

by the Secretary-General of the Lok Sabha :

# I

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha I am directed to enclose herewith the Indian Iron and Steel Company (Acquisition of Shares) Bill, 1976, as passed by Lok Sabha at its sitting held on the 19th August, 1976."

# II

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha I am directed to enclose herewith the Appropriation (No. 5) Bill, 1976, as passed by Lok Sabha at its sitting held on the 20th August, 1976."

2. The Speaker has certified that the Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

Sir, I lay a copy of each of the Bills on the Table.

## REFERENCE TO ARREARS OF TELEPHONE BILLS

**SHRI BHUPESH GUPTA** (West Bengal) : Sir, on Friday last, I made a statement in connection with a question that 135 Members of this House were in arrears of the telephone bills to the extent of over one lakh of rupees. I want to correct it. I have verified it from the Government source. Now this is what the Government has informed me. I quote :

"In all 134 private Members are in arrears to the extent of Rs. 1,82,105.19 on 1st January, 1976. The highest amount of Rs. 18,708.70 is due from Shri Rajnarain."

There is a slight mistake in number. It is 134 and not 135. And I am very sorry, Sir, I committed a capital mistake. I said over a lakh of rupees whereas it is nearly two lakhs of rupees.

## THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1976

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD) : Mr. Chairman, Sir, I beg to move :

"That the Bill further to amend the Representation of the People Act, 1950, as passed by the Lok Sabha, be taken into consideration."

Sir, article 82 of the Constitution provides that upon the completion of each census, the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine. It further provides that such readjustment shall not affect representation in the House of the People until the dissolution of the then existing House. There is a corresponding provision in article 170(3) of the Constitution in respect of the Legislative Assemblies of the States. In accordance with these provisions of the Constitution, Parliament enacted the Delimitation Act, 1972 providing for the setting up of a Delimitation Commission for the determination of the number and extent of Parliamentary and Assembly constituencies after the Census of 1971. The Delimitation Commission, appointed under the Delimitation Act, 1972 has completed the work of final determination of the number and the extent of Parliamentary and Assembly constituencies in respect of all States and Union Territories, except the Union Territory of Arunachal Pradesh. Under the provisions of the Government of Union Territories (Amendment) Act, 1975, the Election Commission has been entrusted with the task of determining the extent of the two Parliamentary constituencies and 30 Assembly constituencies in the Union Territory of Arunachal Pradesh and the final orders of delimitation in this regard have also been issued.

The purpose of the amendments contained in the present Bill is to empower the Election Commission to consolidate

all orders of delimitation into a single Order and to maintain the said Order up-to-date by correcting printing mistakes, etc. The First and the Second Schedules to the Representation of the People Act, 1950 are also being amended to reflect the correct position in regard to allocation of seats in Lok Sabha and in the State Legislative Assemblies as determined by the Delimitation Commission.

Opportunity is also being taken to amend section 28(3) of the Representation of the People Act, 1950 so as to bring the rule-making power of the Central Government under that Act in line with the recommendations of the Committee on Subordinate Legislation.

With these remarks, I commend the Bill for the consideration of the House.

*The question was proposed.*

**SHRI BHUPESH GUPTA** (West Bengal) : Sir, this is a Bill which has resolved all other exercises elsewhere. Sir, we are told about delimitation of constituencies but what about the fate of constituencies?

[**Mr. Deputy Chairman** in the Chair]

Sir, the first question that occurs to our mind is whether there is going to be an election. I touched this subject the other day. I return to this subject again today because I want to say that all these things have little meaning unless we are absolutely clear that democratic processes will not be disturbed or impeded or frustrated on any pretext. I say this thing because it seems that many forces are at work to see that elections do not take place as usual. Some people are interested in postponing elections indefinitely, if not by a year or two. Sir, abroad, in western propaganda, they are trying to make out that India has given up democratic processes and that elections to the Lok Sabha would be postponed again indefinitely and it seems that some people here by their whisper campaign and other internal lobbying provide arguments and excuses and propaganda ammunition for a propaganda of this kind. Sir, I am sorry that one of our esteemed colleagues, not belonging to this

House but the other House, has been going round saying that we could choose between socialism and elections, 'If you want to have socialism, forget about elections'. Do I understand, Sir, that the insertion of the word 'socialist' in the Constitution would imply the cancellation of elections or postponing of elections? The Government should make it clear. Sir, this is the way one can damage our national *bona fides* internationally. According to this gentleman, our esteemed colleague, if you want to have socialism, elections must not be held and if you have the elections, you cannot have socialism. I mean this is a strange logic and argument which is being branded about by responsible people occupying responsible position in the ruling party. Intentionally I am not naming him. I shall name him if they do not stop such propaganda. Sir, these are immense things because that is what the western press is trying to make out. I read western papers and I find that they have almost come to the conclusion—I do not know who is blessing them—that India is not going to have elections next year also. Sir, we are shocked by this propaganda and this should be answered, as has been stated that we stand by our democratic institutions and so on. We should also answer this propaganda not by making vague statements but by banning this kind of propaganda within our country.

