

## **Two Chambers of Parliament: From Conflict to Consensus**

**Ruchika Mohta**

**Research Scholar, Department of Humanities and Social Sciences  
Malviya National Institute of Technology, Jaipur.**

### **Parallel Existence Breeds Disoard**

Commenting upon the relational pattern between the two chambers, Morries Jones said “The existence of an antagonism between the two House of a Parliament should occasion no more surprise and it is, in fact, encountered in the political history of more than one country.”<sup>1</sup> Elucidating further, he said “It is habit of institution to give birth to loyalties and when two institutions are placed side by side, it is easy for clashes to occur and feelings to run high.”<sup>2</sup>

#### **I**

The two chambers came into existence in 1952 and within a short spell of time lasting five years bitter rivalry developed between them. The surprise is that despite a single political party viz., Congress being dominant in both of them, in the first five years, conflicts occurred which shows that chambers develop institutions loyalties that cut across party lines.<sup>3</sup>

The assumption of superiority assumed by the Lower Chamber, matched by the claim of equality by the Upper Chamber is the causal factor generating conflict. The Council of States has shown over-sensitiveness for complete equality with the other House, which is not the constitutional position. The Constitution stipulates a stronger Lower Chamber and a weaker Upper Chamber.

The first sign of bitterness became apparent in 1952 itself when B.C. Ghosh (Praja Socialist) took exception to the way a request from Lok Sabha came to nominate ten members to a Joint Seler Committee. Ghosh wanted the Council and not Lok Sabha to decide its quota of

members to such a committee. The chairman of the Council pacified members. But this was a spark that gave a foretaste of things to come in future.

### **Biswas Affair**

The first major public clash between the two Houses occurred on April 29, 1953. It related to the Income Tax (Amendment) Bill, 1952, certified as money bill by the Speaker of Lok Sabha. P.S. Rajagopal Naidu (Independent) doubted if it was at all a money bill,<sup>4</sup> and wanted it to be referred back to the Speaker for reconsideration.

He was supported by many members such as V.K. Dhage and H.N. Kunzru. His argument was that the other House, by introducing any financial clause in a bill, can convert it into a Money Bill and deprive the upper chamber to deliberate on it.<sup>5</sup> He was supported by H.N. Kunzru who also thought that by introducing a money provision, any bill can become a Money Bill which the Council cannot debate and deliberate upon. S.N. Mazumdar (Communist) also supported him. Even the Minister for Law and the leader of the House, C.C. Biswas came under their spell and thought that the Speaker of Lok Sabha might have appended his signature in a routine way when the Bill was placed before him for his signatures without actually ascertaining that it was, in fact, a Money Bill. He, therefore said that the Council of States would be reassured, if it was told clearly that the Speaker, while-issuing such a certificate, gave the matter full and fair consideration. The matter was then referred back to the Speaker.

The other House reacted angrily to the reference and raised an issue of privilege and the Law Minister was asked to present himself in the House when discussion on this issue was taken up. C.C. Biswas was called to the Lok Sabha to explain his role in the matter.

The Council felt terribly incensed at this indecorous way of its leader being called to appear before the bar of the other House and saw in it a wanton effort to belittle the Council of States.

The Minister C.C. Biswas was in a fix. As Minister, he attended both Houses. But the Council passed a resolution asking him not to appear before the House of People. The resolution read as under.

That this Council of States is of the opinion that the Leader of the Council of States be directed, not to present himself in any capacity whatsoever in the House of the People when the matter sought to be raised by Pt.Thakur Das Bhargave with reference to the speech of the Leader o Council of States regarding the certificate of the Speaker endorsed on the Indian Income Tax (Amendment) Bill, 1952, is under discussion in that House.”<sup>6</sup>

The resolution was passed unanimously. The Chairman promised to send his own message to the House of the People.

The House of the People felt insensed at this and asserted that ministers were responsible to both Houses and hence had to attend the session of both House. Prime Minister Jawaharlal Nehru, having presaged a storm, intervened and said:

“To call either of these Houses, an Upper House or Lower House is not correct. Each House has full authority to regulate its own procedure within the limits of the Constitution. Neither House by itself constitutes Parliament. It is the two Houses together that are the Parliament of India.”<sup>7</sup>

He stressed the need for close cooperation between the two Houses and said that the dignity of either House was precious to everyone. Not only each House was anxious to maintain it own dignity but, he opined, it was equally anxious to maintain the dignity of the

other House since both were parts of Parliament.<sup>8</sup> He, therefore, urged the House to treat the incident as closed. The matter was dropped then.

