

Supervisor saying that according to his instructions, he has not noted down Urdu as their mother-tongue.

MR. CHAIRMAN: You should not raise a discussion on this. You have asked for papers.

DR. R. B. GOUR: It is under the instructions of the Supervisor.

MR. CHAIRMAN: That may be . . .

DR. R. B. GOUR: Therefore, the Government must make a statement.

MR. CHAIRMAN: We have sent it to the Government. We are awaiting their reply.

SHRI BHUPESH GUPTA (West Bengal): We are receiving similar letters. Therefore, you kindly arrange.

DR. R. B. GOUR: It should not be after the supervision time is over.

MR. CHAIRMAN: Dr. Gour, why are you putting this question without telling me previously?

DR. R. B. GOUR: I told you this morning.

MR. CHAIRMAN: But did I give you my consent? Please sit down.

SHRI B. K. P. SINHA (Bihar): I know more of Bihar than the hon. Member does. There are no such instructions and *Magadhi*, *Bhojpuri*, etc., are not recorded as the mother-tongue.

DR. R. B. GOUR: You are talking of Gaya.

SHRI B. K. P. SINHA: I know the whole of Bihar.

SHRI BHUPESH GUPTA: Everywhere it is taking place.

THE TWO-MEMBER CONSTITUENCIES (ABOLITION) BILL, 1961

THE DEPUTY MINISTER OF LAW
SHRI R. M. HAJARNAVIS: Mr. Chairman, I beg to move:

"That the Bill to provide for the abolition of two-member parliamentary and assembly constituencies and for the creation of single-member constituencies in their place, as passed by the Lok Sabha, be taken into consideration."

[MR. DEPUTY CHAIRMAN in the Chair.]

Before I come to the provisions of the Bill, I crave the indulgence of the House for referring to the relevant provisions of the Constitution. Under article 330, it is enjoined that:

"(1) Seats shall be reserved in the House of the People for—

(a) the Scheduled Castes;

(b) the Scheduled Tribes except the Scheduled Tribes in the tribal areas of Assam; and

(c) the Scheduled Tribes in the autonomous districts of Assam".

Similarly, article 332 says:

"(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the tribal areas of Assam, in the Legislative Assembly of every State".

And this provision takes effect under article 334 from the beginning of the Constitution to the expiration of twenty years.

Sir, the manner in which the seats are to be arranged are provided in articles 1 and 82 of the Constitution. Article 81 runs as follows:—

"(1) Subject to the provisions of article 331, the House of the People shall consist of:

(a) not more than five hundred members chosen by direct election from territorial constituencies in the States.

[Shri R. M. Hajarnavis.]

(2) For the purposes of sub-clause (a) of clause (1),—

(a) there shall be allotted to each State a number of seats in the House of the People in such manner that the ratio between that number and the population of the State is, so far as practicable, the same for all States."

Article 81(2)(b) refers to similar provisions in respect of the States. Article 82 says:—

"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:"—

and there is a proviso in the end.

Initially, there was a delimitation order made by the Delimitation Commission under the authority of the Delimitation Act of 1952. It was recently repealed by Act 58 of 1960 so that that particular Act is no longer in force. Under the provisions of the repealed Act, there was the following provision:—

"(a) Two members each of whom shall be a person who is or has been a Judge of the Supreme Court or High Court;

(b) Chief Election Commissioner *ex-officio*".

And there was a provision for co-option. Section 8 is a provision to which I respectfully invite the attention of the House. It says:

"The Commission shall, in the manner herein provided, first determine on the basis of latest figures—

(a) the number of seats to be allotted."

Clause 2 is important. It says:

"The Commission shall have regard to the following provisions, namely—

"(a) all constituencies shall be either single-member constituencies or two-member constituencies;

(b) wherever practicable, seats may be reserved for the Scheduled Castes or the Scheduled Tribes in single-member constituencies."

Now, in pursuance of that, we had sixteen Parliamentary constituencies and 105 Assembly constituencies—single-member constituencies—which are exclusively reserved either for the Scheduled Castes or the Scheduled Tribes. The question whether the double-member constituencies should be allowed to continue or whether they should be split into single-member constituencies. . .

SHRI K. SANTHANAM (Madras): How many of these seats are for the Scheduled Castes and how many for the Scheduled Tribes?

SHRI R. M. HAJARNAVIS: I do not have the information at present but before the debate is over, I will attempt to supply the information to the hon. Member.

SHRI K. SANTHANAM: For the purpose of the debate I am asking for it.

SHRI R. M. HAJARNAVIS: I will try to get it as soon as possible.

The question whether these double-member constituencies should be continued for the purpose of the next general election has exercised the minds of many people and ultimately it has been decided that for the purpose of the next election, all double-member constituencies for the State Assemblies or for the House of the People should be divided into single-member constituencies and the injunction of the Constitution may be obeyed by reserving certain single-member constituencies for the Scheduled Castes and the Scheduled Tribes. Sir, I now turn to the provisions of the Bill.

Clause 2 is the definition clause where 'Commission' has been defined

as the Election Commission and as the authority charged with the responsibility of dividing two-member constituencies into single-member constituencies. 'Delimitation Order' is the Delimitation Order which is now operative, namely, the Delimitation of Parliamentary and Assembly Constituencies Order, 1956.

Clause 3 gives the power to the Commission which, according to the definition clause, is the Election Commission. It says: The Commission shall, as soon as may be practicable and in the manner herein provided, divide every two-member constituency into two single-member constituencies, delimit their extent and decide in which of them the seat shall be reserved for the Scheduled Castes or for the Scheduled Tribes, having regard to the following provisions:

"(a) all the single-member constituencies shall, as far as practicable, be geographically compact areas and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience; and

(b) the seat shall be reserved in that single-member constituency which in the opinion of the Commission has the greater concentration of population of the scheduled castes or, as the case may be, of the scheduled tribes."

Clause 4 provides for the procedure. The Commission having made up its mind shall publish its proposals in the Gazette of India and in such newspapers in the regions of the State as are considered important by the Commission, so that the widest possible publicity is given to the proposals of the Commission. And then objections and suggestions are invited. And then under sub-clause 4(b) the objections and suggestions are considered by the Election Commission and then the final order is made. Then the Commission shall, as respects each State, direct, by notification published in the Official Gazette of the State and

in the Gazette of India, such amendments to be made in the Delimitation Order as appear to it to be necessary for giving effect to its decisions.

Then clause 5 says how its decision comes into effect.

Then there are the special provisions which follow, provisions in regard to Gujarat because, under the Bombay Reorganisation Act, 1960, there was the provision made for increasing the number of seats that fell to the share of the State of Gujarat; the number was increased. Therefore it was necessary that a fresh delimitation all over should take place for the State of Gujarat and power was given to the Election Commission to carry out the delimitation. But the pattern of making the delimitation was the same there as elsewhere, and it was contemplated that there would be double-member constituencies. Now after the adoption of this Bill that Act is going to be changed. And even there there will be single-member constituencies with certain seats reserved for the Scheduled Castes and the Scheduled Tribes.

That, Sir, is the Bill which I commend to the House for acceptance.

The question was proposed.

MR. DEPUTY CHAIRMAN: I have before me a list of eighteen names. So you will have to sit through the lunch hour, and the hon. Members who have given their names will please be present during the lunch hour also. I shall be calling on the Minister to reply at 4:30.

SHRI ROHIT M. DAVE (Gujarat): Mr. Deputy Chairman, Sir, I welcome the Bill which has been moved by the hon. Minister. This is a Bill which has got the consent of the important organisations of the Scheduled Castes and of the Scheduled Tribes, and as such it is in the fitness of things that we should try to respond to the desire of those organisations and their representatives. Sir, the sentiment of those organisations is quite understandable because in the

[Shri Rohit M. Dave.]

arrangement, as it exists at present, those members of the Scheduled Castes and the Scheduled Tribes who want to take advantage of the reservation made for them in the Constitution in order to represent certain constituencies in the legislatures, are labouring under a distinct disadvantage. The disadvantage is that a double-member constituency, by its very nature, is an unwieldy constituency and, except in certain urban areas, the constituency covers a very wide area, and it becomes very difficult for any member to approach each and every voter, as he should, and to convey them his ideas, his policies and his programmes, and to canvass his vote. Sir, it is a well-known fact that the larger the constituency, the greater the expenditure for any candidate who wants to get the votes of the electorate in that constituency. The members of the Scheduled Castes and the Scheduled Tribes are not so prosperous or have not got enough resources to manage such large constituencies, and, therefore, what happens in the ultimate analysis is that this member of the Scheduled Castes or the Scheduled Tribes has to enlist the co-operation of the candidate who stands for the General seat, and even the newspapers normally describe the candidate from the Scheduled Castes and the Scheduled Tribes as rather a running mate of the candidate who is fighting for the General seat. It is a very undesirable thing because, thereby, the special protection which the Constitution has given and which this Parliament has extended would not be available to the members of the Scheduled Castes and the Scheduled Tribes, and they will have to enlist the support of the General constituency candidates. It is perhaps because of that and because of the lack of resources and because of the unwieldy constituencies that it was felt that these constituencies should be bifurcated. Therefore, Sir, this Bill is a very welcome measure. At the same time one cannot overlook the fact that, when these constituencies are bifurcated, especially be-

cause of the provision in sub-clause 3(b), it requires that the Commission should reserve the single-member constituency in a manner in which there would be "greater concentration of population of the scheduled castes or, as the case may be, of the scheduled tribes" in the constituency which is reserved for them. That being the case, a certain amount of separate constituency principle does not incorporated as a result of the bifurcation—a principle which one does not like because of its past history and because of the future complications that it might give rise to. One has therefore to be cautious that once this bifurcation take place, it does not go further in the direction of separate constituencies and ultimately does not result in separate representation, as we knew it during the British days. It is very difficult, Sir, to give any suggestions regarding the precautions that might be taken. Ultimately, the only solution of this complex problem is to raise the status of the Scheduled Castes and the Scheduled Tribes so that their separate identity may completely disappear and they may become part and parcel of the Indian community as such. Till we reach that stage wherein they become an honourable section of our community, enjoying the same status as other sections of the community not only in law but also in fact, this type of protection will become necessary, and as long as this protection is necessary, certain risks will have to be taken with regard to the separation and reservation of constituencies for these weaker sections of our community. Therefore, while the risks are there, this particular Bill is in response to the wishes of the people concerned and, therefore, has to be welcomed.

Sir, one word more regarding the amendment of my friend, Shri Bhupesh Gupta, and I have done. That amendment seeks that before the delimitation takes place, a committee should be appointed to advise the Election Commission in the manner in which this delimitation should take place. I am afraid, Sir, I am not

in agreement with the suggestion made therein. Ultimately, we have to trust the Election Commission as an impartial body. They will be guided by the instructions that have already been given in this Bill and will do its best to act according to these instructions. If we do not trust the Election Commission, democracy in this country will not be able to flourish at all. Therefore, it is desirable that this question of delimitation should be left to this impartial and autonomous Commission, the Election Commission, which is in charge of all election matters in our country.

Again, Sir, in the Bill itself there is a provision that after the delimitations have been agreed upon, there will be a chance given to the various parties concerned to make any representation if they so desire, and if a representation is made, in the light of this representation a final order is to be given. That final order also may be placed on the Table of the Parliament. I think these are sufficient precautions to see that all the various interests have their say before the Election Commission comes to a final decision on all these matters. I, therefore, suggest that the Bill, as it is, should be adopted by the House. Thank you.

SHRI K. SANTHANAM: Mr. Deputy Chairman, Sir, I rise to oppose this Bill.

SHRI SHEEL BHADRA YAJEE (Bihar): Why?

SHRI K. SANTHANAM: Please listen. I am greatly distressed, Sir, that for reasons of minor expediency the Government have embarked upon a measure which violates the fundamental principles of democracy.

Sir, this Bill makes two grave violations. First, it creates a dual citizenship. Under this Bill certain persons on the basis of their birth will be entitled to stand for every Parliamentary constituency in this country while all the others, including the Prime Minister and the Law Minister and

every one else, will be debarred from standing as members from these reserved single-member Parliamentary constituencies.

DR. H. N. KUNZRU (Uttar Pradesh): That is the position at present.

SHRI K. SANTHANAM: Please wait. Listen. Similarly, Sir, in the case of every State now the position is that any one, except in a small number of cases, can stand, any citizen of that State, any registered voter of that State, can stand for any Assembly constituency. Hereafter, he will be debarred from standing for a certain number of Assembly constituencies.

Sir, it has been suggested that the position is already there, that there are already 16 reserved single-member constituencies and about a hundred odd single-member constituencies for Assemblies. Sir, I submit that these are almost exclusively constituencies for tribal areas which are in the hills and in most of the constituencies the tribal voters are in a majority.

SHRI B. D. KHOBARAGADE (Maharashtra): What about Scheduled Castes . . .

SHRI K. SANTHANAM: There may be one or two exceptions. I do not think there is any constituency where the Scheduled Castes are in a majority. I think in 99 per cent. of the constituencies such reservations are in two-member constituencies.

Sir, it may be said that two-member constituencies also imply a certain amount of dual citizenship in which members of the Scheduled Castes and Scheduled Tribes get some greater facility of representation than the ordinary citizen. This is partly true, but there is a fundamental difference. Sir, in a family if a member is sick, the other members may be called upon to make a little sacrifice, but because a member is sick it will be wrong to ask any other member to starve and become sick. This is what is going to happen under the

[Shri K. Santhanam.] present double-member constituencies. In all these reserved constituencies the majority of the persons are going to be told that they have no right to stand for Parliament or the Assembly in their own home constituencies. Sir, I need not say that for most people the chance of standing for Parliament or the local Legislature is either in the home constituency or not at all. Even in case of distinguished persons we see that they are trying to find out whether they can stand in some constituency where they have got some influence. There is hardly any chance of going into Parliament or the Assembly from a place except where one has worked, where one has served and where one has built up some influence. In reserved constituencies the majority of the people are going to be deprived of the right to stand for local Legislatures and for Parliament. This right is not denied today. Only he has to canvass in a larger area, among a larger number of voters, but this area and the number of voters include those who are his ardent supporters. Now he will be called upon, if he wants to stand at all, to go somewhere where he has no influence, where he is not known, where he has not built up any kind of support. I think this is a fundamental injustice which is inconsistent with any principle of democracy.