Sir, I understand that some others are saying that since we have adopted the word 'socialism' in our Constitution why keep the word 'democratic', the public is democratic. Therefore, they want the deletion of the word 'democratic'. Sir, that again is strange. South Africa is also a republic. There are many republic, I need not name them, which are not at all democratic though they are republics. Therefore, the Government should make it clear. What is this *hush hush* about it? Why should the people be left guessing when elections are taking place? Sir, the foundation of our system and institutions is elections: democratic processes on the basis of adult franchise. People should not be punished without any reason. If it is said that for the implementation of the 20-point pro-

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gramme and other measures elections need be postponed, we do not accept that argument any more. Elections, on the contrary, will mobilise the people for the implementation of the 20-point programme and in support of the radical amendments to the Constitution that we want to bring about. Therefore, this way of counterpoising elections to the implementation of the 20-point programme and fantastic lead to socialism shows either ignorance or a very bad and sinister mentality. Sir, we are for elections. The Congress Party certainly is a big party and it can go in for elections. We know they have got the strength. Every democratic party should be ready for the elections. Sir, when you say about delimitation of the constituencies, we do not know what is going to happen. I am not saying that any responsible man in the Government, the Prime Minister and others are against elections. But I find some responsible people in the ruling party, leave out others, who are toying with the thought and the idea of postponing elections as long as possible. Sir, some wanted even the life of the Lok Sabha to be extended to seven years. This is being discussed, that is to say, the postponement by two years or so. Now, these things are shocking. Why should we hear such things when we are thinking of strengthening democracy, fighting the rightist forces, strengthening even our Constitution in order to make it a dynamic and a living document?

SHRIMATI PURABI MUKHOPADHYAY (West Bengal) : Mr. Deputy Chairman, are we discussing here the whispering which he has referred to?

SHRI BHUPESH GUPTA : I am very glad the honourable lady has said it. We are not discussing those whisperings, the conjugal whispers. It is a whisper among very high placed politicians and these whispers are so loud that they became audible, so much so that even they are heard in the western press...

MR. DEPUTY CHAIRMAN : In any case, they are loud enough to reach your ears.

SHRI BHUPESH GUPTA : You can understand, Sir, if a whisper could reach deaf ears, how loud it must be. So, sir, these are not just whispers. They are loud enough to be heard even in England, United States of America.

SHRIMATI PURABI MUKHOPADHYAY : Some interested parties may be there.

SHRI BHUPESH GUPTA : France, West Germany and our esteemed friend Shrimati Purabi Mukhopadhyay is more knowledgeable on this subject.

Sir, I am saying this thing because it is our duty to be vigilant about it in such matters. Nobody has said that elections shall not take place. Why is this campaign going on : 'Postpone elections for socialism'? And the person who is carrying on the campaign for postponing elections in the name of socialism, I do not know if he knows how to spell the word 'socialism'; but, nevertheless, they are campaigning like that. I am not blaming her or any other office-bearer of the Congress Party. Well, for any other office-bearer of the Congress Party, I cannot say this thing. Therefore, Sir, it should be made clear. Why should there be any difficulty? We can proclaim to the world and to our people. We have fought the rightist and fascist forces and defeated them. We have come out with the 20-point programme for its implementation. We seek additional changes in the Constitution in order to bring it in line with the temper of the people in order to carry out the radical measures for the well-being of the people. Why should we be shying away from telling the people that elections will and shall take place on schedule, that people will have the right to exercise their precious right, adult franchise, in order to elect a new Government and a new Parliament to begin with Lok Sabha and the Assemblies? What is the difficulty in saying it? As far as the date is concerned, the exact date, well, that can be settled later. Therefore, we should, once and for all, get these speculations at rest that there shall not be elections in our country for

the next year or two years. We should give no quarter to such propaganda that election is going to be postponed.

Sir, I can understand some aging Members of the Lok Sabha who are doubtful about their nomination, seeking a new lease of life by extension of the life of the Lok Sabha. For them, I ask Shrimati Purabi Mukhopadhyay, let us sit together and discuss it. I am not asking for pension for Members of Parliament. The Congress Party can make some arrangement so that we can look after the elderly politicians who are accustomed to these benches and cannot think of being separated from them. It may apply to me also some day. But, that is no reason. It seems that this suggestion is coming from that quarter. And not only the old, but some young people also are saying it.