## **II**

### **Public Accounts Committee Polemics**

In the meanwhile, another controversy cropped up with regard to the nomination of seven members of the Council of States to the Public Accounts Committee, which had already in it fifteen members of the House of the People. On May 12, 1953, Prime Minister Jawaharlal Nehru tabled a motion in the House of the People, to nominate seven members to the Public Accounts Committee which was vehemently opposed by several members such as Lanka Sundram (Independent) Mr. Sucheta Kriplani (Congress) and N.C. Chatterji (Hindu Mahasabha).

The crux of the matter was that Public Accounts Committee dealt with money matters which were beyond the pale of scrutiny by the Council. The Constitution directly forbids Council to interfere in money matters and this was an indirect way to invite intervention.

Jawaharlal Nehru then came to the defence of the Council of States and called it to be a definite and important part of the Constitution. He urged members to cast off the partisan attitude of one House being superior to the other. This is because the members of the Council of States enjoyed the same grade and status. He said that to point out an irregularity in accounting or in expenditure was not the peculiar privilege of anybody. He assured the members that if ever the Council of States tried to abuse its authority, the Constitution would be accordingly amended to get rid of it. The spell of Jawaharlal Nehru prevailed and the motion was adopted with the understanding that the Committee would remain primarily a Committee of the House of the People and the members of the Council of States in the Committee

would be acting under the control and direction of the Speaker of the House of the People.<sup>9</sup>

### **III**

#### **Nomination Muddle**

Finance, was not the only sphere matter which precipitated a crisis between the two chambers. As long as the attitude of superiority persisted in the Lower chamber, conflicts were bound to occur even in respect of non-legislative matters. This time the question of the composition of a Joint Committee of the Two House triggered off a conflict. On December 14, 1953, the Law Minister, C.C. Biswas, tabled a motion in the House of the People, requesting it to concur in the recommendation of the Council of State for the nomination of 30 members from the House of the People to a Joint Select Committee of the two chambers on the Special Marriage Bill, 1952. The Lok Sabha members felt belittled to act in a committee of an indirectly elected Council of States.

Jawaharlal Nehru once again stood in defence of Rajya Sabha. Describing the resolution as simple, logical and absolutely correct, he said:

“A Bill can originate in this House or in the other House. And if a Joint Select Committee is to be had, then in the House in which it originates – in that House – steps must be taken for the Joint Select Committee. It is then open to the other House to agree or not to agree. That is obvious. But the House in which the Bill originates remains seized of that Bill; the other House is not seized of it except in so far as it agrees or does not agree to send members to that Joint Select Committee”.

His views prevailed and a semi-disgruntled House, once again, bowed before his charismatic leadership and approved the motion.

#### **IV**

#### **Hostile Reference at Hyderabad**

Another conflict cropped up. This was in respect of a statement, made by N.C. Chatterji, which appeared in Statesman, an English Daily. According to the paper, N.C. Chatterji, speaking in the thirty first session of the All-India Hindu Mahasabha at Hyderabad, observed. "The Upper House which was supposed to be a body of elders, seemed to be behaving like a pack of urchins."<sup>10</sup> P.S. Rajagopal Naidu (Independent) raised an issue of privilege in the Council of States and called it defamatory.<sup>11</sup> The Chairman of the Council intervened and wrote a letter to N.C. Chatterji, asking him to explain whether the statement attributed to him was correct. On receipt of the letter, N.C. Chatterji raised the issue of privilege in the House of the People. He characterized the letter as a 'writ of the other House' and a 'usurpation of the jurisdiction of this House.'<sup>12</sup> Prime Minister Jawaharlal Nehru, apprehending some trouble, intervened again and said that there was nothing objectionable about the letter sent by the Chairman to N.C. Chatterji. The Speaker asked N.C. Chatterji to make a reply which he would send to the Chairman of the Council of States. N.C. Chatterji agreed and assured the Council that he was misreported.