Sir, it is said that this is going to be a temporary thing. We took the decision in the Constituent Assembly that the reservation should be only for ten years and that it would automatically end in 1960. I think at that time Sardar Vallabhbhai Patel gave a positive assurance that this would end in 1960. Now Parliament, I think, has been unwisely induced to extend it for another ten years.

DR. H. N. KUNZRU: On a point of order, Sir. Can Parliament be called unwise?

SHRI K. SANTHANAM: It is a body-wise or unwise. There is no reflection.

SHRI R. M. HAJARNAVIS: Specially in respect of a provision included in the Constitution.

(Interruptions)

SHRI BHUPESH GUPTA (West Bengal): We make amendments to laws . . .

MR. DEPUTY CHAIRMAN: He used the word "induced". That is not the proper way. This is its decision on advice.

SHRI K. SANTHANAM: I withdraw if it is objectionable. I am a Member of Parliament and I have the highest respect for Parliament. Sir, the particular amendment extending the duration of representation, I feel, was not in the best interests of the country. Who can guarantee today that in 1970 the Scheduled Castes and Scheduled Tribes will be any more willing to give up special representation than they are today?

SHRI B. D. KHOBARAGADE: We wanted to give it up. Actually the Republican Party said that there should be no more reservation.

SHRI K. SANTHANAM: I am sorry that our friend has been in a minority and he may be in a minority till 1970.

SHRI B. D. KHOBARAGADE: We cannot help it if the Congress majority is there to extend the period of reservation but we oppose it . . .

SHRI K. SANTHANAM: I am not speaking about the Congress or non-Congress. I refer only about special representation. Under the single-member constituency system, the Scheduled Castes will have a greater interest than in 1960, to continue this special representation. They would have tasted the advantages of having exclusive areas where only Scheduled Caste members can be returned. It is said that now they are the appendages of General Members and that in the reserved single-member constituencies they can build up their influence. What sort of influence can

they build up when they cannot compete with others? In 1970, if the special representation is removed, I make this prophecy that not a single-member of the Scheduled Castes, who is represented from the single-member constituencies, will be able to come from those constituencies because the other voters will say: "We have been starved for 10 years, now we shall get the chance. You find out some other place" and these people will afterwards be going about begging for other constituencies. If they want to build up their influence, they must build up as citizens, not as a special community. Today, they have not built up their prestige as ordinary citizens. This special representation is not going to give them any kind of special prestige. They will not have any roots, they will be rootless. Therefore I suggest, from their point of view, that they will not be able to take root, they will not be able to acquire any influence. Therefore they will be driven in 1970 to press for the continuation of special representation with greater fervour than they did in 1960. In 1960 at least there was this that they were appendages and therefore it was better to become ordinary citizens and fight as ordinary people. Now they will say: 'We have our special areas, and these are special possessions of ours'. So they will not be able to give up and probably if they have to give up, they will be in a worse position. Now they call themselves as colleagues or appendages. In my own constituency when I fought with a Scheduled Caste Member, we felt as equal colleagues, we went to every Brahmin's house and the Scheduled Caste house and we were treated alike, as Members alike, but now, for the purpose of this single-member constituency, they want to demean themselves and call themselves as appendages. I have no quarrel with them. It is to gain a certain privilege that they want to demean themselves and say that the dual-member constituencies must end. It is the double-member constituencies which have existed since the Poona Pact. At the time when the Poona

Pact was formed, these reserved single-member constituencies . . .

SHRI B. D. KHOBARAGADE: There were single-member constituencies.

SHRI K. SANTHANAM: At that time nobody, no leader, wanted these reserved single-member constituencies with common electorate because they knew that though the electorate was common, the fact that it was reserved brought about a communal sentiment and they wanted to nip that sentiment in the Scheduled Castes. Now it is being re-introduced and we shall have the same experience as in the case of Muslims and others with special representation. It is going to be a surgical operation to get rid of this in the future and we are leaving a bad legacy for our future generation.

Only one point more. Though this is a field for parliamentary legislation, in effect, it is like amending the Constitution in which the States are vitally interested. I do not see why the Government of India did not call upon the State Legislatures to express their opinion. Of course it is not obligatory. I do not say that they were bound to do so but in common prudence and common justice, in matters in which they are also vitally interested, as in membership of Parliament, they should have called upon the State Legislatures to give their opinion and I know what they would have said. I have consulted everybody in the Madras State including the Ministers and everybody is opposed to this. They say that this is being imposed on them. The other day even the Prime Minister objected to my saying that the National Development Council had no place in the Presidential Address, and then he said that it was a very important body. I would like to know if the N.D.C. which consists of the Prime Minister and the Chief Ministers of the States was consulted on this matter. I believe it has not been. I am sure that if it had been consulted, there would have been a lot of difference of opinion. This is being merely impos-

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ed on Parliament for reasons, as I said, of expediency. I do not question the motives at all. There are conveniences. There will be less expenditure, the constituencies will be more restricted but all these fade into insignificance when we compare the fundamental principles at stake, when we recognise that this may give rise to a greater intensity of communal feelings among the Scheduled Castes which it will be difficult for our successors to eradicate. We are doing something greatly unwise and even if I stand alone, I think I consider it an honour and a duty to raise my voice strongly and firmly against it.

SHRI BHUPESH GUPTA: Mr. Deputy Chairman, fortunately we have a number of founding fathers, so to say, of the Constitution with us and we have heard one of the little founding fathers of the Constitution. The trouble is this. The Constitution, as it was envisaged, has not been implemented, in the course of the last 10 years, in which, according to the thoughts of the founding fathers it should have been implemented. The result is that some of its provisions, temporary in nature, like the constituency of reserved seats, have to be extended. Ours was one of the parties that came out first in support of the extension of the reservation period after 1960 and I think we were right and we found ultimately that many other people in the country shared our views in this matter as they should. The provision was made on account of certain very stark realities in our social life. Tens of millions—maybe hundreds of millions of people—belonging to what are called the Scheduled Castes and Scheduled Tribes, have been, in the long years of their existence, subjected to special humiliation, denied elementary social justice, given back-seats in the society, frowned upon by those who lived in the upper layers of society and thus neglected all along the line. That is why when the Constitution was passed and the provision for election was made on the basis of adult

franchise, this provision for reservation was introduced and it was thought that during the 10 years that would follow, things would be set right, that the Scheduled Castes and Scheduled Tribes would be uplifted by then from the darkness and from their conditions which were none too agreeable, into equal status with the rest of the community in the society. That clearly has not been done and the confession to this failure is embodied in the very fact that we have had to extend the period of reservation. I should have expected Mr. Santhanam, who is a very knowledgeable person in such matters, to dilate upon this theme and to speak self-critically about what has been done under the Congress rule during this period. Unless we go into this, we do not find a proper answer to the provisions that we had made and are making now. The fact remains that with all the brave talks on the part of some of the leaders that adorn perpetually, and temporarily I believe also, some of them, the Treasury Benches, very little has been done to bring them, the members of the Scheduled Castes and Scheduled Tribes, on a par with the rest of the population. There are social and economic causes and these causes have not been eliminated. Therefore, today we have to extend to them this kind of reservation so that they may come up, so that they may make up where they had been left behind. That is the crux of the matter. If we do not accept that, we cannot support this Bill. But we have to accept the need for extension of this reservation and hence we are supporting this measure. But today it is no use talking of Scheduled Castes and Scheduled Tribes and so on. Political parties operate and it is these political parties who go to the elections with their election programmes and policies and proposals, and by and large, people rally to the political parties according to their likes and dislikes and support them. That is how the Legislatures and Parliament are constituted. I do not think we go there as the Scheduled Caste party or the

Muslim party, although the Congress is trying to revive the Muslim League. We do not go there as such. We go there as the Congress Party, as the P.S.P. as the Communist Party, as the Swatantra Party, or the party that exists here in the Rajya Sabha and does not exist in the Lobby also, Shri Jaswant Singh's Party. So, you see, that is how the elections take place. Naturally the Scheduled Caste people and the members of the Scheduled Tribes, judge the various parties and support them by the programmes and policies that these parties place before them, and by their performance between two elections, by their general line of approach with regard to the down-trodden in society. Therefore, it is not right always to think that the caste Hindu will oust a Member or a Scheduled Caste will be ousting somebody else. Today I know the ruling party is a past-master in introducing caste elements and in introducing prejudices of every type, when their boat is sinking; I quite sympathise with them. Of course, by and large, hon. Members opposite also do not like this kind of thing. People generally do not like it. Therefore, let us understand it from that angle. If there is a party, for example which particularly represents or specially represents the interests of the Scheduled Castes, then naturally They would be entitled to a better consideration in the matter of election than other parties can expect. I can understand that position. But then other problems will arise. The Scheduled Caste person may be a peasant, he may be a government employee, or may be in the Army or may be in the superior services and he will have his grievances, grievances other than the social grievances from which he suffers. Therefore, all these considerations will come in. As I said, the reservation has to continue.

I understand, Sir, that about 100 double-member, constituencies are there as far as Parliament is concerned and about 400 odd double-member constituencies are there as far as the State Assemblies are concerned. They

will be split up into two. For some time this will continue. That is the position and we have to support it. We have to support it because we have to support reservation. If we don't split up these constituencies and the present arrangement remains, it may well be that these social advantages which the caste people or the conservative people enjoy or would like to exploit, would be exploited to the detriment of the people who should come up and who should be helped to come up in society. Therefore, there should not be any quarrel over this. I do not agree that we should not criticise Parliament. Many people ask, "Why should I criticise Parliament?" Why not, if we are wrong? Even God criticises Himself.

AN HON. MEMBER: Does He?

SHRI BHUPESH GUPTA: Yes. He is God, after all. Some hon. Members speak as if Parliament and we all live in the Heavens, in a sort of divine sphere where nothing can be said. But here we amend the Constitution. We amend the laws. We say things, cross swords with each other, make irrelevant speeches and do so many other things. It is no use saying we are all so wise. Let us not pretend to be what we are not. There are many people outside who are much wiser than many of us here. Therefore, there is no question of any Parliamentary privilege. I mention this because there is a tendency to deify the Constitution and Parliamentary institutions in such a manner as if we are above everything. But we also have our frailties and failings. We have to nurse Parliament, but if there is any ailment, let us cure it and let us also say that such and such ailment is there. Therefore, there is no such point of order, Sir.

PROF. M. B. LAL (Uttar Pradesh): Are you questioning the ruling of the Chair?

SHRI BHUPESH GUPTA: I am not. The Chair is a very intelligent person you see. Of course, I am not. How

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can I question the opinion of the Chair? But are you thrusting your opinion on the Chair? That is the question, I ask you.

Therefore, as I said, it is desired that this thing should remain. But it is a controversial thing. Shri Mahavir Tyagi, for example, in the other House made a very strong and powerful speech in his usual style . . .

MR. DEPUTY CHAIRMAN: We are not concerned with that. Come to the Bill.

SHRI BHUPESH GUPTA: We are concerned with Mr. Tyagi's speech, because. . .

MR. DEPUTY CHAIRMAN: We are not concerned with that.

SHRI BHUPESH GUPTA: Why not?

MR. DEPUTY CHAIRMAN: No, not in this House. Come to the Bill.

SHRI BHUPESH GUPTA: But it is on this Bill that he spoke and Mr. Tyagi gave certain arguments and I am trying to meet those arguments. He said . . .

MR. DEPUTY CHAIRMAN: The convention is that we do not comment on the speeches made in the other House.

SHRI BHUPESH GUPTA: You are quite right, that is the thing. It has nothing to do with the Bill.

MR. DEPUTY CHAIRMAN: Therefore, do not make any comments.

SHRI BHUPESH GUPTA: Very well. A gentleman somewhere, not very far from us, perhaps hailing from Uttar Pradesh and a former Minister, shall we say . . .

THE MINISTER OF LAW (SHRI A. K. SEN): That is doing it not directly but in an indirect manner.

SHRI BHUPESH GUPTA: But what is there? Many Uttar Pradesh people are there. Well, this gentleman made a speech in which he expressed

himself strongly against it. He was very much opposed to this Bill, and he said everything would go to rack and ruin if you pass such a Bill. But we do not share this view, for a simple reason and that reason is, as I have said, the political parties are there to look after their own interests and they will be judged, by and large, by the programmes and policies that the parties have. I have given notice of an amendment here and I will take it up when the amendments are taken up. I have suggested that Delimitation Committees should be appointed. You see in clause 2 of the Bill it is said that the Election Commission will be authorised to divide the constituencies or to split the constituencies. I accept that the constituencies have to be split. But I do not like that the matter should be left as it is in the Bill. I have no quarrel with the Election Commission. The Election Commission, by and large, enjoys the confidence of the country. Although I had occasion to criticise the Election Commission at the time of the West Calcutta parliamentary election because of that photographing business, I still feel that the Commission, by and large, enjoys the confidence of the country. But they have their deputies in important centres like Calcutta, Madras, Bombay and so on and actually the dividing or splitting up will be done by officials, the District Magistrate, the S.D.O., the Development Officer, and so on, of the State Government. There the snag comes in. That is why I want Delimitation Committees to be appointed to carry out the delimitation or splitting up of the constituencies under the provisions of this measure. I know that in another place another gentleman who hails from Calcutta, a gentleman who usually wears a type of dress other than a black coat, was saying something else. He was trying to make out that it is not at all necessary to appoint Delimitation Committees. I join issue with him, because it is necessary. We are already getting complaints from Calcutta and other parts of Bengal that taking advantage

of the situation, officers of the State Government have in fact been entrusted with the responsibility of dividing the constituencies and certain influences are being brought to bear upon them. You can well understand where are the fountain-heads of these influences. They are naturally in the ruling party. The fountain-head of every evil influence in the country is there. There are these Development Officers and you can well understand and imagine these Development Officers in the districts, even in Bengal where we can give them a little trouble, even there, they are afraid of the mighty Congress Ministers, the M.L.A.s and so on, and those who are in their band-wagon. They are afraid of them, and naturally when they go for dividing a constituency, somebody comes and says, "Divide it in this manner." After all, they are not always in a very happy position, these aspirants for positions in the Assembly, or those who want to maintain their tenure there. I have received letters from Orissa, from Bengal and from other parts. I ask him, how is it that this division started even before the Bill was discussed in the Lok Sabha, in another place, if you like. How is it . . .