It seems they want that the elections should be postponed. Here, I find that the two sides are meeting. Youth and old age are combining to frustrate the elections. This should not be done. The position should be clarified. I repeat again that it is the duty of the Government to make the position known. Particularly, this is something which should receive the attention of the Prime Minister of the country. This is what I would say as far as the elections are concerned. I do not know how you can say that you should not have elections in order to have socialism. I cannot imagine any man in his senses making such a statement. This is putting socialism into disrepute and the very Parliamentary institutions and elections into disrepute. I do not know what such people will gain in the bargain. But they are damaging the Parliamentary institutions. I am on this subject because, when you deal with the Representation of the People Act, we need to strengthen our Parliamentary institutions, we need to prevent any erosion of these institutions and we need to ensure that these institutions function according to the ground rules of democracy. Well, Sir, unless this is done, I do not know where we shall stand. The moment you break these democratic insti-

tutions and erode them, something else would follow. It is the international experience. It is not that something good would follow. Democratic institutions and Parliamentary institutions are the mainstay of our policy and they are the pillars on which we stand with our ideas and ideals to take the nation forward. If they are weakened and undermined, the whole structure collapses, sometimes perceptibly and sometimes imperceptibly. We should be very cautious about it.

Therefore, I say that this propaganda is not to be taken lightly. It is a part of some other sinister design perhaps. Sir, we have seen what has been done during this period. These Parliamentary institutions of ours have had to face serious menaces and challenges in the recent period. But have we not survived? Have we not held our ground? Have the institutions not been an effective weapon voicing the urges of the nation and even defeating the conspiracy that was afoot to undermine, destroy and subvert them? In the battles that had been fought in the last one year or so, it is the Parliamentary institutions and it is the democratic institutions which have triumphed and not the destroyers of them. This is our experience. These Parliamentary institutions have strengthened the unity of the country and in that context, the elections have given our people not only a patriotic sense, but also a democratic awareness and a sense of participation in a limited way in the working of these institutions. These have brought us strength and the moment this is weakened, well, I do not know where we shall stand. Therefore, it is very necessary to see that these are strengthened and not weakened even by propaganda of the type to which I made a reference.

Therefore, Sir, it is very necessary to hold the elections. The constituencies, if anything, should be small, not big ones, so that they become manageable. This matter has been discussed by the Election Commission at the meeting with the opposition parties which stand by the Parliamentary institutions. With the population increasing in our country, the constituencies

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have necessarily to be small for the Lok Sabha in order that a manageable number of voters are in a constituency. Otherwise, if we have the membership of the Lok Sabha more or less limited with a marginal increment, every constituency would become too unwieldy and big, not easily accessible to a common candidate or candidates who may not have enough material resources. This point should also be taken into account. Sir, I am saying this because, somehow or other, I have a feeling these days. I smell a conspiracy against these democratic institutions. I can understand the rightist people, those who never like the democratic institutions, those who wanted to carry out a total revolution and those who attacked the Members and wanted them to resign from the Assemblies and Parliament at gun-point.

I can understand that. We have fought them frontally. But I cannot understand those who swear by democracy but, at the same time, are not interested in allowing the democratic processes to continue normally, are not prepared to play according to the ground rules of democracy, are not prepared to face elections. We can go to the electorate, fight elections and defeat the forces of right reaction and return here with greater victory for the cause of democratic radical advance all along the line, inspire the people and give them confidence. In such matters one should not take a very narrow view, partisan view. National issues are at stake and the answer should be national. One must rise to the occasion and give a proper answer. If anybody is casting any doubts on our *bona fides* that we cannot function as an institution on the basis of election, adult franchise, let them be silenced once for all by categorical statements coming from the highest in the Government. We can do so; we are in a position to do so. But I do not know why this is not done.

I talked to the Ministers and others but I do not get any light on this. We are a part of the institution. We may not be as a big part as others but, nonetheless, we are a part of the institution. When people

ask us about elections, we cannot say anything. Why should we be left in such a doubt? Should we not get some general idea about it? I cannot understand. After all, this institution has been built by all of us, we cherish this institution; we want it to grow. And it is necessary that we should share the ideas about this institution and how to shape its future. Why should the Members be kept in the dark? How many Members sitting there can say as to when the elections would take place? I am not saying, give a calendar date. Nobody can say. *(Time-bell rings)* We cannot say. This is not a very good state of affairs. The ruling party should be in a position to proclaim to us as to what they mean by what they say and when the elections are likely to take place. We should also share their ideas in such matters. And if we do not think the ideas are good, we should have a right to dissent. Anyhow we should know how the land lay and where we stand with regard to such matters.

I say this before I sit down. Again and again I have to remind. I have been saying these things more than once. It is necessary to say this because the voice against postponement indefinitely of election, against stifling democratic institutions is no frontally heard here in this House or in the other House today. It is heard in the lobbies of Parliament; it is heard in political circles; it is leaked out to the press; the foreign pressmen get it and publish it. We should not like such a state of affairs to continue. Therefore, may I ask the Law Minister to be a little frank in such matters?