#### **V**

#### **Annihilation Mooted**

The frequent occurrences of such conflicts showed that a sizeable number of members in the House of the People favoured the abolition of the second chamber. A resolution to this effect was tabled by M.S. Gurupadaswamy (Kisan Mazdoor Party), in the House of the People of March 18, 1954, which House read as thus. "This House is of the opinionat the existence of the Second Chamber at the Centre is

quite unnecessary and steps must be taken to make necessary amendments in the Constitution.”<sup>13</sup>

In the debate that followed, he called the Upper House as an outmoded and antiquated institution, a kind of pet political superstition of the modern age. He said “...each age has its pet political superstition. Feudalism was the favourite superstition of the Middle Ages. The divine right of kingship was the dominant superstition of the sixteenth and seventeenth centuries. In the same any, bicameralism is the dominant superstition of the modern age.”<sup>14</sup>

His attack was multi-pronged. He rejected its revisory competence and denied that there was any ‘accumulated wisdom and foresight, in the Council because it never expressed its ‘intelligent disapproval’. The dominance of one political party in both the Houses has further eroded its efficacy. He rejected hypothesis that the Lower Chamber consisted of more experienced members. Quoting comparative figures, he said, “among 500 members of this House, 63 were in the Constituent Assembly, 85 members were in the old Central Legislature, 147 members were in States Legislature, 88 members were in Municipalities, 50 members were in District Boards and 10 members were in Panchayats. This means that 443 members out of 500 have been associated in one way or the other with legislation and public life.”<sup>15</sup> Referring to the educational attainments of the members, he said, “M.Ps who have received education abroad are 53, M.Ps who have received University education are 320, M.Ps who have received education upto Intermediate are 48, M.Ps who have received education upto Matriculation are 48, M.Ps who have received education upto Middle School are 13, M.Ps who have received education in Primary School is 1.”<sup>16</sup> Hence this House does not require to be supplemented by the additional wisdom of the Upper House. The Speaker fixed April 2, 1954, as the date for a detailed discussion.

On the appointed day, Sadhan Chandra Gupta (Communist) administered a vitriolic attack on the second chamber, calling it a standing shame to any lower of democracy being the “paradise of reaction,” meant to absorb those who were rejected in the direct election. He referred to the instance of Bengal where two defeated ministers were nominated to the West Bengal Legislative Council and C. Rajagopalachari was nominated to become the Chief Minister of the Madras State. He received adequate support from G.S. Alteker and N.V. Gadgil, both from the Congress.”<sup>17</sup>

S.S. More, reminded the Congress leaders that in the past they had condemned the British proposal to introduce second chambers in India in the Calcutta Congress of 1917. He also quoted excerpts from the speech of Mahatma Gandhi, who, speaking before the Federal Structure Committee on September 17, 1931, said, “I am certainly not enamoured and I do not swear by two legislatures. I have no fear of a popular legislature, running away with itself and hastily passing some laws of which afterwards it will have to repent. I would not like to give a bad name to it and then hang the popular legislature. I think that a popular legislature can take care of itself and since we are dealing with the poorest country of the world, the less expenses we have to bear, the better it is for us. I do not for one moment endorse the idea that unless we have an Upper Chamber to exercise control over the popular chamber, the popular chamber will ruin the country. I have no such fears but I can visualize a state of affairs, when there can be a battle royal between the popular chamber and the upper chamber... personally I am of opinion that we can do with one chamber and that we can do it to great advantage.”<sup>18</sup> He also quoted Jawaharlal Nehru who said, “One fact is sometimes forgotten, the provision for second chambers in many of the Provinces. These chambers will be reactionary and will be exploited by the Governor to check any forward tendencies in the Lower House. They will make the position of a Minister who seeks



advance, even more difficult and unenviable.”<sup>19</sup> Dr. Ram Subhag Singh (Congress) and Lanka Sundram (Independent), attacked the Council’s defective composition, its faulty-functioning and a poor revisory role.<sup>20</sup> Support for the Council came from C.C. Shah (Congress) who cited from the proceedings of the Commonwealth Parliamentary Conference, 1950, held in New Zealand, where the second chamber was unequivocally praised by all.<sup>21</sup> S.C. Samanta (Congress) who followed him favoured a reference to the electorate before deciding to abolish it altogether.<sup>22</sup> Finally it was given to the Minister for Home Affairs, Dr. K.N. Katzu to provide a justification for the retention of the Council. Explaining that it was too early to think to its abolition, he reminded the Congress members that they had no mandate from the people to abolish it. Two years, he said, was hardly a time to assess the utility of an institution. The people would take at least 5 years to pronounce their judgement on the working of an institution and hence it was too early to meddle with the structure of Parliament, which was created after a “thorough enquiry, thorough investigation and thorough consideration.”<sup>23</sup> According to him, the Council had neither obstructed the passage of laws, nor did it delay legislation. His arguments prevailed and the motion was rejected with a voice vote.