SHRI A. K. SEN: In Orissa, there is no ruling party.

SHRI BHUPESH GUPTA: It is a good news he has given, and in the morning it is good to hear such good news, that there is no ruling party in Orissa. After having gone in for a consortium and having lived in sin and honeymoon, the gentlemen have parted company now; they have fallen out with each other. In Orissa there is no ruling party but I think the Congress Party exists in Orissa, and taking India as a whole, it does become the ruling party. Therefore, there is a ruling party even in Orissa. Does he deny it? I ask the Law Minister, does he or does he not know that even before the Bill came to be placed round about this place and here that the constituencies were being split up? That work was undertaken and in

many places had been completed even before we started or our colleagues started discussing this measure. Can he deny it? Who authorised them? Under what law did they do it? Evidently they took action in anticipation, that is, that the Bill would be passed. I do not go into that question but the point is this: In that matter, the situation had been manipulated and gerrymandering of constituencies is going on in various parts of the country and the Congress Party is responsible for it. The Government officials there are being intimidated, pressurised, bullied, wooed and coaxed and what not in order to placate the members of the ruling party. This is the position. I hope, Sir, that my suggestion for amendment would be accepted because we want the Election Commission to be above reproach. I do not like the Election Commission even perchance and under circumstances like this to be drawn into a political controversy and find themselves in a position where they have been practically kidnapped by the Congress members in the various constituencies. We do not like that position. From that predicament we want to save the Election Commission and that is why we say that there should be a Delimitation Commission which should be responsible for this and which should function in consultation with the other parties and which should not favour or fear anybody or anything. That is how the matter should be proceeded with. I hope the Law Minister, who is a very reasonable man otherwise when he is on the Treasury Benches, will see the grave constitutional and political implications of not having a Delimitation Commission when it involves the prestige of the Election Commission which was built up so eminently and ably by Mr. Sukumar Sen when he was the Chief Election Commissioner and we would like to maintain that prestige even now, whatever be the other circumstances.

With these words, Sir, I support the Bill and I hope the Law Minister

[Shri Bhupesh Gupta.]

would discover wisdom here which was lacking elsewhere and accept my amendment.

DR. H. N. KUNZRU: Mr. Deputy Chairman, while the idea of having two-Member constituencies with the reservation of seats for the Scheduled Castes and the Scheduled Tribes was mooted, I opposed it. I suggested even then that we should have only single-Member constituencies. I am glad, Sir, that Government has now accepted the idea that I put forward about ten years ago and has proposed the creation of single-Member constituencies.

SHRI BHUPESH GUPTA: The hon. Member should treat us to tea now.

DR. H. N. KUNZRU: Why should I? I thought hon. Members like Shri Bhupesh Gupta ought to invite me to a tea party to congratulate me . . .

SHRI BHUPESH GUPTA: Most certainly, immediately after your speech is over.

DR. H. N. KUNZRU: . . . on getting something that they liked.

SHRI A. K. SEN: He does not drink any tea.

DR. H. N. KUNZRU: One hon. Member, Shri K. Santhanam has spoken as if the principle underlying this Bill is different from that underlying the two-Member constituencies. I cannot see what the difference is. The principle is the same. Either you agree to the reservation of seats for the Scheduled Tribes and the Scheduled Castes or you do not. If you do not, no constituency need be created for either of these communities but if you want to have reserved seats for these communities, then it is obvious that you should not create such constituencies as would put them to the maximum of trouble and the maximum of expense. It has been suggested by Shri Santhanam that the creation of single-Member constituencies may

lead in course of time to a reversion to the state of things that existed during the British regime. The trouble during the British regime was that people of certain communities were elected only by voters belonging to those communities; it was not the reservation of seats that created the trouble but the creation of communal electorates. The Congress itself had repeatedly asked for the creation of reserved seats with mixed electorates. If we agree, however, that there ought to be reservation of seats, then why should we say that the reservation of seats should be in a two, three or four-Member constituency, why not in a one-Member constituency? Again, Sir, it has been supposed that somehow the creation of single-Member constituencies will debar people from standing for election from that constituency which is reserved for the Scheduled Castes or the Scheduled Tribes. But what happens now in a two-Member constituency? Members from the two parts of the constituency may stand for election but it is obvious that only one of them can be elected. Let us suppose that the Communist Party is interested in such an election. Obviously it will not allow two persons to stand for election; it will allow only one person to stand for election and if that person is chosen from one part of the constituency, it is obvious that for the time being people living in the other part of the constituency, however able they may be, will be debarred from all chance of serving their country by becoming Members of a Legislature.

SHRI K. SANTHANAM: Does the hon. Member deny that the choice is taken away?

DR. H. N. KUNZRU: Choice of what?

SHRI K. SANTHANAM: Choice of the voters in the reserved constituencies to stand.

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DR. H. N. KUNZRU: The choice of voters in the reserved constituency to

stand. The choice, as I am pointing out, is only nominal. Where there are developed parties candidates are put forward on behalf of those parties and they cannot allow a number of people belonging to the same party to stand for election from the same constituency. What happens now is in a two-member constituency for all practical purposes you have to vote for one candidate for a general seat and for one candidate for a reserved seat. If single-member constituencies are created, it will be possible for the various parties recognised by the Election Commission to choose a candidate belonging to the constituency reserved for a scheduled caste to stand from some other constituency. If the success of the candidate depends on the strength of his party, then it is obvious that his position will not be seriously affected by the arrangement now proposed, that is, by the division of two-member constituencies into single-member constituencies. Now, Sir, it will be easier for members in single-member constituencies to reach their electors and it will be possible for them to get elected without spending as much money as they have to now.

DR. SHRIMATI SEETA PARNAND (Madhya Pradesh): That is the only advantage.

DR. H. N. KUNZRU: After all, what does success in an election depend on? The hon. Lady Member says that this is the only advantage that the candidates will have. After all, what is the most important thing in an election? It is that you should be able to canvass the voters with ease and that the expenditure should not be prohibitive. Now the creation of single-member constituencies will lead to this desirable result. I cannot therefore see why the creation of single-member constituencies should be opposed. It has been said, I think by Shri Santhanam, that while candidates not belonging either to the scheduled caste or to the scheduled tribes will be able to put forward

their candidature only from certain constituencies, the candidates of these communities may stand for any seat in any constituency. But that was the position; earlier too the same position existed. Suppose two candidates belonging to the scheduled tribes had got the largest number of votes in a two-member constituency, they would have been elected. One would have been elected to a reserved seat and the other to a general seat, and the same position exists now. If however, two candidates not belonging to the scheduled tribes in a constituency where one seat was reserved for scheduled tribes got the largest number of votes only one of them could be elected. The other would have had to make way for the candidate belonging to the scheduled tribe who got the largest number of votes among the candidates belonging to his community. I cannot see therefore that in any vital respect the position as it will be under the Bill before us will be different from what it is at the present time. Sir, if we desire to give representation to a community let us make it real. Let us see that the members of that community are not put to inordinate trouble and expense in order to get elected.

Now, I would like to say a word about a remark made by Shri Bhupesh Gupta that the Election Commission should be advised by a committee in connection with the delimitation of constituencies. It is for the Election Commission to appoint a Delimitation Commission as it has done in the past. No one in the past ever questioned the integrity of the Delimitation Commissions appointed by the Election Commission though it did not have the benefit of an advisory committee to tell it what considerations it should bear in mind in delimiting the constituencies. I see no reason therefore why any advisory committee should be created to advise the Election Commission in regard to the manner in which the constituencies should be delimited. If there are, to use the words of Shri Bhupesh Gupta,

political implications in that suggestion, then I think that that is a very potent reason for not accepting it.

It has been said, Sir, in the Bill that the reserved constituencies should be created in those areas where the people belonging to the scheduled communities are most concentrated. An hon. Member here has proposed that this provision should be deleted. In other words, he seems to desire that a constituency, say, for the scheduled castes, may be created in an area where there is a very small population of the people belonging to the scheduled castes.

DR. W. S. BARLINGAY (Maharashtra): Not necessarily.

SHRI JASPAT ROY KAPOOR (Uttar Pradesh): Quite so.

DR. H. N. KUNZRU: But that may be done; it is possible. But why should that be possible even now?

SHRI JASPAT ROY KAPOOR: In fact that is the object behind my amendment.

DR. W. S. BARLINGAY: After all there is such a thing as commonsense.

DR. H. N. KUNZRU: Yes, Sir. What is done now? Two-member constituencies are created only in those areas where the population either of the scheduled tribes or of the scheduled castes is most concentrated. Why should that principle be departed from?

DR. W. S. BARLINGAY: What is there to say that that principle will be departed from if the provision is not there?

DR. H. N. KUNZRU: Why should any Member want to delete the provision the object of which is to ensure that single-member constituencies with reserved seats. . .

DR. W. S. BARLINGAY: Because it is redundant.

DR. H. N. KUNZRU: . . . will be created only in those areas . . .

DR. W. S. BARLINGAY: It is not necessary.

DR. H. N. KUNZRU: . . . where the population of the communities for whom the reservation is intended is most concentrated? Sir, look at it from any angle you like. I can only regard the opposition to this Bill as based on entirely mistaken ideas and mistaken apprehensions of what might occur in the future. The Bill in principle, as I have said, will have the same effect as the present two-member constituencies but it will be giving an advantage to the scheduled castes and the scheduled tribes and even to members belonging to the general community. It will make it possible for candidates of all communities to approach the voters more easily and to keep the expenses within bounds. For these reasons, I support this Bill and I hope that it will be accepted by the House.

SHRI P. N. SAPRU (Uttar Pradesh): Mr. Deputy Chairman, a silent vote on this Bill is not possible. When this Bill was presented in the other House, I had a divided mind, I confess, in regard to it. I was inclined initially to think that a double-member constituency system would better serve the interests of the country. On reflection, however, I had to change my view and I do not mind saying so. The problem of Scheduled Castes is a vital problem. It is a matter of shame for the Indian people that their condition is as bad as it is today. For centuries, as my friend, Mr. Bhupesh Gupta, pointed out, we have been oppressing these classes. Sometimes we resent the tone in which they talk about us. But if we had a little capacity to enter into the feelings of other people, we would not resent what they have been saying. We would bring to bear upon our work a more balanced mind. There is a history about this reservation—we all know that—of seats for the Scheduled Castes. Mr. Ramsay MacDonald's commu-

award had reserved seats for them in separate electorates under the Act of 1935. Mahatma Gandhi wanted the Scheduled Castes to be emotionally integrated with the Indian community. He fasted and at the time of the Poona Pact a settlement was arrived at and the Scheduled Castes were given representation in excess of what had been conceded to them under the special electorate system devised by Mr. Ramsay MacDonald. At the same time, the effective electorate was to be a joint electorate. We had this background when the Constitution was drawn up and we also were aware of the fact that the Scheduled Castes and Scheduled Tribes were a backward community. They needed help and they needed protection. And, therefore, we came to the conclusion that protection should be provided for them for a period of ten years. Then, we had hoped that the progress would be rapid. It was not as rapid as we had thought it would be. Therefore, after ten years when the question for review came, we came to the conclusion that the period should be extended by another ten years.

Now, Sir, if you are going to provide special representation for any particular community, then it should be a representation which could be appreciated by that community. It should be a representation which can appeal to the intelligence of that community. It should be a representation which will enable real men of talent in that community to emerge as its leaders. I am, therefore, of the view that this system of separate constituencies is, in all the circumstances which exist in this country, a desirable system. It will enable Scheduled Caste candidates, helped by political parties, to stand on their own legs. The Scheduled Caste candidate will not just be an annexe of the caste candidate. He will have to canvass on his own. He will approach voters himself. He will develop initiative and independence and in all this he will be or he

ought to be helped by political parties to do so. I think the system of separate seats, single-member constituencies, is therefore desirable. It has been said and it was **forcefully** said by Mr. Santhanam that this is contrary to democracy. Well, Mr. Santhanam, I find, the other day said something which I thought was most contrary to parliamentary democracy. I read an article of his or an interview of his in some paper, where he had argued that under our system the President was all-powerful.

SHRI K. SANTHANAM: May I inform him that he is altogether misinformed and he is going on the basis of very sketchy reports. What I said was this. Politically he is a figure-head, while under a technical, legal interpretation he is omnipotent.

MR. DEPUTY CHAIRMAN: Anyway, we are not concerned with it now.

SHRI P. N. SAPRU: I am not going to argue the question, but I can say this with confidence that those two words 'aid' and 'advise' can have only one meaning and that they mean guided. The Privy Council only advises the Crown. Is it suggested by any person of sanity that the Crown can disregard the advice given by the Privy Council?

SHRI K. SANTHANAM: My point was that if the Crown disregarded it, there was no judicial remedy.

MR. DEPUTY CHAIRMAN: Order, order.

SHRI K. SANTHANAM: I am sorry I can only say that he is misguiding by bringing in wrong quotations.

(Interruptions)

SHRI P. N. SAPRU: Democracy is a very, very difficult concept.

MR. DEPUTY CHAIRMAN: We are not concerned with it now, Mr. Sapru. We are concerned only with the Bill before us.

SHRI P. N. SAPRU: Democracy is a very, very difficult concept and I see no antithesis between democracy and this Bill. What we have suggested in this Bill is that there will be certain constituencies reserved for certain seats. I hope that these constituencies will be changing constituencies though I should not like any hardship in doing so to be placed upon the Scheduled Castes.

I want to make one more remark and that is, it is important that sub-clause (b) of clause 3 should remain as it is. If you want to give representation to the Scheduled Castes, give them in constituencies where they are in an effective position to influence the course of their election. Let there be no humbug about this matter.

Finally, I would like the Minister to make it clear that so far as this Government is concerned—because we cannot bind the successor Government and no Government can bind its successors—it is committed to the view that this system of reservation shall disappear at the end of the prescribed period. Thank you very much.