Sir, I must say, before I conclude, that we had a discussion on the constitutional changes. They were fruitful discussions. I like the manner in which we conducted our discussions with Sardar Swaran Singh and the Law Minister. Well, it was a dialogue; not that they accepted all our points nor that we accepted all their points. But it could be seen that given constructive approach, solutions could be found, good things could be improved and bad things could be corrected. But I hear that

another lobby is operating even to reverse the AICC Resolution on the Constitution amendments in a wrong direction. Our friends who go to Vinoba Bhave should enlighten us. I may tell you, one gentleman went to meet Vinoba Bhave and when Vinoba Bhave inquired about elections, he said : Babaji; election *bhool jao*; forget elections. Is this the way to talk ? Is this the way to talk to Vinoba Bhave ? Well, we had gone there: he knew that we were Communists—Chairman Dange, General Secretary Rajeswara Rao and I. We talked to him very frankly; we did not mince a word. I am not going into the details. But then, Sir, some people went there—everybody goes there—and wanted to talk to him. Of course Vinoba Bhave did not ask such questions of us. But he inquired of them. What about elections ? They said; Baba, election *bhool jao*; election *kya hain ?*

Well, the whole thing fell through. The entire nation was counter-productive.

SHRI GUNANAND THAKUR (Bihar) : Who is that man ?

SHRI BHUPESH GUPTA : I will not name him, but I will tell you privately. He is an office-bearer of the Congress at some place.

Now, do not do such things. Do not go to Vinoba Bhave and say all this. Such things are bad. I am saying this because we want a solution. We were frankly telling Vinoba Bhave that the agitations and other things were no good. We were saying to the Prime Minister that these were not good to the solution of the problems. Now it will not help the process by going and telling Vinoba Bhave : Forget about the elections. So far as the election part is concerned, all these things are going on. Now, there is another slogan "two years' extension of Lok Sabha". Having failed to get Presidential rule established in our country, having failed completely to check the democratic processes, the opportunity is being used by some to get the elections postponed indefinitely, if not by amending the Constitution, so that this

Lok Sabha can continue for 7 years. Sir, shame on such ideas ! That is all that I can say. We had not fought the rightist and imperialist forces in order to develop lack of faith in the people or in the democratic processes and to shy away from forthright political battles when they need to be fought with reactionary forces even in the electoral arena. My friend has been making speeches on Constitutional changes. I think over such matters there is need for censuring all those who speak against those who stand for democratic traditions and democratic processes. Party barriers must disappear. Leave it in the hands of the Government to tighten implementation of the decision, including the fixation of the date, but over other matters we should have the direction. We cannot have a mindless system now. We must have a direction how we are to go. I think, Sir, we are going, and we should go, in the direction of all along the line of strengthening our democratic institutions not only safeguarding the democratic processes such as elections but also making them more fruitful and meaningful and involving the broad masses with them more and more so that our institutions stand on solid foundation of willing co-operation of the people, on the basis of their involvement in the functioning of the system. That is what we should do.

Sir, we have been suggesting the formation of a Standing Committee of Parliament. We again say that such a Standing Committee, by amending the Constitution, should be formed. We have suggested this thing to Mr. Swaran Singh and others : Let there be a Standing Joint Committee of Lok Sabha and Rajya Sabha with statutory powers to call witnesses, to supervise the work of the Government and the day-to-day administration so that the contact between the Parliament and the administration becomes more direct and meaningful. Sir, many such suggestions we have made. I am not going into them. I do not know what is the use of telling the Minister about the limitations of the Constitution, when even on the matter of election he cannot utter a word—even the

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Law Minister of the country cannot utter a word either way ! He will prevaricate, he will avoid, he will philosophise, he will say this and that, but nothing will come out of it. Sir, we want to be liberated from this state of affairs.

**श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश) :** उप-सभाध्यक्ष महोदय, मैं इस विधेयक का समर्थन करता हूँ। माननीय भूपेश गुप्ता जी ने जो भावना व्यक्त की है उसका भी मैं समर्थन करता हूँ। मुझे बड़ी प्रसन्नता है कि भूपेश गुप्ता जी जो कि कम्युनिस्ट पार्टी के स्पोकमैन हैं, वह चुनाव के संबंध में और संसदीय जनतंत्र के संबंध में इतने जोरदार विचार रखते हैं और इतने ही जोर से मैं उनकी भावनाओं का समर्थन करता हूँ।

