to Bidar, Gulbarga etc.

So far as the other aspect is concerned I wanted to mention only this much, and I had suggested this in the delimitation proposal that in these constituencies there should be more or less two or three seats for each constituency, and the number of constituencies should be larger. But the Government amendment suggests, for example for Belgaum, North Kanara, Dharwar and Bijapur districts six seats—a large constituency with six seats; similarly for other constituencies also a large number of seats for each constituency. Especially, situated as the districts are without even railway communication, as for example my district which can be reached only with difficulty, to have these large constituencies will be very difficult for the purpose of election. That is why I make this appeal to the hon. the Law Minister.

My amendment is exactly like that of the Government. But if my amendment is accepted these two defects will be rectified. Firstly, the new areas which have come in will have better representation in the Council that is to be reconstituted. And the constituencies also will be divided into more units with lesser number of seats, which will be more convenient for the voters of the class of graduates or teachers. It is only from this point of view that I am urging upon the hon. Minister that he may be kind enough to accept my amendment. Except for these two points, my amendment is the same as the Government amendment. I therefore make an appeal to the Law Minister to accept it.

Shri Shankaraiya: My amendment is with regard to the increasing of the number from sixty-three to sixty-nine. As regards the other amendments I do not want to move them in view of the fact that the Law Minister himself has moved those amendments, and I wish to congratulate him on the judicious discretion he has exhibited in following a uniform policy in forming these Legislative Councils in the different States. As originally proposed, a sort of distinction was made between Bombay and Mysore and the rest of the States. He has now brought Bombay and Mysore in conformity with the other States and I congratulate him on that.

But as regards the number I would like to add my voice to the proposal already made by my friend Mr. Achai Mysore from a very long time had a Legislative Council. Since 1927 it had one. Its strength even then, when it was a small State, was sixty-six or sixty-seven. Now it has expanded, and from one crore the population has become two crores. The area also has become double. As I said, the original strength itself was sixty-six. But during the time of the States Reorganisation Bill the Mysore State Legislative Assembly as well as the Council had passed a resolution that the strength should be increased to sixty-nine in view of the strength

of the Assembly being 208 and taking into consideration the proposal of the Constitutional amendment that the strength of the Council should be raised from one-fourth to one-third that of the Assembly. But unfortunately, for reasons that I do not know of, it was confined only to sixty-two. That was causing inconvenience.

Mr. Deputy-Speaker: So many discordant voices are not pleasant at least to the ear.

Shri Shankaraiya: It is no discordant voice, Sir. So I am voicing the feelings of

The Deputy Minister of Irrigation and Power (Shri Hathi): Not yours.

Shri Mohamed Imam: Yours is a musical voice.

Mr. Deputy-Speaker: The hon. Member may proceed.

Shri Shankaraiya: I am supporting my friend. Because, after the old Part C Mysore State had expanded by the addition of so many districts they found that the expanded area could not be adequately represented and they could not get adequate representation. Therefore, taking all this into consideration the Mysore Assembly and the Mysore Legislative Council both passed a resolution for increasing the number to sixty-nine so that adequate representation may be given to the newly added areas. And this time also the Legislative Council has passed a resolution that the number should be increased to sixty-nine. The hon. the Law Minister has exercised his judicious discretion by changing the method of the constitution; that is, instead of constituting it afresh he has allowed the original Members to continue, elections being held only for the remaining seats. We are thankful to him for that. We will be further thankful to him if he can concede to the wishes of the Mysore State Legislative Assembly and the Members here who have been pressing for increasing the number from sixty-three to sixty-nine. That will be satisfying the need for representation of the new

[Shri Shankaraiya]

areas that have been added to the Mysore State, and I hope the hon. the Law Minister will kindly accept our amendment.

With regard to the other amendment to the Schedule, I may move it at the time of discussing the Schedule.

Mr. Deputy-Speaker: We will see it at that time.

Shri T. Subramanyam (Bellary): I will only deal with one point. The amendments given today suggest that sixty-three seats should be given to the Mysore Legislative Council, that the old membership should continue and there should be no re-election to any of those seats. I submit that in the practical working it will affect adversely and will be inequitable and unfair to several areas that have come in.

Formerly there were forty Members in the Mysore Council and those forty Members will continue. And the twelve Members who come from the other areas that have joined it will also continue. Only eleven more have to be elected. If the amendment of Mr. Shankaraiya or of Mr. Achar is accepted, that would make it more equitable. Because, all the forty old Members of the previous Council would continue, and then twenty-nine would be elected from the other areas. Either in size or population those areas are almost equal to, if not more than, the old State of Mysore. They have a slightly greater population in fact. Though I belong to the old State of Mysore I must in all sense of fairness and equity to the new areas that have come in, support this suggestion. And I would request the hon. the Law Minister to agree to the amendment of Mr. Shankaraiya and accept the total strength of the Council as recommended and passed by the Legislative Council and also the Legislative Assembly of Mysore on the 26th or 27th of December last, namely that it should be increased from sixty-three to sixty-nine, so that the new areas may have a sense of fairness.

Shri Mohamed Imam: Sir, I will take some time.

Mr. Deputy-Speaker: But he should begin at least.

Shri Mohamed Imam: Sir, I have tabled an amendment to the amendment of the Law Minister.

Mr. Deputy-Speaker: Then he might continue the next day. We will take up the other discussion now.

PRICES PAID FOR LOCOMOTIVES MANUFACTURED BY TATA LOCOMOTIVE WORKS

Shri Feroze Gandhi (Rai Bareli): Mr. Deputy-Speaker, I am very grateful to the Speaker for having provided this time to the House to discuss one of the most important agreements that the Government of India have ever entered into with a private concern, I mean, the agreement signed between the Railway Board and the Tata Locomotive and Engineering Company.

This is an important document. As I have said, it is interesting, it is intriguing and it is most confusing. It has baffled the best brains in the country. Rather than express my own opinion, I would like to read out to the House the opinion of the last Comptroller and Auditor-General, Shri Narahari Rao. On the 3rd November 1952, this is what the Comptroller and Auditor-General said in his evidence before the Public Accounts Committee. I am quoting him and I would request the House to listen to it very carefully:—

“I have never come across”—this is Mr. Narahari Rao speaking—“an agreement better designed to create confusion and to blur all the issues. When I looked at it, I got very hesitant about my own accounts knowledge. I thought that probably I, did not understand enough finance and accounts when I first saw this agreement. I got quite alarmed.” He goes on to say “I have yet to meet the Financial