SHRI V. C. KESAVA RAO (Andhra Pradesh): Mr. Deputy Chairman, I rise to oppose the Bill before the House. This Bill is the outcome of the defeat of some general candidates during the last two elections. Sir, even at the time of the Constituent Assembly when these Articles relating to reservation had been drafted this was kept in mind and it was said that there would be a possibility of a Scheduled Caste member being elected to the general seat if he got more votes than the general candidate. But later on times have changed, and the candidates who are a little selfish have thought of this and they do not want to give a second seat to the Scheduled Castes. So, the question was raised in many courts. This difficulty would have been avoided if a little amendment was brought to the effect that in the double-member constituency the candidate who gets more

votes among the Scheduled Castes will be elected for the reserved seat and the candidate who gets more votes from among the general candidates will be elected for the general seat. Instead of that we are bringing a Bill to destroy the unity of the nation.

Sir, some Members have argued that the double-member constituency is too big and unwieldy and that the candidate has to spend a lot of money. Sir, we are not new to the joint family system. The double-member constituencies have worked just like a joint family system. The members of the Scheduled Castes come under the Hindu fold. Keeping this in view Mahatma Gandhi fought during a part of his precious life to bring the Scheduled Castes, those untouchables, into the Hindu fold, and he went on a fast and he succeeded. In this connection we cannot forget mentioning the Poona Pact and the Ramsay MacDonald Award and also the fact that the Scheduled Caste leaders who had opposed Gandhiji during those times had failed. Finally Gandhiji won his point and then it was followed up. Even at the time of drafting these Articles the authors of the Constitution kept this in mind, and they laid down that the Scheduled Castes should be carried along with the Hindus, that they should be carried with the general candidates. Now this question of separating or bifurcating the double-member constituencies is a dangerous move. I think it will disintegrate the nation. It will bring disunity to the nation.

SHRI B. D. KHOBARAGADE: How?

SHRI V. C. KESAVA RAO: I am telling you that it will bring disunity to the nation, and I think in my opinion this is a dangerous move. Sir, the Congress has been doing a lot, the ruling party has been doing a lot to the Scheduled Castes and Tribes. I do not agree with my friend, Mr. Bhupesh Gupta, who went to the extent of saying that these Castes have been neglected. What happened in Ramnad riots when Government went to the extent of saving the Sche-

cluded Caste cultivators? The Communists tabled a motion against the State Government saying that the Government was not doing it. Sir, in my own area recently we got some land for the landless Harijans. There also the Communist leaders came out and they got it cancelled because the land was not given to the Scheduled Castes who were Communists. Sir, in this way they have been canvassing. There are instances where a Communist M.L.A. has refused to allow a Scheduled Caste M.L.A. to sit side by side with him on a *charpoy*. I can quote many instances when a Harijan M.L.A. was called by a Communist M.L.A. and before the Harijan M.L.A. came, the chairs and *charpoy*s were taken inside and only a mat was kept for the Harijan M.L.A. to sit. They come here and say that the Government is not doing anything, that the Congress is not doing anything. I am asking these Communists what they are doing for the social and educational uplift of the Scheduled Castes. Have they ever given one general seat to them? Our Congress Party has given many general seats to the Scheduled Castes.

SHRI B. D. KHOBARAGADE: How many?

SHRI V. C. KESAVA RAO: I can tell you that there are so many seats given to the Scheduled Castes.

SHRI K. L. NARASIMHAM (Andhra Pradesh): Quote one case in Andhra Pradesh.

SHRI V. C. KESAVA RAO: I am asking the opposition Parties how many seats they have offered to the Scheduled Castes.

SHRI B. D. KHOBARAGADE: On a point of information, will the hon. Member give us information as to how many members of the Scheduled Castes have been elected to the Lok Sabha from general constituencies on Congress ticket?

SHRI V. C. KESAVA RAO: You come to the lobby, and I will tell you. There are many such Members in the Lok Sabha even now. If the hon. Member does not know, he can meet me in the lobby and I will tell him.

AN HON. MEMBER: He is new to Parliament.

SHRI V. C. KESAVA RAO: There is another thing as regards the single-member constituencies. As far as I know, though the position of the Scheduled Castes has improved a little, they have not come up to such a level that they can contest seats independently. I will tell you why. If a seat is separated for the Scheduled Castes, the Caste Hindu will have more votes in that constituency. It is not the Scheduled Castes alone who vote for the Scheduled Caste candidate. Then the feeling will be that the Caste Hindus neglect the Scheduled Caste candidate as they have not got a seat for themselves and as they have not got their own candidate there. So, this fear is there. If the Caste Hindu voters think like that, then it will happen as it happened in 1937 and 1946. You remember, Sir, that during those years there was a panel of candidates.

I have already said that these opposition Parties have been cheating the Scheduled Castes, have been deluding them, have been telling them that they are doing this and that for them. They get their votes by cheating these lower castes. In the preliminary election it was a fact that the opposition candidates got more votes. I think if that happens in a single-member constituency, then it will be a danger to the nation. Then it will be separate electorate. I appeal on the floor of this House that if this Bill is passed and if single-member constituencies are established, the Caste Hindu voters must take more interest than the Scheduled Caste voters. Financially I know that Scheduled Caste candidates are not up to the level. Now we have fixed about Rs. 10,000 or Rs. 25,000 limit for Assembly and Parliamentary

[Shri V. C. Kesava Rao.]
constituencies. Which candidate belonging to the Scheduled Caste will come forward with so much money? It is the criterion of money that makes a man succeed. I am afraid that none of the Scheduled Caste candidates, even though he may be here in Parliament for ten years, will be able to spend Rs. 10,000 or Rs. 12,000 or more to get elected to Parliament. So the economic question is there. In the double-member constituencies of course candidates who are contesting general seats may be a little rich and may carry the Scheduled Caste candidates along with them, and in such cases it may not be a big burden on the general candidates and it is more helpful to the Scheduled Caste candidates.

Sir, I said earlier that Mahatma Gandhi fought for the Scheduled Castes. Now I am afraid that this move may be un-Gandhian. Gandhiji fought for the Scheduled Castes. He spent part of his life for the uplift of the Scheduled Castes. He wanted that these Scheduled Castes should be uplifted socially and economically. I feel that we are not wiser enough to accept this against the wishes of Gandhiji. What Gandhiji fought for during those days, we are now opposing. What he was for, we are against. I request in this respect that the leaders of the nation should consider once again the matter and see that the principles for which Gandhiji stood must be respected and the Scheduled Castes are carried along with the caste Hindus.

Another point which I want to make is that this bifurcation is almost an un-Hindu and unnational policy. The Hindu fold and the Hindus have failed to bring the Scheduled Castes to their level because they are afraid of them and therefore they are separating them. Now they are bifurcating the double-member constituencies only because they want that they must go away from the Hindu fold. That should not be the case. Hindus must be more careful to see that these Sche-

duled Castes who are also Hindus are carried along with them, that they should be given equal status and see that they come up both economically and socially.

Sir, we are all against reservation. Even at the time of drafting the Constitution, our leader, Panditji, was against this reservation. Really, this reservation is a disease in the community. Still we have agreed to that only for a limited period to help the Scheduled Castes and the Scheduled Tribes. When we agreed to it, we agreed that the reservation should end in 1960. But again we have extended the period till 1970. So, this disease is extended up to 1970 and in 1970, these people may come out and say that they must have separate electorates or separate constituencies again. Now our Prime Minister has said that there must be a full-stop to it in 1970.

[THE VICE-CHAIRMAN (SHRI ROHIT M. DAVE) in the Chair]

He said the same thing in 1948 and 1949. But my fear is that he cannot go against the feeling of the people who were enjoying these reservations all these years. What I feel is that instead of bringing forward this Bill for bifurcating these double-member constituencies, they should have said that they are abolishing the reservations. That would have saved the country from disintegration and disunity. If we are to keep in mind the unity of the nation and the unity of all castes, we must see that these reservations go and the double-member constituencies should be there only on the condition that they will continue for some time only to bring the Scheduled Castes to the level of the caste Hindus.

About delimitation some Members have suggested that the seat must be rotated in the district. I oppose it because the principle is that the majority of the Scheduled Caste voters must be given a chance to have the seat and therefore the point put forth

by some Members that it should rotate in different places is not sound and I oppose it.

I oppose this Bill and I again request the Minister to reconsider the measure and save the country from disunity and disintegration.

SHRI T. S. PATTABIRAMAN (Madras): Mr. Vice-Chairman, after hearing the speeches of my esteemed colleagues, Mr. Santhanam and Mr. Kesava Rao, I do not think the Deputy Minister in charge of the Bill will have any case for pursuing the Bill. I know his difficulty but still, he can do a great service to the country and to this House if he can at least convey the feelings of this House in this respect to the Government.

SHRI P. N. RAJABHOJ (Maharashtra): People from the South are opposing.

SHRI T. S. PATTABIRAMAN: There is no question of South or North in this respect. You are also from the south of India, from Bombay.

Sir, we are not opposed to this Bill but if the Government had come forward with a statement of the compelling reasons that prompted them to bring forward this Bill, we would have been convinced. We have not heard of any convincing argument as to the necessity and urgency of this Bill. There was the Delimitation Commission according to the census of 1951. The 1961 census is going on and according to the Constitution, a Delimitation Commission will have to be set up on the basis of the 1961 census.

SHRI K. SANTHANAM: This has been going on since 1935; for twenty-five years there has been this reservation in double-member constituencies.

SHRI T. S. PATTABIRAMAN: So, nothing would have been lost if they had waited for two or three years more, until the next general elections

were over. What is the urgency for it? Now you have brought forward a Bill and want the bifurcation of seats. I can know the feelings of my own people from the South as Mr. Rajabhoj put it. They have not asked for it. Primarily, my fundamental objection to the whole Bill is that though it is not a Constitution (Amendment) Bill, it vitally affects the Constitution and the constitutional position of the Scheduled Castes and the Scheduled Tribes in this country and their voting. Particularly, I feel that the State Legislatures must have been consulted before the Bill was brought before the House. The State Governments should have been given an opportunity to discuss the draft Bill and place it before their Legislatures and their views should have been ascertained. If that had been done, I am sure the Bill would not have had the majority of the States behind it. Why I, from the Rajya Sabha, am very keen that the States should have been consulted is that we represent the States and are elected by the State Legislatures. The members of the State Legislatures are vitally affected by this decision of Parliament and they have a grouse—it has been conveyed to me—that they have not had a say in the matter and without consulting the Legislative Assemblies, a measure is brought before Parliament and is imposed on them. Theirs' is a valid reason, and I request the hon. Minister to consider the matter again.

I lend my full support to the amendment that has been tabled by my esteemed colleague, Mr. Santhanam. It is not a strange amendment or a very inopportune amendment and it will not go against the Constitution if Mr. Santhanam's amendment is accepted and is given effect to. I understand that in the United States, each State has its own election laws and they can have their elections in any manner they like. Only a policy or a fundamental principle is laid down as to how the election should be conducted, who should be the voter

[Shri T. S. Pattabiraman]
and how the constituencies should be delimited. These are matters concerning the State. Sir, Gujarat is exempted. When you exempt Gujarat, why not exempt Madras, Andhra Pradesh or whichever State is willing to be exempted? The States are autonomous and under the federal Constitution, why don't you give them the right to decide as to how they should elect members to their Legislatures? You can have this rule for Parliament if you want, Parliament can have single-member constituencies. But if the States want that they will have double-member constituencies, what is your objection to that? Why do you stand in their way? So, if the Bill cannot be reconsidered at this stage or the implementation of the Act cannot be postponed till 1962 or till the next delimitation takes place, at least accept the amendment of Mr. Santhanam and ascertain the opinion of the States whether to heed the advice of the Central Government or to have double-member constituencies. That will be the fairest thing that should be done. The States will certainly feel that they also have certain rights in regard to the elections to the State Assemblies.

So, I do not want to dilate upon the other points. If the hon. Minister had come out with a proposal for separate electorates, I could not have been surprised. Actually, this is bringing separate electorate by the back-door.

AN HON. MEMBER: How?

SHRI T. S. PATTABIRAMAN: I tell you. So far, we have had Scheduled Caste constituencies, Scheduled Tribe constituencies. Now we will have Harijan constituencies also. Now we are creating one more problem, because it will be a Harijan constituency, and no other candidate, a Muslim or a Christian or any other, will have any chance to become a Member and to represent that cons-

tituency. It will be a closed door affair for the Harijans. Now there may be 50 or 45 or 35 Harijans, and most of them are poor, you admit. They have nothing. And some very small person will be elected from among them. He may not have any pull. The general interest will not be there. The Ministers will not respect or will not give him credit or will not take him into confidence. The Collector and the other authorities may not give him sufficient status. For all these reasons, though elected, his constituency will be neglected.

AN HON. MEMBER: No, no.

SHRI T. S. PATTABIRAMAN: On the other hand if there were no bifurcation, there will be two M.L.As. in a double-member constituency, one for the general seat and one for the reserved seat, and the general seat M.L.A. will take interest in the constituency as a whole and will see that the constituency is fully developed, and he will always have the Harijan M.L.A. with him wherever he goes to further the interests of the constituency. He will see, for example, that the Collector given him due respect as is due to an M.L.A. irrespective of his economic status. But if you make them two different single-member constituencies, you take him off from the other contiguous area, which becomes a separate single-member constituency, and with which he will lose all contact. He will thus become a helpless creature because of his poor economic status.

SHRI B. D. KHOBARAGADE: But there is the question of the self-respect of the Scheduled Caste members. Does the hon. Member think that the respect of the Scheduled Caste members should depend on the general seat candidate?

SHRI T. S. PATTABIRAMAN: The hon. Member should not think in terms of sentiments only. I know I have my self-respect, and the learned Member has, and he can insist on his self-respect. But we must be also

practical. I want everyone to stand on his own legs. Do you think that the Congress M.L.As. have no self-respect and have no regard for the Harijan M.L.A's. self-respect? I say that they have but . . .

SHRI B. D. KHOBARAGADE: The hon. Member has just now said that if a Scheduled Caste M.L.A. went to the Deputy Commissioner or the Collector, he would not be received with respect but, on the other hand, if he was accompanied by the general seat M.L.A., he would receive due respect. It means that the point of view of the hon. Member is that for that also the Scheduled Caste Member should depend on the general constituency candidate.