श्रीमन्, यह बात सही है कि आज देश में असमंजस की स्थिति व्याप्त है और सभी बुद्धिजीवी ही नहीं बल्कि पढ़े लिखे लोग इस बात को जानने के लिये बहुत ही उत्सुक है कि चुनाव अपने निश्चित समय पर होगा या नहीं होगा। मैं नहीं कहता कि यदि चुनाव को टालने की आवश्यकता हो तब भी चुनाव कराये जायें, लेकिन यदि चुनाव को टालना आवश्यक हो तो इस बात की घोषणा भी शीघ्र हो जानी चाहिए ताकि जनता के मन में शंका की भावना न रह जाये। इस तरह की शंका न रह जाये कि चुनाव होगा या नहीं होगा। अगर देश के हित में और समाज के हित में यह आवश्यक हो कि लोक सभा के चुनाव को एक वर्ष और टाल दिया जाय तो इसकी स्पष्ट घोषणा बहुत पहले होनी चाहिए ताकि विरोधी पक्ष के लोग या जो लोग देश और समाज के दुश्मन हैं, या विदेशी प्रेस के लोग इस असमंजस की स्थिति का अनुचित लाभ न उठा पायें, इसलिये हमें अपने फैसलों की घोषणा शीघ्रताशीघ्र कर देनी चाहिए और अपने इरादे को साफ कर दें ताकि किसी को हमारे ऊपर आक्षेप करने का अवसर न मिले, या हमारे इरादे की शंका की दृष्टि से देखने का अवसर न मिले। आज पश्चिमी प्रेस द्वारा जैसा कि माननीय भूपेश गुप्ता जी ने कहा इसको भी ऊपर उछाला जा रहा है और इस तरह का प्रचार किया जा रहा है कि भारत ने संसदीय प्रणाली छोड़ दी या छोड़ने का इरादा रखता है। हमारा ख्याल है कि भारत कभी भी संसदीय प्रणाली

छोड़ने का विचार कर ही नहीं सकता और दुनिया भर में भारत उन एक दो मुल्कों में से एक है जहाँ सही मायने में आज संसदीय प्रणाली चल रही है। सबसे प्रमुख बात यह है कि जब कभी देश पर संकट आया या समाज पर संकट आया या प्रतिक्रियावादी शक्तियों ने देश और समाज के ऊपर प्रहार करने की कोशिश की तो हमारी संसदीय प्रणाली ने उसका मुकाबला किया और इतिहास ने साबित किया है, सन् 1947 से आज तक के इतिहास ने साबित किया है कि हमारी संसदीय प्रणाली बहुत ही उत्कृष्ट, उत्तम और हर अवसर के लिये बहुत ही उपयोगी साबित हुई है।

श्रीमन्, यह देश के हित में है, हमारे दिल के हित में है और समाज के हित में है कि हम असमंजसता की स्थिति न रहने दें। जो कुछ भी फैसला हो, उस फैसले का माफ साफ ऐनान कर दिया जाय कि आज देश के हित में हम यह फैसला कर रहे हैं और यह हमको करना है।

एक बात श्रीमन्, मैं और कहूंगा कि माननीय भूपेश गुप्ता जी ने रूलिंग पार्टी का नाम लिया। मैं तो यह समझता हूँ कि वे भी रूलिंग पार्टी के पार्ट एंड पार्ट्स हैं। हमारी पार्टों और उनकी पार्टी में कोई फर्क नहीं है। उनसे राय मशविरा करके, मलाह करके सारा काम हमारी पार्टी करती है। इसलिये उन्हें रूलिंग पार्टी के बारे में कुछ नहीं कहना चाहिए कि रूलिंग पार्टी ऐसा कर रही है। बहुत हद तक आज की रूलिंग पार्टी और उनके बीच में कोई भिन्नता नहीं है वह हमारे पार्ट एंड पार्ट्स हैं।

**SHRI BHUPESH GUPTA :** I did not mention any name. You are supporting me. I just said, somebody in the ruling party, none in our party.

**श्री नागेश्वर प्रसाद शाही :** अच्छा, धन्यवाद। श्रीमन्, एक दूसरी बात जो इस विधेयक से संबंधित है, उसके संबंध में मैं चर्चा करना चाहता हूँ। शुरु शुरु में जब डीलिमिटेशन हुआ उस समय पं० गोविन्द वल्लभ पंत होम मिनिस्टर थे; उन्होंने विधेयक मूव किया था और उसमें रिजर्वेशन का प्राविजन था। रिजर्वेशन के प्राविजन को मूव करते समय जब कुछ सदस्यो ने इस पर आपत्ति की कि एक बार

जिस कांस्टीट्यूएन्सी को आप रिजर्व कर देंगे वह हमेशा के लिए रिजर्व रहेगा, यह उस क्षेत्र की जनता के साथ अन्याय होगा, तो उस समय पंत जी ने आश्वासन दिया था कि हम इस बात का प्रयास करेंगे कि जहां रिजर्वेशन शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स के लिए होता है वह "बाई रोटेशन" होता रहे ताकि एक कांस्टीट्यूएन्सी हमेशा रिजर्व में न रह जाए। मुझे इस संबंध में इसलिए कहना है कि हमारी पालियामेन्टरी कांस्टीट्यूएन्सी 1952 में लेकर आज तक रिजर्व है— रिजर्व्ड फार शेड्यूल्ड कास्ट और हमको इसीलिए इस हाउस में आना पड़ता है और आगे आने वाले समय में भी अगर यही कानून रहा. . . .

**SHRI B. N. BANERJEE (Nominated) :** What is the percentage of the Scheduled castes population there ? Let us hear that.

