

individuals or manufacturers, get steel at the JPC price. There is no control on that. The small scale units get steel in terms of the new policy of strict priority; the highest priority items like defence, railways or experts or agricultural production or others get allocation on the strict priority basis. Small scale units get at the JPC price, overall price that is fixed by Parliament; JPC price is regulated by that. There is no control on steel. Small scale units have recently been given liberal allocation in order to meet their requirements.

### Abolition of Legislative Councils in India

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\*302. SHRI D. AMAT :

SHRI KEDAR NATH

SINGH :

SHRI P. C. ADICHAN :

Will the Minister of LAW AND SOCIAL WELFARE be pleased to state :

(a) whether Government propose to bring forward legislation before the Parliament to provide for abolition of all legislative councils in the States, particularly in view of the recommendations to that effect by different State Legislatures ; and

(b) if not, the reasons therefor ?

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI K. HANUMANTHAIYA) : (a) No, Sir.

(b) Article 169 of the Constitution empowers Parliament to undertake legislation for the abolition of the Legislative Council in any State only if the Legislative Assembly of that State passes a resolution to that effect with the requisite majority. Consequently, therefore, any action taken or to be taken by Parliament depends upon such initiative taken or to be taken by the Legislative Assembly of any State in this behalf.

SHRI D. AMAT : Sir, I am of the opinion that the question of the abolition of the second chambers should not be left to the State legislatures. It is a very vital question, because the framers of our Constitution went deep down into the matter and proposed a bicameral system in Parliament. The utility of the second chamber is only to guard against hasty and speedy legislation. Therefore, I would like to know from the

hon. Minister whether they are going to issue any guidelines so that this matter is not left to the wishes and whims of the State legislatures.

SHRI K. HANUMANTHAIYA : What is involved here is not the whims and fancies of the State legislature. What is involved is the provision in the Constitution on the subject. We have to satisfy the provisions of the Constitution.

DR. RAM SUBHAG SINGH : The State legislatures of Uttar Pradesh and Bihar have taken a decision during the budget session in regard to the abolition of their upper chambers. May I know whether the Government have formulated or drafted any measures in that regard, and if not, what is the stand of the Government in this matter ?

SHRI K. HANUMANTHAIYA : The hon. Member is right that the Uttar Pradesh and the Bihar Legislative Assemblies have passed resolutions in the month of April, but subsequently, they are re-thinking over the matter. The Chief Minister of Bihar,...

SHRI RABI RAY : How do you know ? Who is rethinking ?

SHRI K. HANUMANTHAIYA : I know. Therefore, I am placing the facts before the House. (*Interruption*)

MR. SPEAKER : Please listen.

SHRI K. HANUMANTHAIYA : He asks, "how do you know ?" I know the facts and therefore I am placing them before you. So far as the Bihar Legislative Assembly is concerned, there is a non-official resolution tabled on 1-7-1970 for reconsideration of the previous resolution. In this connection the Chief Minister has sent a letter to me saying that this matter should await the final decision of the Assembly.

So far as the Uttar Pradesh Legislative Assembly is concerned, there is already a non-official Bill. There also, we have received several representations that the resolution is being rescinded. If and when the final position is reached that the Assemblies do want the abolition of the Councils, we are prepared to introduce Bills.

**DR. RAM SUBHAG SINGH :** Sir, one clarification. Do not the constitutional requirements expect that the Government should draft the legislation in connection with the resolution adopted by the State legislature in this matter within a particular time, though of course, it is not so clearly stated ? Is it desirable for the Government to allow so much time to elapse between the passage of a resolution and the request of the Chief Minister ?

**SHRI K. HANUMANTHAIYA :** I agree with the views of my hon friend the Leader of the Opposition. The question is, if there was no representation either by Government or by the State Assembly members, what you say, I would do expeditiously ; but when there is a specific view in these two legislatures, the House has to wisely wait, because, if tomorrow the resolution is rescinded, we have also in turn to rescind the measure that we pass. Therefore, the facts of the case, and not anybody's whims and fancies in particular, show that we have to wait until the position becomes clear.