SHRI T. S. PATTABIRAMAN: No, no; instead of one man going for a purpose, if two men went it will have greater effect. It all depends upon the status of the man. Of course among the Scheduled Caste M.L.As. some people may be rich like my hon. friend, but most of them have got a poor status. They cannot go in a car and they cannot put up a big show and all other things, and there the general seat candidate will make it up. And if they will go together, they will enjoy greater status. Now if you leave him in the lurch, he will drift along; there is no help for him. Also Gandhiji's idea was that the caste Hindus should not leave him alone, should not leave him to suffer. If it was a question of enjoyment, I do not mind his being left alone. But here it will be a question of suffering for him. Today in how many constituencies the Scheduled Caste candidates can find the necessary finance? You know that election costs money. He will have to have an organisation which will finance him if he stood as a Scheduled Caste candidate for election. I do not like to talk about all these things here, but coming to the practical plane, how can the Harijan candidate stand on his own legs now? Nobody will come to his rescue. And who is going to come to his rescue?

SHRI KOTA PUNNAIAH (Andhra Pradesh): If we really were to look to the practical side of it, these reservations should continue for another fifty years or hundred years.

SHRI T. S. PATTABIRAMAN: The reservation is continuing now. Let us not have a theoretical discussion now; it will become academic. At present the reservation has been extended up to 1970. It is there. I am not going into that aspect of it. If you want to have separate electorates, have it by all means, but these separate Harijan constituencies will do them no good; it will be a disservice to them. The Harijan candidate will have nothing to fall back upon. The question also is that the Harijans themselves, the Scheduled Castes themselves, do not want these things. Why do you force it on them? Most of the Harijan M.L.As. do not want them. By going against their wish, you are doing another great disservice to the Harijan community. In respect of the particular constituency which is going to be carved out for them now, even now the clause says that where they are predominant, there must be a seat for them. Let us also take this into consideration. There are sub-castes among the Harijans. Now only, gradually, the enmity and ill-feeling between the sub-castes is subsiding and the Harijans are made to learn that their welfare as a whole is more important than sectarian welfare. At this point, if you say that there is a particular constituency exclusively for them and it is reserved for a Harijan candidate, then there will be a contest among the different sub-castes to secure the seat, and only the candidate that belongs to the majority sub-caste in a constituency will get elected. In the process there will be a fight between the different sub-castes. So you are now encouraging sub-castes among the Harijans, which is not good for them, because of your splitting the double-member constituencies.

SHRI NAFISUL HASAN (Uttar Pradesh): Why should it be? The electorate is not all Harijans.

SHRI T. S. PATTABIRAMAN: That is all right, but we know the general apathy of the voters in this country. Very rarely 45 per cent. or even 50 per cent. go to vote. From out of that now Harijans only will go to vote in the Harijan constituency. So what you are doing now is to encourage separatist tendencies, so to say separate elections for Harijans by Harijans. It will come to that. So I honestly feel and I sincerely feel that this is a move which will injure the Harijan interests in the long run and also the national interests in the long run, and as such, if the hon. Minister cannot withdraw the Bill at this stage, at least he should accept the amendment moved by my learned and esteemed colleague, Mr. Santhanam.

SHRI R. M. HAJARNAVIS: Sir, I promised to give some information. I find from the Report of the Election Commission, 1957, that my hon. friend is right and all the 16 seats are reserved for the Scheduled Tribes and none for the Scheduled Castes.

SHRI B. D. KHOBARAGADE: Mr. Vice-Chairman, Sir, I welcome this Bill and I congratulate the hon. the Deputy Minister for the courage he has shown in moving for consideration of this Bill, because he will be the first man who will be affected by the provisions of this Bill as he has been elected from a double-member constituency, and as his own constituency has a very large Scheduled Caste population, he will have to seek election, if he wants to get elected to Lok Sabha again, from a constituency other than his home constituency.

SHRI R. M. HAJARNAVIS: Why not from a part of the same constituency?

SHRI B. D. KHOBARAGADE: Because that will be reserved for Scheduled Castes. I welcome this Bill, not because, as has been suggested in the Statement of Objects and Reasons or has been suggested by the majority of the speakers here, a single-member constituency would in-

volve less expenditure and trouble. From that point of view if you consider this Bill, in my opinion the Scheduled Caste people will have to incur more expenditure because, in a double-member constituency, as has been stated by Mr. Santhanam, the Scheduled Caste Member is a mere appendage of the general candidate and therefore the Scheduled Caste Member need not spend a single pie for this election purposes. (Interruption.)

We are speaking about the rules and not about the exceptions. And therefore the general seat candidate spends every single pie for the election of the Scheduled Caste candidate also. In other words, the position is that with the expense incurred by the general seat candidate the Scheduled Caste or the Scheduled Tribe candidate gets elected. Therefore, even if we bifurcate the double-member constituencies into two single-member constituencies, it will be very difficult for the Scheduled Caste or the Scheduled Tribe candidates to contest the elections. Even to contest a single parliamentary constituency one has to spend at least 10 to 15 thousand rupees—not a small sum—and the Scheduled Caste or the Scheduled Tribe people are in no position to spend that much amount for election purposes. So I do not accept this proposition that it will result in less expenditure for Scheduled Caste candidate. Even then I support this Bill, because it will give self-respect to the Scheduled Caste and Scheduled Tribe people. The question of spending a few thousands of rupees at the time of elections is not so important as compared to the problem of self-respect. Just now an hon. Member said that if a Scheduled Caste Member had to approach the Collector the Collector would not show him due respect, and that if he wanted to secure regard and respect from the Collector, then he must be accompanied by the general seat candidate. So that is the position. So the question of a few thousands of rupees is not important to us; the question of

self-respect is far more important to us, and that is why I say . . .

SHRI T. S. PATTABIRAMAN: Even now it is open to you to contest the seats in double-member constituencies. You can surely do it. It does not mean that all those people who are contesting in the double-member constituencies should lose their self-respect. For that bifurcation is not necessary.

SHRI B. D. KHOBARAGADE: I am coming to that point and I will show how the Scheduled Caste Member in a double-member constituency is not able to maintain his self-respect. As I have already stated, in a double-member constituency the reserved seat candidate need not spend a single pie. He need not even go out on an election campaign. He need not make speeches or deliver lectures to the electorate to explain his point of view, his policy and programme. All that work is done by the general seat candidate.

AN HON. MEMBER: No, no.

SHRI B. D. KHOBARAGADE: The Scheduled Caste candidate is not given any importance. My hon. friend had just now made a complaint. So, if the double-member constituency is bifurcated and only one single-member constituency is reserved, the Scheduled Caste candidate must address meetings, must approach the electorate and explain his policy and programme. He must contact the electorate and he must approach each and every elector, whether he is a Muslim, a Hindu, a Christian or a Scheduled Caste, if he wants to get elected to the Assembly or Parliament.

SHRI JASWANT SINGH (Rajasthan): Is he at present banned from approaching his electors?

SHRI B. D. KHOBARAGADE: He is not banned. But if we take the practical side of this question, he need not and he does not. That has been our experience during the past two elec-

tions. He entirely depends on the general seat candidate for that purpose. If we want to inculcate in the Scheduled Caste and Scheduled Tribe member some sort of self-respect, then single-member constituencies are essential because then he will have to depend on himself; he need not depend on the general seat candidate.

SHRI K. SANTHANAM: He will depend on the party secretary.

SHRI B. D. KHOBARAGADE: Now he will have to approach the electorate.

Secondly, he will have to give more importance to the problems of the people whom he represents. He will have to take keen interest in their problems. What happens now? If there are any problems in the constituency, only the general seat candidate takes interest, the Scheduled Caste candidate need not take any interest. He does not bother about it because he knows he has not been elected through his own effort. He has not been elected . . .

SOME HON. MEMBERS: Wrong.

SHRI B. D. KHOBARAGADE: . . . by his own effort but because of the support that he has sought from the general seat candidate. Therefore, it is only the general seat candidate who takes interest; the reserved seat candidate does not take any interest.

AN HON. MEMBER: What about the party?

SHRI B. D. KHOBARAGADE: Of course, the party is there. If the candidate, whom the electorate have returned, does not solve their problems, what is the use of this reservation? It defeats the very purpose of reservation. Now, why do the Scheduled Castes want reservation? Because they want their problems to be solved. The reservation is given for the sole purpose of enabling them to elect their own candidate to the Assembly or Parliament who would

[Shri B. D. Khobaragade.] try to redress their grievances. But what is the experience about those candidates who claim to represent the Scheduled Castes? They do nothing to solve their problems. Now if there are single-member constituencies, the Member knows that again in the next general elections he will have to approach these people. Therefore, he must take note of their problems and difficulties and try to redress their grievances. If he wants to approach again the electorate, he will take the trouble to solve their problems and he will get self-respect. If he wants to solve the problems of his electorate, he will stand on his own legs and he can be in a position to solve these problems without the help of the general seat candidate. He can approach the Collector and people in power and authority.

Thirdly, Sir, the Scheduled Caste and the Scheduled Tribes Member will then have independence of action and independence of thought. As it is, he is merely an appendage of the general seat candidate. He has to toe the line that is dictated by the general seat candidate. He cannot dare to oppose him. As my hon. friend said, even if he wants to go to the Collector, he must be accompanied by the general seat candidate. If the Scheduled Caste candidate opposes the policy of the general seat candidate, the general seat candidate will not accompany him to the Collector to seek redress of his grievances.

SHRI T. S. PATTABIRAMAN: He will.

SHRI B. D. KHOBARAGADE: He will not.

SHRI T. S. PATTABIRAMAN: You forget that there is the party system.

SHRI B. D. KHOBARAGADE: I know that there is the party system. I know what the party is doing for the benefit of the Scheduled Caste Members.

SHRIMATI T. NALLAMUTHU RAMAMURTI (Madras): The hon. Member is suggesting the creation of a State within a State. Are we going to divide the country like this or are we going to unite the country? Are we going to allow that segregation to be perpetuated, that bifurcation to be perpetuated? Is he not for a single, common citizenship for the whole country? I regret the whole attitude.

SHRI B. D. KHOBARAGADE: That is the fundamental question that the hon. lady Member has raised. The question is not whether we want single-member constituencies or double-member constituencies. The question is whether we want to continue reservation or not, and if we take that question into consideration and if the hon. lady Member is trying to abolish these reservations, I will support her wholeheartedly. As a matter of fact, our party has tried, and actually we have been in a position to defeat this measure which was brought forth in the other House to amend the Constitution for providing continuation of reservation, but the Government by adopting unscrupulous and surreptitious means was able to get this measure passed in the Lok Sabha.

SHRI T. S. PATTABIRAMAN: What is it? You can refer to the proceedings of the Lok Sabha and see how it was passed. Sir, my friend makes a very serious allegation which is very unparliamentary. It was passed by a majority there.

SHRI B. D. KHOBARAGADE: I said "surreptitious means" adopted by the Government, not by the Lok Sabha. The hon. Member can refer to the proceedings of the Lok Sabha. The proceedings are there.

SHRI T. S. PATTABIRAMAN: Let him have the bravery. Please tell it plainly. Let the hon. Member watch his words. He cannot make an insinuation. If he is in a minority let him keep quiet.

SHRI B. D. KHOBARAGADE: For amending the Constitution according to the provision in the Constitution, it is required that the majority of the Members of the House should vote. Unfortunately, on that day the majority of Members were not present in the House and they could not vote. That is why the voting on that issue was postponed to the next day. . .

THE VICE-CHAIRMAN (SHRI ROHIT M. DAVE): Let us not go into what happened in the other House. Please come to the Bill.

SHRI B. D. KHOBARAGADE: The hon. lady Member raised this question and that is why regarding the continuation of reservation I am saying. . .

THE VICE-CHAIRMAN (SHRI ROHIT M. DAVE): No, no. Please come to the Bill.

SHRI B. D. KHOBARAGADE: The bell was rung for division. Actually the voting was taken, but when they found that there were not enough Members in the House they postponed the voting till the next day. Can any hon. Member here point out to me whether in the history of any Parliament in any country voting was postponed till the next day after the division bell was rung?

THE VICE-CHAIRMAN (SHRI ROHIT M. DAVE): Order, order. Please continue on the Bill.

SHRI B. D. KHOBARAGADE: All right. What I stated was that by abolishing the double-member constituency the Scheduled Caste member would have the independence of action and independence of thought. They need not entirely depend on the general seat candidates. They will be able to pursue their own policy and programme, of course, within the restrictions placed by the party, but they need not necessarily be in the grips of the general seat candidate. They need not toe the line that is pursued by the general seat candidate.

Sir, so far as the other question about disunity or disintegration is concerned, which is raised by some hon. Members—they say that if we abolish the two-member constituencies it would result in disunity and disintegration of the country—I pertinently asked the hon. Member who spoke just before my predecessor as to how the country will be disunited and disintegrated. He said that he would explain but unfortunately he could not explain. I fail to understand in what way the country would be disunited or disintegrated.

Sir, even if we have single-member constituencies, we have adopted the particular system of voting. It is not a separate electorate but a joint electorate system. It means that even though a Scheduled Caste member has to get elected from a seat which is reserved for Scheduled Castes, he will have to seek the support of not only all the Scheduled Caste people but of all the people, Hindus, Muslims, Christians and so on. Similarly, in a general seat where there are mostly caste Hindus, Muslims or others, the general seat candidate contesting the election has to approach the Schedule Castes and Scheduled Tribes to secure their support. So during the election even if we have single-member constituencies, this contact between the Scheduled Caste people and caste Hindus will be there. Therefore, there cannot be any question of disintegration or disunity.

2 P.M.

Then I support the point of Mr. Bhupesh Gupta that there should be a separate Delimitation Commission. Of course when I suggest this, I do not cast any aspersions on the Election Commission. I have great admiration for the Election Commission and I can say from my experience of the last two General Elections that they have discharged their duties impartially. But as pointed out by Mr. Gupta, the Election Commission will be sitting in Delhi only and the delimitation will

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be done by the subordinate officers of the State Governments and if this work is done by them, they will be influenced by the party in power there. I do not think that in such circumstances, the delimitation of the constituencies will be impartial. I have listened to the speeches of so many Members who have opposed this point of view. But I fail to understand their objection to appoint a Delimitation Commission because in the past all these constituencies were delimited by the Delimitation Commission and if we say that the same procedure should be adopted in delimiting these constituencies why should there be any opposition to the proposal? Therefore I would urge on the Minister to consider this point of view also and see that the work of delimiting the constituencies is done impartially by a Delimitation Commission.