**श्री नगेश्वर प्रसाद शाही :** परसेंटेज जो है वह अगल-बगल की कांस्टीट्यूएन्सी से .05 परसेंट या .01 परसेंट में डिफर करता है।

**SHRI K. K. MADHAVAN (Kerala) :** Does the hon. Member suggest that the Scheduled Castes population should be transferred to other places ?

**SHRI NAGESHWAR PRASAD SHAHI :** No, no, I do not suggest that. I simply suggest that it should be by rotation.

यह नहीं कि अगर एक कांस्टीट्यूएन्सी में पापुलेशन 5 लाख की है और उसमें 70,000 शेड्यूल्ड कास्ट के लोग हैं, दूसरी कांस्टीट्यूएन्सी में 69,000 लोग हैं, या 200, 400 या 50 का फर्क है तो एक कांस्टीट्यूएन्सी जहां कि शेड्यूल्ड कास्ट के लोग 50 या 100 की संख्या से ज्यादा में है तो वह हमेशा के लिए रिजर्व रहे, यह नान शेड्यूल्ड कास्ट पापुलेशन के लिए अनुचित बात है इसमें कोई रोटेशन की व्यवस्था होनी चाहिए। शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स कहीं एक कांस्टीट्यूएन्सी में कामेटेड नहीं है। अगर ऐसी बात होती कि किसी कांस्टीट्यूएन्सी में 90 परसेंट या 80 परसेंट शेड्यूल्ड कास्ट होते तो हमेशा के लिए रिजर्व रहे यह बात ठीक है। लेकिन अगर शेड्यूल्ड कास्ट का जो परसेंटेज है वह नान रिजर्व्ड कांस्टीट्यूएन्सी और रिजर्व्ड कांस्टीट्यूएन्सी में केवल .05 परसेंट या

0.01 परसेंट का डिफरेंस है, और उस डिफरेंस पर वह कांस्टीट्यूएन्सी हमेशा रिजर्व रहे, यह उचित बात नहीं है और मैं लॉ मिनिस्टर महोदय से निवेदन करूंगा कि प्रारंभ में रिजर्वेशन के संबंध में बिल मूव करते हुए माननीय स्वर्गीय पंत जी ने जो आश्वासन दिया था उस पर विचार करें। इसी संसद में पंत जी ने जो आश्वासन दिया था उस पर आप विचार कीजिए कि क्या कुछ संभव है कि यह रिजर्वेशन उसी लिहाज से बाई रोटेशन हो। जैसे मान लीजिए कहीं पर 15 परसेंट शेड्यूल्ड कास्ट पापुलेशन है वहां 10 माल के लिए रिजर्वेशन है, दूसरी में जहां उससे कम है वहां उसके बाद रिजर्वेशन होना चाहिए. . . .

**SHRI B. N. BANERJEE :** But will the hon. Member permit me to say that this delimitation is not done by the Government ?

**SHRI NAGESHWAR PRASAD SHAHI :** It is not delimitation; it is a question of policy on reservation. Mr. Banerjee, it is not delimitation. It is a question of policy on reservation which the Government has to decide and Parliament has to decide. This policy has to be decided by the Government and Parliament. Therefore, I appeal to the hon. Minister to think over it and evolve a reasonable policy on it.

**श्री नगेश्वर प्रसाद शाही :** माननीय उपाध्यक्ष महोदय, मेरा निवेदन यह था कि अगर इस तरह की कोई नीति बनाई जा सकती हो जिसके अनुसार यह पापुलेशन के अनुसार हो लेकिन रोटेशन के आधार पर रहे जिससे सबको अवसर मिले तो बहुत उपयुक्त होगा।

दूसरी बात, श्रीमन्, मैं यह कहना चाहता हूं कि संसदीय प्रजातांत्रिक प्रणाली में साधन की बड़ी शक्ति होती है और साधन सम्पन्न लोग साधन का दुरुपयोग करके संसद में और विधान-सभाओं में आने का प्रयास करते हैं। श्रीमन्, यह बात छिपी नहीं है, विशेषकर इस मदन में आने के लिए धनी-मानी, सम्पन्न, करोड़पति लोग, बिड़ला के परिवार के लोग, जैपुरिया के परिवार के लोग और दूसरे शोषक परिवारों के लोग ह्वाए के बल पर और जो काला धन वे इकट्ठा करते हैं उसके बल पर इस सदन में आने का प्रयास



[Shri Nageshwar Prasad Shahi]