**श्री रवि राय :** हम को लगता है कि सरकार अपने संकीर्ण राजनीतिक स्वार्थों को साधने के लिए इस सवाल को टाल रही है। क्या यह सही नहीं है कि बिहार और उत्तर प्रदेश दोनों राज्यों की विधान सभाओं के जरिए यह प्रस्ताव पारित हो गया कि वहां की विधान परिषदें खत्म होनी चाहिए और सरकार को बिल बना कर उस को लागू करने के लिए लोक-सभा में लाना चाहिए ? जब बिहार और उत्तर प्रदेश की विधान सभाओं ने रिक्वायर्ड मेजरिटी से विधान परिषदों के ऐबोलिशन का बिल पास कर दिया तो फिर उस दिशा में भारत सरकार को आवश्यक कार्यवाही करने में क्या हिचकिचाहट है ? मैं जानना चाहता हूँ कि सरकार के पास यह बिहार और उत्तर प्रदेश की इत्तिला कब आई ? मैं जानना चाहता हूँ कि सरकार के पास उस की अनुमति लेने के लिए जब यह दरखास्त आई तो वह लोक-सभा में उस चीज को क्यों नहीं रख रही है ? बिहार के मुख्य मंत्री की चिट्ठी के बारे में अभी मंत्री

महोदय ने जिक्र किया तो मैं जानना चाहता हूँ कि जब बिहार विधान सभा ने रिक्वायर्ड मेजरिटी से वह प्रस्ताव पारित कर दिया तो उन के इस फाइनल डिस्मिशन का मतलब क्या है और क्या मंत्री महोदय यह आशा दिलायेंगे कि इस सत्र के खत्म होने के पहले वह बिल को लायेंगे ?

**श्री हनुमन्त्या :** इस सवाल में स्वार्थ भी नहीं और परार्थ भी नहीं ।

**श्री रवि राय :** मेरा जवाब नहीं मिला । मैं जानना चाहता हूँ बिहार से और उत्तर प्रदेश से किस तारीख को इत्तिला मिली ?

**MR. SPEAKER :** His question was, when did you receive this information from the State Government ?

**SHRI K. HANUMANTHAIYA :** So far as Bihar is concerned, a telegram dated 30th July, 1970 was received and another letter was received on 23rd October, 1970. So far as UP is concerned the way is much more in favour of my hon friend. We have not received any letter from UP. But the technical difficulty I pointed out the other day was, the Speaker has sent the information to the Speaker of this House. They have not sent the information either to the Home Ministry or the Law Ministry as is the usual procedure. But I do not stand on that technical formality. The House is in possession of a non-official Bill and I have no grievance if it is passed.

**श्री रवि राय :** गवर्नमेंट क्यों नहीं ला रही है, उस को लाना चाहिये ? खुद इस प्रश्न का जवाब देते हुए मंत्री महोदय मान रहे हैं कि उत्तर प्रदेश के बारे में कोई दिक्कत नहीं है । जब उस के बारे में कोई दिक्कत नहीं है तब इस सत्र में मंत्री महोदय विधेयक क्यों नहीं ला रहे हैं ?

**SHRI K. HANUMANTHAIYA :** I assure him that I will get in touch with the present Chief Minister of UP and if there is no difficulty, I will introduce the Bill if you want,

**SHRI SHRI CHAND GOYAL :** I want to know whether the constitutional requirement is not confined only to the passing of a resolution by two-thirds majority by a State legislature. When does the question of reconsideration come in ? The entire reading of the Constitution indicates that there is no provision for reconsideration of the whole matter. That is the end of it. Under what provisions of law does the hon. minister want to take shelter for reconsideration of the matter ? I also want to know how many States are there which still have bicameral legislatures ? Is it not desirable to have uniformity in this respect in all the States, instead of allowing some States to have double and some single legislatures ? I also want to know, in view of the present financial difficulty, whether the Government is considering the question of abolishing the Rajya Sabha ?

**SHRI K. HANUMANTHAIYA :** I take shelter, even as my hon. friend takes shelter, under the Constitutional provisions ; therefore, we do not differ on that subject.