One word more and that is, that the Constitution has been amended and the period of reservation has been extended till 1970. But really if you want that the Scheduled Castes and Scheduled Tribes should really benefit that they should have their due share in the body politic of this country then I suggest that even before 1970, the provision for reservation must be done away with and the reservation should be immediately abolished.

SHRI JASPAT ROY KAPOOR:
Mr. Vice-Chairman Sir, while I support this measure which I consider to be necessary and even desirable in the present conditions and circumstances, I must share considerably the views, feelings and sentiments of my hon. friend, Mr. Santhanam. To-day, as we are at this measure, our thoughts go back to the Constitution-making days when unfortunately we adopted the principle of reservation of seats for the Scheduled Castes and Scheduled Tribes against our better judgment, but only under pressure, or I should rather say in order to meet the wishes of hon.

Members of the Constituent Assembly who belonged to the Scheduled Castes and Scheduled Tribes, some of them if not all. All the other minorities in the country—the Muslims, the Christians and the Parsees, so far as the Parsees are concerned, they are not only a minority community but they are a baby community, if I could say so—called of them, agreed at that time to give up the claim of reservation of seats or of separate representation but it happened that our Scheduled Caste friends, some of them, thought that a good number of them would not be returned unless a number of seats were reserved. Therefore in order to accommodate their viewpoint, in order to please them and to meet their wishes, we had to accept this principle of reservation. Now let us see whether they have gained anything thereby or not and whether the other minority communities like the Parsees and Christians have suffered at all because of not having insisted on reservation of seats. It is nothing like that. During the last two General Elections, we find that Christians wherever they were put up and wherever the candidates were desirable ones, even in constituencies where Christians were in a very very small minority, they were a handful in those constituencies, yet the Christian candidates were returned. Even I can give you two instances from my own State of Uttar Pradesh. There is one hon. Member of the Lok Sabha, Mr. Wilson, who comes from Mirzapur, which, I may remind hon. Members, is a holy place for Hindus and the overwhelming majority of the voters there are orthodox and religious Hindus. Whom did they return to the Lok Sabha? They returned a Christian. I can quote the instance of my own place, Agra, where in a constituency where there were not more than 200 Christian voters, when there was a Christian candidate, Mr. C. Mahajan, who later on rose to the position of a Member of the UPSC, he was declared elected against one Hindu candidate. There were a number of other opposing candidates but

one of them was a very staunch Hindu, a person who was respected by all sections of the people and even by Congressmen he was respected but then, because we appealed to the voters that they ought to fulfil the pledge that was given to the minorities that if they do not insist on separate representation, we shall see to it that their claims are respected, that they are not put to any undue hardships, it was this appeal to the electorate to which they responded favourably and they elected him with an overwhelming majority, defeating the other candidate by about 10,000 votes. Take the case of Mr. Pataskar. In the last General Elections, our friend in the other House, Mr. Bharucha, could defeat Mr. Pataskar in a constituency where the number of Parsees was probably very small. I had occasion to go there and work in that constituency for a few days and the number of Parsee voters could be counted on fingers ends but yet Mr. Bharucha could defeat Mr. Pataskar. My point is, we should approach the electorate in the correct way; they are educated enough, though not literate; they are politically conscious enough to take the right view of things. I submit that even if the Scheduled Castes and Scheduled Tribes had agreed not to insist on the reservation of seats, we would have seen to-day that not only as many Members as we find to-day here, in the Lok Sabha or in the Legislatures, had been returned but probably a larger number, because in that case it would have been possible for the various political parties to appeal to the electorate to send a larger number of them. In that case the electorate would not have confronted us with the argument that since some seats are already reserved for them, why need the non-reserved seats also be given to the Scheduled Caste and the Scheduled Tribe candidates. But then, as it is, we have to proceed on these lines.

I also agree with Mr. Santhanam that it was not a very happy thing that we agreed to continue this reser-

vation of seats for another 10 years but then, that is now a matter of the past and we have to do the best under existing circumstances. On this occasion we are yielding, democratic as we are, to the views and wishes of our Scheduled Caste and Scheduled Tribe friends. I do not agree with the contention of some friends here who have said that the Scheduled Caste friends do not want separate or single-member constituencies that they want double-member constituencies. It may be the view of a few here and there but by and large we have ascertained the views of the Scheduled Caste members both in the Assemblies in the various places and more particularly the representatives in the Lok Sabha and in the Rajya Sabha and by and large they clearly expressed the view that they would like to have single-member constituencies and not double-member constituencies. So far as the Congress Party is concerned, it is in their interest to have as large a constituency as possible, because being a well-organised party, they can more easily manage a large constituency than other parties. But when we found that other parties also wanted, generally speaking, that there should be single-member constituencies and democratic as the Congress Party is, and considerate and solicitous, as it is, to the views and wishes of even the opposition parties, we agreed to do away with the double-member constituency and to have only single-member constituencies.

Sir, there is one great advantage which will accrue by the adoption of this measure and it is this. In a single-member constituency where even the non-Scheduled Caste people are in the majority, they will perforce have to be represented by a Scheduled Caste or Scheduled Tribe person. This by itself, will have a very healthy psychological effect on them all. The superiority complex from which they are suffering, the feeling that they are superior to the Scheduled Caste and Scheduled Tribe people, that superiority complex will automatically vanish, when perforce

[Shri Jaspat Roy Kapoor.]
they will have to get themselves represented by one who belongs to a Scheduled Caste or a Scheduled Tribe.

There is another advantage that will result from this measure. The first one that I mentioned just now is very important, and that should not be lost sight of. But there is a second advantage also which is going to accrue and that is that the anomalies of the election results will disappear. Do we not know what anomalous position arise in cases where though a Scheduled Caste candidate does not get either the first place or the second place, but only the sixth or the seventh place in the voting, yet because he belongs to the Scheduled Caste, he is declared elected and not the others. That is a very anomalous, almost ridiculous position which because of the removal of the double-member constituencies will not arise hereafter.

DR. SHRIMATI SEETA PARMANAND: Are you for the Bill? Are you supporting the Bill whole heartedly?

SHRI JASPAT ROY KAPOOR: Exactly. What else am I doing?

Sir, I very much wish there were a system of rotation of these seats. I do hope and trust that this reservation of seats is going to be done away with, after ten years. If, however, this rotation of seats were adopted, after the next elections these seats could be changed. But that is not a very material point. The material point is what I find in sub-clause (b) of clause 3 where it has been provided:

"the seat shall be reserved in that single-member constituency which in the opinion of the Commission has the greater concentration of population of the scheduled castes or as the case may be, of the scheduled tribes."

Sir, I venture to submit that this is a very dangerous provision that we are going to incorporate in this measure. Let us be clear in our minds as to what actually is intended to be

done by us. Do we intend or do we want that there should be reservation of seats or there should be separate representation? Reservation of seats is one thing. That presumes that the Scheduled Caste candidates, a good number of them, would not get elected, and in order to safeguard this thing, and in order that a goodly number of them could be elected, we had agreed to the principle of reservation. But behind it there was never the idea that the interests of the Scheduled Castes and the Scheduled Tribes could be properly represented only by people of their own caste or tribes. I mean, these two are entirely different things. Nobody conceived or ever argued then, and I hope nobody would argue even today, that the interests of the Scheduled Castes and the Scheduled Tribes can be properly represented and protected only by a member of their own caste or tribe. That being so, I see no reason why there should be this sub-clause (b) which amounts virtually and for all practical purposes to creating a separate electorate. What is the idea behind this sub-clause (b) of clause 3? Where there are a large number of people belonging to the Scheduled Castes or the Scheduled Tribes, the seats should be reserved for them. That means that these large number of Scheduled Caste people should have a dominating voice in the election of a candidate who belongs to their own caste. I beg of you, Mr. Vice-Chairman, and through you the other hon. Members of this House, to seriously consider the implications of this provision. In these constituencies, we are in a way creating or rather we are in a way drifting towards the creation of a separate electorate. Though non-Scheduled Caste voters also will be there, you are going to give prominence to the voting strength of the Scheduled Caste people. You say the Scheduled Castes people are in large numbers there and a Scheduled Caste candidate should be elected there. What will be the psychological effect of that on the whole community? I feel very strongly on this, Mr. Vice-Chairman, and so I would beg of the

House to consider every implication of this provision.

Moreover, Sir, is this in the interests of the Scheduled Caste people themselves? Absolutely not. I say this for two reasons. This morning my hon. friend Dr. Kunzru asked the question whether the idea was that the reserved constituencies must be fixed in places where the Scheduled Caste people are not in goodly numbers. I said, yes, that is exactly my objective, and I have tabled an amendment with that very object in view and I submit that if you fix reserved seats in constituencies where the Scheduled Caste people are not in good number, then perforce the Scheduled Caste candidate would be returned there. In constituencies where Scheduled Caste people are in good number, there also there is the possibility and even the probability of a Scheduled Caste candidate being returned on the general seat. Therefore, while the reserved seat will be filled by them, in other constituencies also where they may be in large numbers, they will be able to return some of their candidates. Even if they are not able to return many candidates, they will be able to considerably influence the selection and election of a candidate of their choice. For these two reasons, Sir, I submit they should delete sub-clause (b) and also the corresponding line in clause 6 from this Bill.

One last word and I shall have done. At the time of elections I find a great weakness overtakes everybody and every party and they all almost forget the good principles that they otherwise always advocate. Casteism, communalism and these things come over them and they succumb virtually to this casteism and communalism. Sir, I had occasion to talk to the late Maulana Azad once on this subject only two or three months before his death and I told him that many of us were not feeling happy that he of all people should have selected a constituency for the Lok Sabha where the Muslims if not in a

majority were in very large numbers. In 1952 his constituency was Rampur and in 1957 his constituency was in Punjab where a large number of Meos live. I told him that many of us did not feel happy with it that he of all people should have thought that if he did not select a constituency where there were a very large number of Muslim voters, it might be difficult for him. He entirely agreed with me and said that at the time of the next election he would not stand from a constituency with a large number of Muslim voters. I say the same thing here today that by adopting this sub-clause (b) of clause 3 and sub-clause (c) of clause 6 we are virtually drifting towards creating separate constituencies and separate electorates, and because of this, Sir, do we not now find that some other minorities are also beginning to talk that way and claiming that there may be reservation of seats? It is only the thin end of the wedge.

SHRI BHUPESH GUPTA: Will the hon. Member tell us why they are reviving the Muslim League after having talked with Maulana Azad? Let us have some information about it.

SHRI JASPAT ROY KAPOOR: I have not been able to follow what my hon. friend has said because both of us are in the same boat so far as hearing is concerned.

With these remarks, Sir, and with these suggestions of mine, I lend my support to this measure and I hope and trust that the two amendments that I have tabled would be accepted by the hon. Minister though I may not be here at the time to move them because of my other engagement.

श्री देवकीनन्दन नारायण (महाराष्ट्र) :
आदरणीय उपसभाध्यक्ष जी, मैं इस विषयक का तहेदिल से स्वागत करता हूँ। आप जानते हैं कि गत वर्ष राष्ट्रपति जी के भाषण में जो उल्लेख था उस के मुनाबिक वह बिल गत वर्ष ही लाया गया होता। समझ में

[श्री देवकीनन्दन नारायण]

नहीं आता कि इस विधेयक को लाने में इतनी देर क्यों कर दी गई ? इस दमियान मुझे पता है कि इस बिल पर देश में और पोलिटिकल पार्टियों में और लोक सभा में काफी कंट्रोवर्सी हुई और एक समय ऐसा आया कि जिस वक्त इस विधेयक को लाने का विचार छोड़ सा दिया गया था । बाद में मुझे पता है और अखबारों में यह बात जाहिर भी हुई थी कि इसके बारे में स्टेटों के चीफ मिनिस्ट्रो से पूछा गया और उनकी राय ली गई । और करीब करीब सब चीफ मिनिस्ट्रो ने अपनी राय दी कि यह विधेयक पान होना आवश्यक है ।

(Interruption)

मेरी मालूमात यह है और मैं आप से सत्यासत्य करना नहीं चाहता हूं । यह मेरी १०० टका मन्ची मालूमात है

Chief Ministers were consulted and practically all of them except one or two supported this Bill. तो जो यह कहा जाता है कि पूछा नहीं गया है, यह बात मेरे ह्याल में ठीक नहीं है ।

दूसरी बात मुझे यह कहनी है कि हमारे मित्र श्री संजानम् यह बात कह रहे थे कि इस बिल से सेकेन्ड सिटिजनशिप पैदा होती है । मेरी समझ में नहीं आता कि सेकेन्ड सिटिजनशिप का सवाल आज कैसे पैदा हो गया । यदि पैदा करना था तो उसी दिन करना था जिस दिन रिजर्वेशन फार शिड्यूल्ड कास्ट या ट्राइब्स को आप ने मंजूर किया । उसी दिन से सवर्ण लोगों का उतनी जगहों पर खड़े होने का अधिकार उनसे छिन गया । उसी दिन से वे अपना अधिकार खो बैठे हैं । ज्वाइन्ट या डबल कांस्टीट्यूएन्सी जो है वह भी क्या है ? एक हरिजन सीट होती है, एक सवर्ण होती है, वहां भी तो उनको अपना खड़े रहने का आधा राइट खो देना पड़ता है ।

You cannot choose both. They are not both savarnas. You say majority of voters are going to be deprived of the right to stand but they have already lost the right even under the double-Member constituency.

SHRI K. SANTHANAM: You are making a mistake. I said, to stand not to . . .

SHRI DEOKINANDAN NARAYAN: I say the same thing. If you will hear me and if you follow me, you will understand it I would be deprived as a voter from choosing a candidate. That is what I said.