## **VI**

### **Epilogue**

These confrontations indicate that between the two chambers there existed keen rivalry, bordering on hostility. What is the causal factor of this hostility? It is not merely the habit of institutions to give birth to parochial loyalties but also because some people still think in terms of a sub-chamber and a super-chamber. Despite one party being the dominant in both the chambers, in the first ten years of coming into existence of Council of States, most members of the House of the People could not shed away their superiority complex on being directly

elected which the members of the Council of States would not swallow, Said Dr. K.N. Katju “So you see a sort of current flowing, namely the disparagement of the Upper House on the one side and the anxiety on the part of the Upper House not to admit any lowering in position, excepting the one contemplated in the Constitution, viz., that it had nothing to do with money bills, budgets etc.”<sup>24</sup> Right from its inception, the Council of States had been at pains to emphasise its co-equal status with the other chamber.

It may be added that the sentiment of rivalry between the two chambers is a wasteful exercise. Richard L. Park and Irene Tinker observed “The Council members themselves are lobbying for equality with the Lok Sabha; in the first session of its existence, the Council restricted attempts by the Government to limit the question hour to two days and succeeded in increasing it to four days a week, as compared to five in the Lok Sabha.”<sup>25</sup> The sentiment of rivalry between the two Houses is a wasteful exercise of political energy and is without even a by-product of value. It only serves to lower the Parliament as a whole in public esteem. Persistence of hostility between the two Houses, will only harm the Parliament because it is an organic whole. An effort should be made to enlarge the area of co-operation and limit the sphere of conflicts. This is possible if both Houses do a little deep-delving and soul-searching. Things will improve if the Council of States gives up its assertion of parity with the other House and decides to emulate the Bundsrat or the German Federal Council which is referred to as ‘an organ of agreement and not a forum of disagreement.’<sup>26</sup> The Upper House must accept its constitutional position which is not one of parity and the Lower House should not aggravate conflicts by its ominous Big Brotherly attitude which provokes the ire of the Council. No doubt one cannot permit a second chamber to pontificate or dominate but it is clearly wrong to think that it can be lorded over. Such an attitude will

only give birth to schismatic disorders. The two chambers, must sink their ephemeral differences and forge lasting bonds of amity, failing which, the periodical recurrence of polemics between them will become recurrent and endemic. They are, what Herman Finer once said in a different context “flesh of each other’s flesh, in full sovereignty, for neither constitutional limit nor courts declare them out of bounds: and they are still flesh of each other’s flesh even when they are thorns in each other’s flesh.”<sup>27</sup>

### **REFERENCES**

1. Parliament in India, op.cit., P.256.
2. Ibid., P.255.
3. Ibid., P.256.
4. Council of States Debates, to be referred to hereafter as C.S. Deb., Vol. III, May 23, 1953, P. 4402.
5. Ibid., pp. 4412-4413.
6. Ibid., P. 4623.
7. House of the People Debates, to be referred hereafter as H.O.P. Deb., Vol. IV-V, Part-II, May 6, 1953, P. 5881.
8. Ibid., pp. 5881-5883.
9. Ibid., P. 6595.
10. Ibid., P. 2275.
11. C.S. Deb., Vol. VI, May 11, 1954, P. 6000.
12. H.O.P. Deb., Vol. P, Part II, May 18, 1954 P. 7163.
13. H.O.P. Deb., ol. II, Part-II, 1954, P. 2640.
14. Ibid., P. 2640.
15. Ibid., P. 2648.

16. Ibid., P. 2646.
17. Ibid., P. 3984.
18. Ibid., pp. 3990-3991.
19. Ibid., P. 3992.
20. Ibid., P. 3993.
21. Ibid., P. 4008.
22. Ibid.
23. Ibid., P. 4118.
24. H.O.P. Deb., Vol. III, Part-II, April 2, 1954, P. 4013.
25. Op.cit., pp. 117-118.
26. Christoper Hughes, 'German Federal Council' an article in Parliamentary Affairs, op.cit., London, 1960, P. 248.
27. Herman Finer, op.cit., P. 697.