So far as States, which still have bicameral Legislatures, are concerned, they are Andhra Pradesh, Bihar, Maharashtra, Mysore, Tamil Nadu and Uttar Pradesh.

**SHRI GHULAM MOHAMMAD BAKSHI :** Jammu and Kashmir.

**SHRI K. HANUMANTHAIYA :** Now the cases of Bihar and Uttar Pradesh are under consideration.

Regarding the Rajya Sabha, the ideology professed by my hon. friend will not work in India. He wants to abolish all the State Governments and all the Upper Houses. These things do not work in India... *(Interruption)*

**MR. SPEAKER :** I have allowed so many questions and we are reaching nowhere. They come to me also, as you referred. I received some information from the UP Speaker some time back. At least I am not in a position to give any final reply on that. It is for you to bring forward legislation or not. But the position should be clear once and for all. In Punjab they had second thoughts about it and they approached me but I said I could not do anything. They had second thoughts in Bengal too and some of them came to me

but I said, "No". Then, in UP they again came to the Speaker, Lok Sabha. There should be some criteria or guidelines fixed. Whether they have second thoughts or not, you should know what you are to do in this matter and what is the Constitutional position so that all these doubts may be cleared.

**SHRI K. HANUMANTHAIYA :** The Constitutional position is that when there is a Resolution, it has to be given effect to unless it is cancelled... *(Interruption.)*

**SHRI SURENDRANATH DWIVEDI :** Where is that ? Is there any such provision in the Constitution ?

**SHRI RABI RAY :** You yourself were in the Constituent Assembly. The Constitution is very clear.

**SHRI K. HANUMANTHAIYA :** So far as your direction that there should be clarification is concerned, I assure you and the House that I will take immediate steps to see that the situation becomes clear. The only indulgence I ask is to consult the SVD Government. I suppose, all of you want me to consult the SVD Government instead of taking unilateral action.

**AN HON. MEMBER :** Why ?

**SHRI RABI RAY :** He is beating about the bush.

**SHRI SURENDRANATH DWIVEDI :** The Government does not come into the picture at all. The mere information that has been sent after the Resolutions were adopted in the respective Legislatures is enough for this Government to bring forward legislation. If I remember aright, the previous Law Minister gave an assurance to this House when this question was pressed that the Government would consider this and the Bill would be brought forward in this House. I want to know where is the Constitutional provision which obliges the Government to wait unless it is cancelled. There is no Constitutional obligation. I want to know the particular provision in the Constitution which says, "unless it is cancelled". Then, no legislation can ever be passed.

Secondly, I would particularly like to know the time gap between the first infor-

mation received by the Central Government from the Bihar Chief Minister and from the U. P. Chief Minister intimating to them that such Resolution had been passed and the receipt of the later communication. They referred it to the Speaker first and then they intimated to them, as was revealed here. Why, during this time, did they not consider this and did the Cabinet ever take a decision about it ?

**SHRI K. HANUMANTHAIYA :** As regards the first question, the Constitution has to be implemented with the consent of the Opposition parties... (*Interruptions.*)

**SHRI NATH PAI :** Which is this article ? (*Interruptions.*)

**MR. SPEAKER :** Order, order. Not all of you at the same time ; only one at a time.

**श्री मधु लिमये :** संविधान के ऊपर प्वाइंट ऑफ ऑर्डर नहीं होगा तो किस के ऊपर होगा । मेरा व्यवस्था का प्रश्न है । कानून मंत्री संविधान सभा के सदस्य थे । आप तो अच्छी तरह जानते हैं कि काउंसिल रहे या न रहे, इसके बारे में राय देने का अधिकार संविधान ने विधान सभा को दिया है । विधान सभा जब दो तिहाई बहुमत से प्रस्ताव को पास करती है तो इस पर अपनी राय व्यक्त करने का पार्लिमेंट को अधिकार प्राप्त होता है । अब निजी सदस्यों के बिलों के बारे में फिर कमेटी को रेफ्रेंस किया गया था । कमेटी ने हाउस की इच्छा का आदरन करते हुए भी इस बिल को 'बी' कैटेगरी में रखा । अब कौन सा रास्ता है जिसके जरिये पार्लिमेंट को अपनी राय व्यक्त करने का मौका मिलेगा ? यह सार्वभौम सदन है । इसको आप मौका दें । अगर सदन नहीं चाहता है तो बिल फेल होगा । लेकिन आप को अडगा डालने का श्रीर दीवार के रूप में बीच में खड़े होने का कोई अधिकार नहीं है ।