मेरे कहने का मतलब यह है कि आज भी सैपरेट हैं और कल भी अलग थे । उसको खड़ा करने का जो हमारा यानी वोटर्स का अधिकार है वह चला जायेगा । वह तो आज भी आधा ही है ।

SHRI K. SANTHANAM: No, to stand as a candidate. That is what I said.

श्री देवकीनन्दन नारायण : मैं यही कह रहा हूं । आप मेरी बात समझ लीजिये कि मैं क्या कह रहा हूं । आप वोटर्स को यह कह रहे हैं कि वहां से निर्धर हरिजन उम्मीदवार को खड़ा होने का अधिकार रहेगा । आज तब हरिजनों को ज्वाइन्ट कांस्टीट्यूएन्सी में से एक जगह पर खड़ा होने का अधिकार तो था ही यानी ५० परसेंट राइट तो आप खो ही बैठे थे ।

SHRI K. SANTHANAM: 100 per cent.

श्री देवकीनन्दन नारायण : I say the same thing. सिंगल कांस्टीट्यूएन्सी में सेकेन्ड सिटिजनशिप ५० टका की जगह १०० टका आ जायेगी । दो में ५० टका और एक में १०० टका बराबर है, यह तो शब्दों का एक जाल है । जब से आप ने रिजर्वेशन मंजूर कर लिया है, उसी दिन से आप ने यह राइट खो दिया है, जान बूझ कर खो दिया है, इसलिए यह दलील

देना कि सेकन्ड सिटिजनशिप है, वह गलत है। मैं इस चीज को मंजूर नहीं कर सकता।

इसके बाद अभी हमारे कपूर साहब ने कहा कि जहां हरिजनों की तादाद अधिक है वहां ही सीट देने में आप सैपरेट मॅन्टेलिटी और सैपरेट इलैक्टोरेट की भावना पैदा करते हैं। यह एक व्यावहारिक बात नहीं हुई; क्योंकि आप सारे देश में कहीं भी चले जाइये, मेरे ब्याल से शिड्युल्ड कास्ट के वोटर्स की तादाद २० टका से ज्यादा नहीं है।

श्री शीलभद्र याजी : १४ परसेंट है।

श्री देवकीनन्दन नारायण : आप २० टका भी मानने को तैयार नहीं हैं। तब वहां सैपरेट इलैक्टोरेट मॅन्टेलिटी कहां से पैदा हो जायेगी, जबकि १५ टका भी नहीं है? बिना बात आप एक होवा खड़ा करते हैं और इस तरह का अमेण्डमेन्ट पेश करते हैं।

श्री जस्पत राय कपूर : होवा तो ३ बी में रखा गया है।

श्री देवकीनन्दन नारायण : वह नहीं है और आप इसे पैदा कर रहे हैं। असल में होवा है ही नहीं।

श्री जस्पत राय कपूर : आप की पैदा की हुई चीज है।

श्री देवकीनन्दन नारायण : मुझे यह कहना है कि हरिजनों और आदिवासियों के लिये सैपरेट रिजर्वेशन सीट के साथ ज्वाइन्ट इलैक्टोरेट मंजूर हुआ, वह पूना पैक्ट में हुआ और पूना पैक्ट का आधार यही दोनों बातें रहीं—ज्वाइन्ट इलैक्टोरेट या रिजर्व सीट, ये ही उसका आधार रहीं। डबल मेम्बर कांस्टीट्यूएन्सीज और सिंगल मेम्बर कांस्टीट्यूएन्सीज उसका आधार नहीं था। बैंकवर्ब-नेस के कारण उनको ज्वाइन्ट इलैक्टोरेट में रिजर्वेशन दिया गया।

[Mr. DEPUTY CHAIRMAN in the Chair.]

यह विरोध उठना ही नहीं चाहिये, क्योंकि आप देखेंगे कि हमारे हरिजन भाइयों ने इस बिल का स्वागत किया है। इतना ही नहीं मेरे मित्र श्री खोबरागडें तक ने यह कहा है कि हमारे स्वाभिमान की रक्षा करने वाला यह बिल है।

मैं यह भी कहने वाला हू कि हरिजनों के स्वाभिमान की तो रक्षा होगी ही, परन्तु साथ ही साथ सवर्णों के भी हितों की इस में रक्षा होगी। आज क्या होता है? मुझे इलैक्शनों का काफी अनुभव है और मैंने वर्षों तक इस सिलसिले में काम किया है। जहां ज्वाइन्ट सीट्स होती हैं वहां अधिकतर जिम्मेदारी और बोझ सवर्ण उम्मीदवारों के ऊपर पड़ता है। यह जो छोटे भाई होते हैं उनकी भी जिम्मेदारी उनको उठानी पड़ती है। अगर किसी सवर्ण भाई को ज्वाइन्ट सीट से खड़ा होने के लिये आज कहा जाय तो वह खूशी से तैयार नहीं होगा, ज्वाइन्ट सीट्स से वह खड़ा नहीं होगा। इस तरह का मेरा अनुभव है।

आखिर में यह सब कुछ हो किस लिये रहा है। ये हरिजन बैंकवर्ड हैं और अछूत माने जाते हैं। ज्वाइन्ट कांस्टीट्यूएन्सी में आज हालत यह है कि हरिजनों को बहुत कम मौका मिलता है या हरिजन कैंडिडेट बहुत कम मौका लेते हैं सवर्ण भाइयों के पास जाने का। वह काम छोड़ दिया जाता है सवर्ण कैंडिडेट के ऊपर और वे खुद अपने हरिजनों को संभाल लेते हैं, यानी अस्पृश्यता दूर करने का, या मेल मिलाप का, या सब सवर्ण और हरिजनों को एक जगह लाने का जो मसला है, जिसके लिये आज ये तमाम रिजर्वेशन की बातें हो रही हैं, वह हाथ से छूट जाता है। यह बड़ा अच्छा मौका आ रहा है कि जिस बक्त सैप्रेट कांस्टीट्यूएन्सी में हर एक हरिजन कैंडिडेट को दर्ज भाइयों के यहां जाना

[श्री देवकीनन्दन नारायण]

होगा, सवर्ण भाइयों को समझना समझाना होगा, सवर्ण भाइयोंमें मोहोब्बत करनी होगी, सवर्ण वोटर्स की सेवा करनी होगी, सवर्ण वोटर्स का काम करना होगा और इस तरह से सवर्ण और अछूतों में बहुत नज़दीक का मेलमिलाप होगा। जब इस तरह से मेल-मिलाप होगा, विश्वास बढ़ेगा, तब वे यह कह सकेंगे कि दस वर्ष के बाद रिज़र्वेशन रखने की कोई आवश्यकता नहीं है, नहीं तो आज उन्हें पता ही नहीं चलता है कि उनका कितना मेलमिलाप है, कितना उनका सवर्णों पर असर है, वे सवर्णों के ऊपर कितना असर डाल सकते हैं। इसलिये सब से बेहतर बात जो इस बिल से होने वाली है और जिसको कि महात्मा गांधी चाहते थे, वह यह है कि सवर्ण और हरिजनों के बीच का अन्तर बहुत कम हो जाने वाला है।

MR. DEPUTY CHAIRMAN: Yes, that will do. Mr. Jaswant Singh.

SHRI DEOKINANDAN NARAYAN: One minute more, Sir. I have only just started.

MR. DEPUTY CHAIRMAN: You started at 2:28. The time is noted here.

SHRI DEOKINANDAN NARAYAN: But there were many interruptions. Anyway, I shall finish within a minute.

दूसरी बात जो डिमिनिटेशन की है उसके बारे में कह कर मैं खत्म करने वाला हूँ। यह हम सब मानते हैं कि हमारे एलेक्शन कमिशनर इम्पार्शल हैं। मेरी समझ में नहीं आता कि जब इस बात को आप मानते हैं, तो फिर ऐसी बातें कहने की क्या आवश्यकता रह जाती है जिससे यह मालूम हो कि वे इम्पार्शल नहीं हैं? जबान से आप यह कहते हैं कि वे इम्पार्शल हैं और अमेंडमेंट ऐसा पेश करते हैं जो यह दिखलाने वाला होता है कि पेश वे पार्शल हैं। मैं यह

कहूंगा कि दो में से एक ही बात सच हो सकती है, या तो वे इम्पार्शल है या पार्शल हैं। अगर वे इम्पार्शल हैं तो आप के इस अमेंडमेंट की कोई आवश्यकता नहीं। अगर वे पार्शल हैं तो आप ऐसा अमेंडमेंट ला सकते हैं। परन्तु आप इस बात को मानते हैं कि वे इम्पार्शल हैं। तो मैं यह कहूंगा कि इस अमेंडमेंट की आवश्यकता नहीं है और कपूर साहब के अमेंडमेंट की तो बिल्कुल ही आवश्यकता नहीं है।

SHRI JASWANT SINGH: Mr. Deputy Chairman, Sir, I do not at all feel happy with this Bill which has come before the House. It has got, according to me, two fundamental defects. One is that it will be robbing a large number of the citizens of India of their chance to stand from large tracts of the country for election to the Legislative Assemblies as well as to Parliament. And then it will not in the long run help the people whom we are supposed to help and for whose benefit we have made certain reservations in this Bill. Sir, it is admitted on all hands that the system of double-member constituencies has been difficult from the administrative point of view and also from the point of view of expenses which the candidates have to incur during election. I come from a State where these reservations are on a very large scale and from the experience of the last two General Elections we know that from the point of view of expenses it had been indeed very difficult, not so much for our Scheduled Caste friends but for others.

Sir, first I will come to the main point. By this are we not depriving a large section of the people of India of their fundamental rights? According to the Constitution every citizen of India has the right to stand for election from any place in India and it is advantageous for people to stand from the places where they have been living for a long time, where they have rendered various services, social and otherwise. Sir, at least it was

difficult for me to follow the argument of Dr. Kunzru who said in his speech that the difference in the position as it was before and what is going to be under this Bill was very little. He said there was hardly any difference. But I wish to submit that there is going to be a very big difference and that is this. Quite apart from what I have already pointed out, that is, administrative inconvenience and expenses, previously everybody had the chance to stand for election and be voted by every section of the people. Here to give a concrete example, let us see what the position will be in Rajasthan. In the Rajasthan Assembly there are 176 seats and as many as 47 seats are reserved. That means 30 per cent. of the seats are reserved and a large number of people would have no right to stand from there. I would like to know whether it is not an encroachment on the fundamental rights of the people.

SHRI R. M. HAJARNAVIS: Which fundamental right is the hon. Member referring to?

SHRI JASWANT SINGH: My fundamental right is this. There is a constituency in the place from which I come.

SHRI R. M. HAJARNAVIS: Which?

SHRI JASWANT SINGH: I belong to Bikaner and there is a reserved seat. Even if it is a double-member constituency, I had the right to stand for election and if secured the largest number of votes, I could be elected. That was my right; now has it not been taken away from me, that right to stand from there? It is a different matter if a Scheduled Caste or a Scheduled Tribe candidate also stands; in any case my right is there to stand for election from there, to be voted, and even to win the seat.

DR. SHRIMATI SEETA PARMANAND: To that extent the same right was denied in the double-member constituency as you could not stand for the second seat reserved for the Scheduled Castes.

SHRI JASWANT SINGH: I am afraid my argument has not been followed by the hon. lady Member.

DR. SHRIMATI SEETA PARMANAND: I rely on the same argument.

SHRI JASWANT SINGH: At least I had the satisfaction then. Now, if you want to say that 100 per cent. is as bad as 50 per cent. I do not agree. Sir, 100 per cent. is 100 per cent. 50 per cent. is 50 per cent.

DR. SHRIMATI SEETA PARMANAND: Sir 50 per cent. is there already even today.

SHRI JASWANT SINGH: That also I do not agree. There would be no 50 per cent. The position is this. Out of 176 Assembly seats 47 seats are set apart; nearly 30 per cent. of the seats is set apart separately from where only a particular privileged class of people will have the right to stand and where the initial advantage will be for a well-organised party. I do not want to say whether it is the Congress Party or the Communist Party or any other party. If you will look into the statistics of the last two General Elections, you will find who had the initial advantage. Similarly there are 22 parliamentary seats in Rajasthan of which five seats have been reserved for the Scheduled Castes which again comes to nearly 25 per cent. Here also take Bikaner for example. It is a double-member constituency with an area of about 23,000 sq. miles, and now it will be split into two constituencies of some 12,000 sq. miles each. In one of those I will not have the right to stand. My right has been completely taken away by this and, therefore, whether one cares or one does not care, the fact remains that we have been robbed of this fundamental right which was given to us by our Constitution.

Some Members, particularly Mr. Khobaragade, who has gone now, said that honour is much more at stake than the spending of a few more rupees. I do not know how honour

[Shri Jaswant Singh.]

or prestige is affected here. I personally feel now that the Harijans will be particularly hit at and it will be said that they are members of reserved seats and they would be looked down upon. They will not have a higher position or a higher status. In the case of double-member constituencies at least they were jointly there together and they could get votes from everybody. In the old British days there was separate electorate and we agitated against it saying that it was a wrong thing. Now, although there is no separate electorate in practice, in principle it remains. Now, in place of joint electorate, you will have separate electorate and seats reserved for them. In the long run, would it be in the interests of the Harijan themselves? What will happen to them after another ten years? Just as many of the Members have stated on the floor of the House and as my friend, Mr. Santhanam, has also pointed out, I also do not attach any motives, but it may be that this has been done for the sake of expediency. I am not attaching any motives, nor am I making any reflection on anybody, but it is for expediency that this decision has been taken to have reserved seats. Originally our Constitution provided for this for a period of ten years, for the protection of Harijans, who were less developed. What happened after ten years? It has been extended for another ten years and what is the guarantee that it will not again be extended? In our democracy if one party is permanently in power and it is likely to be so for some time, it can do anything with the Constitution. They can make changes in the Constitution without any hitch whatsoever. Who will be there to see that this exemption does not remain permanent? What will happen to Harijans after ten years, unless they permanently get their seats reserved? Otherwise, their position would be the same as the privileged classes in the past. Similarly, after another ten years, when there will be no reserved seats, none of the members of the

Harijan community and the Scheduled Tribes will be able to face the people as a whole. At the most this could have been done that they should not have any reserved seats, but by convention they could be given seats. In democracy convention plays a very big part. As far as possible suitable Harijan candidates should be put up by different parties from different areas. Here, in a particular place the concentration of Harijans or Scheduled Castes may not be there and they may not be in a majority. The majority people will not have the right to stand from that constituency, but the minorities may have the right under this law, to stand from that particular constituency. So, from every point of view this is a bad law and it will have repercussions which will in the long run have very bad effects, and I am not at all satisfied with it.