करते हैं। कभी-कभी वे इसमें सफल भी हो जाते हैं। यह इस सदन के लिए बड़े ही कलंक की बात है। बोट खरीद कर, रुपए के बल पर, हमारे विधायकों को डिमार्लाइज करके, उनको धन का प्रलोभन देकर लोग यहाँ आते हैं और आने के बाद चीनी मिलमालिकों का एजेंट क्या करता है? वह लाठीचार्ज करता है कि किसानों के गन्ने का दाम नहीं बढ़ाना चाहिए। अभी चार-छ महीने पहले दिसम्बर-जनवरी के महीने में यह चर्चा का विषय था कि उत्तर प्रदेश और बिहार के किसानों के गन्ने का दाम क्या रखा जाय। उस समय हमने देखा था कि चीनी मिल मालिकों के जो लोग यहाँ आये हुए हैं वे प्रयास कर रहे थे कि गन्ने का दाम न बढ़े। हम लोगों की मांग थी कि गन्ने का दाम 14 रुपए क्विन्टल में अधिक रखा जाय और चीनी मिलमालिकों लाठी के लोग प्रयास कर रहे थे कि गन्ने का दाम 10-11 रुपए क्विन्टल से अधिक न बढ़ने दिया जाय। अगर इस संसदीय प्रजातांत्रिक प्रणाली को जिन्दा रहना है और मर्ही मायने में जिन्दा रहना है तो इन धन-पशुओं को जो धन की बदौलत यहाँ आते हैं उनको रोकना होगा इस सदन को कलंकित करने से ताकि वे इस पवित्र संस्था में अपने नापाक पैर न रख सकें। इसके लिए मैं कानून मंत्री जी से निवेदन करूंगा कि इस तरह की कोई व्यवस्था करे कि जिनके पास पांच लाख में अधिक की सम्पत्ति हो या जिनकी वार्षिक आय 50 हजार से अधिक की हो उनको संसद या विधान सभा में आने की इजाजत नहीं होनी चाहिए क्योंकि कोई आदमी बहुत धनी होता है तो निश्चित है कि वह बेईमान है, उसने ईमानदारी से पैसा नहीं इकट्ठा किया हुआ है, ईमानदारी से कोई आदमी धनी नहीं हो सकता है। तो उस बेईमानी के पैसे के बल पर अगर कोई एंजीपति इस सदन में आना चाहता है तो वह इस सदन को नापाक करता है। मैं कानून मंत्री जी से निवेदन करूंगा कि अपने इस पीपुल्स रिप्रेजेंटेशन एक्ट में इस तरह का कोई संशोधन प्रस्तुत करे ताकि जो लोग पैसे के बल पर यहाँ आना चाहते हैं, जो धन-पशु लोग इस सदन में आकर उसे नापाक करना चाहते हैं वे अपने हरादे में कामयाब न हो सकें। धन्यवाद।

SHRI S. W. DHABE (Maharashtra) : Sir, we are today discussing a Bill which is a very small one and which is for the consolidation of all the Delimitation Orders into a single Order.

Sir, in this Bill, on page 4, it has been shown that the total number of seats in Parliament has increased from 522 to 542 and that the Scheduled Caste seats have increased in number from 77 to 78 while the number of the Schedule Tribe seats has come down from 41 to 38. Sir, when there is a population explosion in India and when the population is increasing rapidly in the country and when we are adding, as has been pointed out by somebody, one Australia to the population of our country, I really fail to understand how the tribal population could have decreased. Is it due to the family planning measures or any other measures taken by the Health Ministry? Certainly, I feel that there cannot be any *prima facie* reason for this much of reduction in the seats of the Scheduled Tribes from 41 to 38. Therefore, my feeling is that there must be some defect in the Census Report or in the Delimitation Orders of the Commission and this matter must be specifically investigated so that we would know what the reasons are for the reduction in the tribal population. Is it due to the fact that the surveys in the villages and in the tribal areas are not properly taken and is it due to the fact that the names of the Scheduled Tribe people are not included in the voters' list or in the electoral rolls? The only reason that can be adduced for the reduction in the number of seats of the Scheduled Tribe people is that there is some defect in preparing the census of the population of the tribal people in our country. I would, therefore, like to suggest that while making the final order, it must be taken into consideration as to what the position of the Scheduled Tribe population is in respect of the seats to be accorded to them. My friend said something about the intention behind the reservation of seats for these people. Sir, the intention behind the policy of reservation of seats is very well defined in articles 330 to 342 and the period has

been increased from thirty years, upto 1980. Sir, while moving the Bill in the Rajya Sabha for the extension of this time-limit, the Law Minister had stated like this—I am quoting from page 4373 of the debates of the Rajya Sabha of the 16th December 1969:

“This provision for reservation was originally intended for a period of ten years from the commencement of the Constitution, that is, up to the 26th January, 1960. By the first Act of Parliament in 1959, the period was extended by ten years and the extended period was due to expire on 23-1-70. The present Bill under consideration is for granting extension for a further period of ten years. During the past twenty years, many welfare projects have been undertaken by the Government for the improvement of the social, educational and economic conditions of the Scheduled Caste and Scheduled Tribe people and significant strides have been made by these classes particularly in the field of education. The problem of untouchability and the isolation of the tribal people is an age-old problem. But the efforts made are very good. But, considering the population involved, it will be a long time before these classes can be brought to the level of the general population. It must be remembered that a “good deal of progress made by the Scheduled Caste and the Scheduled Tribe people has been due to the representation given to them in the Legislatures and the representation enabled them to influence the decisions of Parliament and the Government and in strengthening the measures that are undertaken for the improvement of the socio-economic and educational conditions of these people.”