**SHRI NATH PAI :** Mine is a simpler and brief point of order. You must have heard of a new contribution to the Constitution. He very clearly stated that the

Constitution has got to be implemented with the consent of the Opposition. That the co-operation of Opposition is necessary is well known because two-thirds majority is necessary. I would like to know the article which exists in the Constitution by which it can be implemented with the consent of the Opposition. I want a categorical reply to that.

**SHRI K. HANUMANTHAIYA :** My categorical reply is that I want the goodwill of the Opposition... (*Interruptions.*)

**SHRI RABI RAY :** You bring the Bill.

**SHRI K. HANUMANTHAIYA :** I will bring the Bill. (*Interruptions.*) I appeal to you that I want this Bill to be passed with grace and unanimity. Therefore, if hon. Members give me a chance to consult the leaders of the S. V. D. Government..... (*Interruptions.*)

**SHRI SURENDRANATH DWIVEDY :** Why ?

**SHRI K. HANUMANTHAIYA :** I agree with my hon. friend Shri Madhu Limaye that the way is clear for abolition. We should go in for it provided the atmosphere is quite good... (*Interruption.*)

**SHRI SURENDRANATH DWIVEDY :** He has not replied to any of my questions. (*Interruptions*)

**MR. SPEAKER :** Mr. Hanumanthaiyaji, I think... (*Interruptions.*) What has gone wrong with you, my dear friends ?

What should be my reply to this point of order ? You are the Law Minister. Can you advise me on this ? (*Interruptions.*)

**AN HON. MEMBER :** A point of order, Sir ?

**MR. SPEAKER :** Please let me deal with the first one, that is, the point of order of Mr. Nath Pai, whether there is any necessity for consulting the Opposition. Where is that Article ? It is all your goodwill, nothing else... (*Interruptions.*)

**SHRI RABI RAY :** When you have given and undertaking, you must honour it.

MR. SPEAKER : There will be no end to questions. I think the Minister should again study the whole position.

SHRI RABI RAY : Yes.

SHRI NATH PAI : Is ministerial goodwill a requirement of the Constitution ? Are we going to raise it to that level that ministerial goodwill is synonymous with the goodwill...

MR. SPEAKER : I am going to extricate him out of his trap. That is all. *(Interruptions)*

SHRI SURENDRANATH DWIVEDY : None of our questions was replied. The point of order was raised.

MR. SPEAKER : After this question we are in a terrible mess. Let us think over it.

SHRI SURENDRANATH DWIVEDY : When you have allowed further questions, I wanted to know specifically the date when the first resolution was received. You don't want my question to be replied ? Meanwhile a point of order was raised.

MR. SPEAKER : It is still continuing.

SHRI SURENDRANATH DWIVEDY : My questions have not been replied. Meanwhile, a point of order was raised.

MR. SPEAKER : Your question was lost in the point of order.

SHRI SURENDRANATH DWIVEDY : He was replying. Then the point of order was raised.

MR. SPEAKER : I am sorry.

SHRI SURENDRANATH DWIVEDY : I had put specific questions. I would like to know as to when the first intimation was received by the Government from the Bihar Chief Minister after the resolution was adopted in the Assembly. Is it not a fact that the previous Law Minister here said that he had received an intimation from the Bihar Chief Minister and that he was going to introduce a Bill in the next session after

the Cabinet had considered the proposal ? I want to know, therefore, whether, after Cabinet considering it, the Government thought and advised the Law Ministry to again write to the Chief Minister whether they were re-considering this and, therefore, this has been delayed.

SHRI K. HANUMANTHAIYA : The Bihar Assembly passed the resolution on 3rd April, 1970. I have given the date. I have already given the date of the Chief Minister's telegram which says :

"On 1-7-1970 Shri Vidyakar Kavi, MLA, moved a non-official resolution in the House to the effect that the aforesaid resolution of the House dated the 3rd April, 1970 should not be implemented before 7th May, 1974. The debate in this non-official resolution could not be concluded for want of time and the presiding officer adjourned it for the next session. Thus, further consideration of this matter is pending before the House.

MR. SPEAKER : His question is : whether your predecessor made some observations about this in the House and what were they and do you stand by them or not ? This is a specific question.

SHRI SURENDRANATH DWIVEDY : You are speaking about a later communication after the non-official resolution was moved there. But when was the first intimation received after the resolution was adopted there ? The hon. Minister is trying to confuse the whole point.

SHRI K. HANUMANTHAIYA : There is no confusion. Subsequent to the passing of the Resolution by the State Assembly it was sent on 3rd April, 1970.

SHRI SURENDRANATH DWIVEDY : The cat is out of the bag.

SHRI K. HANUMANTHAIYA : The Resolution is not a cat.

SHRI SURENDRANATH DWIVEDY : The Government is a mouse.

SHRI K. HANUMANTHAIYA : I think, Sir, I have answered all the questions raised.

MR. SPEAKER : The 'cat' has already reached Lok Sabha.

SOME HON. MEMBERS—*rose (Interruptions)*

MR. SPEAKER : Why don't you have sympathy with the hon. Minister ? Why are you so impatient ? Let him answer.

SHRI H. N. MUKERJEE : The Minister is fumbling.

MR. SPEAKER : After all, he has to deal with the fate of two Houses of the Assemblies, it is not a light matter.

SHRI K. HANUMANTHAIYA : I do not find the date here ; I will give the date later.

SHRI SURENDRANATH DWIVEDY : You have already given the date in reply to my question.

SHRI D. N. TIWARY : I want to clarify all the position by putting a question.

SHRI K. HANUMANTHAIYA : The Resolution was passed on 3 4 1970 and it was received here on 27-4-1970.

SHRI SURENDRANATH DWIVEDY : It was received on 27th April. Why should there be so much delay on taking action ?

MR. SPEAKER : He has laid it before you.

SHRI D. N. TIWARY : In the same session when this Resolution was passed for the abolition of the Bihar Legislative Council, that Resolution was moved by more than half number of Members, affixing their signatures to that Resolution. That Resolution was considered by the Bihar Legislative Assembly in the same session, not in any other session. The Motion was considered. But, it was not concluded. The House adjourned. (*Interruption.*) Let me have my say.

SHRI SURENDRANATH DWIVEDY : When the Bill comes he can speak.

SHRI D. N. TIWARY : This happened

in the same session. May I know this, namely, whether the Speaker and the Government received a communication from the Speaker, Bihar Legislative Assembly, requesting them to postpone the consideration of this Resolution till the final decision of the Bihar Legislative Assembly because that matter was again being reconsidered there ?

SHRI K. HANUMANTHAIYA : Yes, Sir.

SHRI H. N. MUKERJEE : Are we to take it from the Minister, that where the constitutional provision is clear, where, on the satisfaction of certain definite constitutional requirements the recommendation of the relevant State Assembly is to be automatically followed up by Central action in regard to the implementation of the Resolution, simply for reasons of political manoeuvre or Heaven knows what, the interim period is going to be utilised in this fashion for securing the retraction of the Resolutions adopted by the relevant Assemblies, in view of the delay between the passage by the Bihar Assembly and the U. P. Assembly of the Resolution asking for the abolition of the Upper Chamber and the time taken by the Central Government in not implementing the Resolution, which is a Constitutional obligation ? Are we to take it that political manoeuvring in the relevant States would be allowed to postpone implementation of this Constitutional obligation ? The Ministers' answers are evasive and fumbling suggesting some sort of political manoeuvring which was going on all the time, and the Constitutional provisions are disregarded.