Therefore, Sir, it will be clear from this that the period was extended to strengthen their representation and if their representation is not strengthened, but, on the contrary, is reduced, then, Sir, I am certain that the interests of the Scheduled Tribe people will suffer a lot. In this connection, I would like to point out that there is one Bill which is pending consideration in

Parliament and it is Bill No. 59 of 1976 and it is the Scheduled Caste and Scheduled Tribe Orders (Amendment) Bill. In the Statement of Objects and Reasons appended to the Bill, it has been mentioned that this Bill has been brought forward because of the area restrictions.

Paras 1 and 2 of the Statement of Objects and Reasons of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1976, say :

“Some communities have been specified as Scheduled Castes and Scheduled Tribes only in certain areas of the State concerned, and not in respect of the whole State. This has been causing difficulties to members of these communities in the areas where they have not been so specified. The present Bill generally seeks to remove these area restrictions. However, in cases where continuance of such restrictions were specifically recommended by the Joint Committee on Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1976, no change is being effected. The Committee had also recommended exclusion of certain communities from the list of Scheduled Castes and Scheduled Tribes. These exclusions are not being made at present and such communities are being retained in the lists with the present area restrictions. Such of the communities in respect of which the Joint Committee had recommended exclusion on the ground that they were not found in a State are, however, being excluded if there have been no returns in respect of these communities in the censuses of 1961 and 1971.

The proposed amendments in the list of Scheduled Castes and Scheduled Tribes may lead to an increase in the population of these Castes and Tribes and consequently in the number of reserved seats in the Lok Sabha and certain State Legislative Assemblies. Provisions have, therefore, been made in the Bill to empower the Census authority to re-estimate the population of the Scheduled Castes and Scheduled Tribes and the Election

[Shri S. W. Dhabe]

Commission to re-allocate the reserved constituencies."

I would, therefore, appeal to the hon. Minister that this Bill should be brought and passed in this session so that the area restriction is removed and for having the final Consolidation Order of Delimitation, so that the Scheduled Castes and Scheduled Tribes population specially the Scheduled Tribes—are given adequate representation. I think, Sir, that if it is not passed, they will suffer by not getting proper representation.

Sir, a doubt was expressed about elections by the main speaker from the Opposition. Sir, he referred to the western Press. I do not consider that so much importance should be given to the western Press by referring to it every time in this House. Sir, the western Press never liked the development of developing countries. These vested interests and the imperialist forces always oppose everything which is done by a country like India or many other countries of Asia. Even when there was no emergency, some people of the Opposition in the House also have been staging 'dharanas'; 'gheraos' were taking place; they were paralysing the administration and the functioning of this Parliament by raising a number of objections and the proceedings were not allowed to be continued. Sir, at that time it was criticised why the Government was not taking a firm action and bring discipline. But after the emergency was brought in, which has given immense benefit to our people, the same western Press is condemning us by saying that democracy is dead and that the emergency has been brought in to scuttle down democracy. We must have faith in what we do. Even after the emergency is lifted, the same western Press is going to condemn us. Even at the time of the Non-aligned Conference it has been criticising us. It has been criticising us because their own interest are involved in the developing economies of developing countries like India. Therefore, it is no use quoting the western Press and to say that elections will not be held, and so on.

I shall now make my last point.

There should be rethinking on 1 P.M. the question of reservation for Scheduled Castes and Scheduled Tribes. The Anglo-Indian community has been given reservation in the Constitution. There is no reason why it should continue. Similarly, there are other minority communities like the Muslims and others. In this connection, I would like to quote one of the statements made by Mr. Khobragade, President of the Republican Party of India at Nagpur on 11th August. He said :

"We also do not like to be called Scheduled Castes. These should be listed community and non-listed community and the concession should be given on the criteria of economic backwardness of a particular person."

Therefore, I suggest that the interests of the Scheduled Castes and Scheduled Tribes should be safeguarded as has been done by the amendment to the Constitution in 1969. It is essential that they must have adequate representation. It can only be given by proper census of the population. I hope that in the new order the tribal seats which have been reduced will be given adequate representation in the Parliament and the Assemblies. With these words, I conclude.

MR. DEPUTY CHAIRMAN : The House stands adjourned till 2.00 P.M.

The House then adjourned for lunch at one minute past one of the clock.

The House reassembled after lunch at three minutes past two of the clock, Mr. Deputy Chairman in the Chair.

**The Representation of the People  
(Amendment) Bill, 1976—contd.**

MR. DEPUTY CHAIRMAN : Shri Madhavan—not here. Shri Rachaiah.