SHRI K. HANUMANTHAIYA : The hon. Member took the name of Heaven ; I suppose it is irrelevant in his case ! So far as political manoeuvring is concerned, there is none, so far as this Government is concerned. It is only a case of difference of opinion in the State Assembly and pros and cons are being examined. (*Interruption*) There is no question of fumbling ; there is no question of vacillation ; it is a question of straight dealing, consistent with the political situation existing in the States.

SHRI H. N. MUKERJEE : I had asked for something which was very clear. Auto-

matically, it should follow that the passage of a certain Resolution by an Assembly should, pending the time necessary, be implemented by Central legislation. Why is that not followed? What is the reason for it? That was why I referred to political manoeuvring and what else, I do not know. Why should it not be implemented? A constitutional provision is supposed to be observed meticulously. You cannot expect an Assembly to retract a resolution which was passed, just like that, unless something very fishy is going on in this meantime.

**SOME HON. MEMBERS rose—**

**MR. SPEAKER :** There will be no end to questions at this rate. The simple question about which the hon. Minister should be very clear is this. He may come before the House at some later stage, either during a half-an-hour discussion or otherwise on this issue. Once this resolution is passed by the Assembly and sent to the Lok Sabha, are there any constitutional provisions by which by another resolution rescinding the same, they can withdraw this from the Lok Sabha when it is already seized of it? Secondly, after they receive the resolution, are the Government bound to bring forward a legislation, or is it optional with them? There are two things. The hon. Minister need not be in very much haste to answer it just now, because I am passing on to the next question ..

**SHRI SURENDRANATH DWIVEDY :** Let him make a statement in accordance with your direction, on this issue.

**MR. SPEAKER :** Let him make a statement but later on, on the constitutional point, because everybody is...

**SHRI NATH PAI :** Let him make a well-considered and studied statement if possible.

**MR. SPEAKER :** I think the hon. Minister ought to consult the hon. Member too on this subject.

#### **Increase in Price of Steel**

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**\*303. SHRI SITARAM KESRI :**  
**SHRI S. M. KRISHNA :**

**SHRI RAGHUVIR SINGH SHASTRI :**

Will the Minister of STEEL AND HEAVY ENGINEERING be pleased to state :

(a) whether the recent agreement signed by the joint wage negotiating committees for the steel industry would result in increase in the cost of production of steel by Rs. 42 to Rs. 44 per tonne ;

(b) whether the industry has sought an increase in selling price of steel ; and

(c) whether Government have taken a decision about the increase in price, if so, the details thereof ?

**THE DEPUTY MINISTER IN THE MINISTRY OF STEEL AND HEAVY ENGINEERING (SHRI MOHD. SHAFI QURESHI) :** (a) It has been estimated that the financial impact of the agreement on the main producers would be about Rs. 23 crores per annum. On the rated capacity of saleable steel production, this works out to about Rs. 34 per tonne.

(b) Yes, Sir.

(c) There is no intention at present to allow a general increase in steel prices.

**श्री सीताराम केसरी :** अध्यक्ष महोदय, मैं मंत्री महोदय से यह जानना चाहूँगा कि जो इन्होंने कहा कि इस्पात की कीमत बढ़ाने को उन की मंशा नहीं है तो क्या मंत्री महोदय यह घोषणा करेंगे फ्लोर आफ दि हाउस से कि इस्पात की कीमत अगले दो वर्ष या एक वर्ष तक वह नहीं बढ़ाएँगे ?

**इस्पात तथा भारी इंजीनियरिंग मंत्री (श्री ब० रा० भगत) :** यह कहना तो सम्भव नहीं है। अभी जो गवर्नमेंट का इरादा है वह मैंने बता दिया है कि अभी कोई कीमत बढ़ाने का इरादा नहीं है।

**श्री सीताराम केसरी :** जैसा कि प्रथम प्रश्न में श्रीर पूरक प्रश्नों में आया है, विदेश से जो इस्पात आती है उस की कीमत कम होती है और यहाँ के इस्पात की कीमत अधिक होती है, जबकि जापान जो आयरन और लेता