Then, I have great pleasure in agreeing with certain points which my friend, Mr. Bhupesh Gupta, advanced this morning in regard to the delimitation of constituencies. Again, I am one with him not to cast any reflection on the Delimitation Commission. We have great faith in them. They have done a wonderful job. But what is happening is that the law has not been passed so far. It is still under discussion. The President has not given his consent to this, the preliminary work. I should say practically the constituencies have been delimited, but political forces are at work, and with all due respect to the Election Commission sitting here, they will not be able to stop the political influence which is at work, because the whole thing has been changed. We have got great confidence in the Commission and they have done a very good work. Unfortunately, on this particular occasion, when such a large number of double-member constituencies are made into single-member constituencies wholesale, there will be very much wire-pulling by political parties and many things may be done. Therefore, on this particular occasion the suggestion put forward by Mr. Bhupesh Gupta is very practical and

laudable and on this particular occasion there should be a separate agency for delimiting the constituencies, so that all people will have faith in it. Though I do agree that safeguards have been provided in this Bill, they do not go far enough.

Lastly, I would like to have a little explanation from the hon. Minister. If a double-member constituency is so bad and it has been removed, why has this exception been made in the case of Gujarat? I have not been able to follow it.

SHRI R. M. HAJARNAVIS: I hope the hon. Member will again permit me to explain. I had explained it in my opening speech. In respect of Gujarat, under the Bombay Reorganisation Act, the seats which should have been allotted to Gujarat on the basis of proportional division between Maharashtra and Gujarat were increased. Therefore a wholesale delimitation had to be undertaken in Gujarat, which is being done. The same principle is now being extended to Gujarat, namely in making delimitation all over the State instead of providing for double-member constituencies, as they would have done under original pattern they would now provide for single-member constituencies. So, the same principle applies to Gujarat. There is absolutely no difference.

SHRI JASWANT SINGH: If there is no difference, then I have no objection. But from the language of clause 3 and clause 5 what I thought was that exception was being made in regard to Gujarat. Now, if I am given to understand that this is the legal interpretation, I have nothing to say. Probably I have misunderstood it. If I am to understand that the decision is not to be different in the case of Gujarat vis-a-vis other States, that they are not going to have double-member constituencies in Gujarat and all will be single-member constituencies. I have no objection.

SHRI ROHIT M. DAVE: Clause 6 is there.

SHRI JASWANT SINGH: I was talking only about clauses 3 and 5. However, I may have misunderstood it.

With these words I feel very unhappy that this Bill is not satisfactory from the point of view of Harijans themselves and also from the point of view of the fundamental rights of the people, as a large number and a large section of people will be deprived of their fundamental right by not being allowed to stand from their constituencies.

श्री शीलभद्र याजी : माननीय डिप्टी चेयरमैन महोदय, अभी जो द्वि-सदस्य निर्वाचन-क्षेत्र (उत्सादन) विधेयक हाउस के समक्ष विचारार्थ रखा गया है उसका मैं सख्त विरोध करता हूँ। एक सोशलिस्ट और एक सही सोशलिस्ट होने के नाते और जो गरीब हरिजन तथा आदिवासी हैं उनकी माली हालत को देखते हुए हर एक सदस्य के लिये यह लाजमी था कि वह इस बिल की मुखालिफ़त करता। इस बिल में क्या गुण हैं, क्या अवगुण है, इसमें कितनी बुराई है उस पर बोलने से पहले, राष्ट्रपति के अभिभाषण पर इस विषय पर बोलते हुए विरोधी ग्रुप के जो नेता हैं उन्होंने हमारी पार्टी, कांग्रेस पार्टी, पर जो छींटाकशी की थी और बताया था कि राष्ट्रपति द्वारा घोषित करने के बाद भी कांग्रेस पार्टी ने इस पर फिर से क्यों विचार किया, उसके सम्बन्ध में कुछ कहना चाहता हूँ। जहाँ तक राष्ट्रपति का गत वर्ष का भाषण था और जहाँ तक कैबिनेट का सवाल है, सभी चीफ़ मिनिस्टर्स का सवाल है, जो कॉलिंग पार्टी है उसकी वॉकिंग कमेटी का सवाल है, सभी लोगों ने उसकी मंजूरी दी थी लेकिन सरकार की ओर से जितने बिल आते हैं उन सब पर सब कांग्रेस पार्टी के जो सदस्य हैं विचार करते हैं और अपनी राय देते हैं। उन्होंने यह दिखलाने की कोशिश की है कि

[श्री शीलभद्र याजी]

राष्ट्रपति के भाषण देने के बाद ऐसा करने से राष्ट्रपति का अपमान हुआ है और कांग्रेस पार्टी ने ऐसा किया है। इस तरह का उनका भाषण हुआ। उनको यह समझना चाहिये था कि जहाँ तक सरकार का सवाल है, कैबिनेट का सवाल है, चीफ मिनिस्ट्रों का सवाल है, सभी लोगों ने उसकी स्वीकृति दे दी थी।

लेकिन हम जो कांग्रेस पार्टी के सदस्य हैं, जब भी कोई बिल आता है, चाहे वह किसी पार्टी का हो, कोई हुकूमत हो, तो अपने माइन्ड को मार्टिंगेज नहीं करते हैं। यदि कांग्रेस पार्टी ने उस पर अपनी राय दी और बहुमत से पास किया तो इसमें राष्ट्रपति का क्या अपमान हुआ, यह भी समझ में नहीं आया। कांग्रेस पार्टी की हुकूमत होने से उसको यह हक है कि जब किसी चीज पर सरकार अमल करती है या कोई निर्णय लेती है तो पहले कैबिनेट उस पर विचार करती है तथा पार्टी भी उस विषय पर बहस करके अपनी राय प्रकट करती है।

अभी तक जो भाषण हुए सब गांधी जी के नाम पर हो रहे हैं। अफसोस होता है कि जो विरोध करते हैं वे भी गांधी जी का नाम लेते हैं और जो समर्थन करते हैं वे भी गांधी जी का नाम ले रहे हैं। मुझे ताज्जुब हुआ। गांधी जी जब रामजे मैकडोनाल्ड अवाड का विरोध अपने आमरण उपवास द्वारा कर रहे थे उस समय वे जेल में थे तो उन्होंने हमेशा यह मत दिया कि हरिजनों को सेपरेट करने की कोशिश न की जाय बल्कि उनको सवर्ण हिन्दुओं के साथ रहने दिया जाय। बड़े दुःख की बात है कि उनकी कांग्रेस पार्टी आज बहुमत से हुकूमत में है तो हम उन्हीं की कही बातों को भुला रहे हैं। जब हम पार्लियामेंट के सदस्य हरिजन और सवर्णों को एक साथ मिलाने की दिशा में काम नहीं कर सकते हैं तब हम किस मुंह से कोआपरेटिव फ़ार्मिंग की बात करते हैं। मैंने देखा कि जितने सवर्ण हिन्दू हैं वे भी

खिलाफ हैं, वे चाहते हैं कि जल्दी से जल्दी एक सदस्यीय निर्वाचन क्षेत्र हो जाय और वह हरिजन के पिंड से मुक्त हो जायें। हरिजन कहते हैं कि हम रनिंग मेट की हैसियत में बने रहें, और हमारे व्यक्तित्व का विकास नहीं होता, यह गलत है। हर एक स्टेट में हमारे हरिजन मिनिस्ट्र हैं, वे रनिंग मेट रहने पर भी मंत्री तथा नेता बनें। इस तरह की जो मनोवृत्ति हरिजनों में भी आ रही है वह मैं समझता हूँ देश के लिए बड़ी खतरनाक है। गांधी जी का उसूल हरिजनों और सवर्णों को एक सतह पर लाकर समुक्त रूप से चुनाव में जाना था। आज सवर्ण लोगों में जो मनोवृत्ति आ गई है उससे हरिजनों की भलाई नहीं हो सकती, और यह बात ठीक नहीं है। और खास कर मेरा यह एक निवेदन है कि जो बड़े बड़े हरिजन हैं, ये जो टाटा, बिड़ला के एजेन्ट हो गए हैं या बड़े बड़े मालदार हो गए हैं, उनके लिये तो यह विधेयक ठीक है जो चाहें सो करे लेकिन मैं जानता हूँ और अभी हमारे एक माननीय सदस्य ने कहा कि एसेम्बली के जो हरिजन सदस्य हैं उनकी राय इस बिल के बारे में नहीं जानी गयी। और मैं भी हिन्दुस्तान में ज्यादा धूमता हूँ और जानता हूँ कि हरिजन वर्ग के जो सदस्य विधान सभाओं में हैं वे इसका विरोध कर रहे हैं। तो उनकी राय नहीं ली गई, न किसी राज्य एसेम्बली से राय ली गयी। यहां इसलिए कहा भी गया कि क्या हमारी पार्टी की कोई नीति नहीं है; अपोजिशन पार्टी को सोचना चाहिए—चाहे वे प्रजा सोशलिस्ट पार्टी के हों, कम्युनिस्ट पार्टी के हों या किसी और पार्टी के हों—कि अगर दिसदस्य वाले निर्वाचन क्षेत्र होते थे तो उनमें एक खर्च से सबका काम निकलता था। आज अलग अलग सीट कर देने में कितना खर्चा होगा? तो इसलिए जो हरिजनों की तरफ से ज्यादा बोलते हैं और लड़ते हैं उससे तो हमको यह खतरा लगता है कि वे हरिजन अब एसेम्बली में चुने नहीं जा सकते, पार्लियामेंट में आ नहीं सकते। जितनी भी सीटें हैं, चौदह, पन्द्रह परसेन्ट से ज्यादा हरिजन

वोटर कहीं भी नहीं हैं, और यदि हरिजनों के लीडर रैबिड तरीके से भाषण देंगे तो सर्वर्ण लोग कभी उनका साथ नहीं देंगे, वे उनके कैन्डीडेट्स को चुनाव में हरायेंगे और दूसरों को चुनेंगे। तो आज जो लोग इस बिल को सपोर्ट कर रहे हैं उनके लिए मैं समझता हूँ ज्यादा खतरा है। मैं गांधी जी की दुहाई नहीं देता, लेकिन गांधी जी की यही मंशा थी कि किसी तरह हरिजन और सर्वर्णों को मिलाकर पृथक् होने से बचाया जाय। आज हम उनकी जो भावना थी उसको इस बिल को लाकर, चाहे वह किन्हीं हरिजनों की मांग के प्रभाव से लाया गया हो या किसी तरह से हो, उस भावना की अवहेलना कर रहे हैं। इसका नतीजा यह होगा कि आज जो हरिजन मेम्बर पार्लियामेंट में या एसेम्बली में हैं और गरीब हैं उनके ऊपर अन्याय होगा। हमारे जो बड़े बड़े हरिजन हैं उनके इशारों पर तथा सेल्फ प्रेस्टीज के नाम पर आप उन्हें मुसीबत में डालने जा रहे हैं। इसलिए जैसा कि मैंने शुरू में कहा, हमारे कम्युनिस्ट पार्टी के लोग, पी० एस० पी० के लोग कोआपरेटिव फार्मिंग की बात तो करते हैं लेकिन जब वे ऐसे लोगों की मदद नहीं कर सकते तो इलेक्शन में मिल जुल कर नहीं लड़ सकते तो फिर हिन्दुस्तान में ज्वाइन्ट-कोआपरेटिव फार्मिंग की सफलता पर मुझे सदेह होता है। मैंने हरिजनों के भी विचार जाने और सर्वर्णों के भी विचार जाने और यह महसूस किया कि इस बिल के पास होने से जो पृथक् रहने की भावना या प्रवृत्ति है वह जायेगी। अभी तो आपने जो सही मानी मैं आपके हिन्दू रिलीजन में, धर्म में नहीं हैं उनके लिये रिजर्वेशन नहीं रखा और मैकडोनल्ड अवार्ड का जो मिसवीफ था कि हरिजनों को सर्वर्णों से अलग कर दिया जाय उसको इस बिल में रख दिया। आज से दस वर्ष के बाद फिर यह मांग होगी कि हमारा सेपरेट रिजर्वेशन के साथ पृथक् चुनाव होता चाहिए। जिस तरह हमने हरिजनों को जोश व खरोश से बाहर बोलते हुए देखा है उसमें मुझे खतरा मालूम देता है।

यह देश के लिए अच्छी बात नहीं है और खास कर के समाजवाद के लिए तो एक दम अच्छी बात नहीं है, जो गरीब हरिजन हैं उनके साथ बड़ा अन्याय हो रहा है। फिर चुनाव में खड़ा होने के लिये उनके पास पैसा नहीं है। ज्यादा से ज्यादा वे एसेम्बली के मेम्बर हैं और जो पार्लियामेंट के हरिजन तथा आदिवासी सदस्य हैं उनके पास एक एकड़ भी जमीन नहीं है। वे किस तरह से इलेक्शन लड़ेंगे? दस, बीस हजार रुपया इलेक्शन लड़ने के लिए कहां से लायेंगे? पार्टी भी उनको इतना रुपया नहीं दे सकती। इसलिये या तो जो बड़े बड़े मालदार हरिजन हैं या जो मालदार पार्टी के हैं वे खड़े होंगे या जिनको कैपिटलिस्ट लोग एजेंट बना कर भेजेंगे उन्हीं खड़े होंगे। इस तरह से सच्चे मानों में जो गरीब हरिजन कायकर्ता हैं उनके साथ इस बिल के पास होने से अन्याय हो रहा है। यह सही है कि हम लोग जो शासक दल के प्रतिनिधि हैं, मैजोरिटी पार्टी के हैं, हम भाषण तो विरोध में देते हैं लेकिन पास करने के लिए वोट तो इसके पक्ष में देंगे, फिर भी हमारी राय है कि पास करने के काबिल बिल नहीं है। पास तो यह हो ही जायगा लेकिन जरा राज्य सभा के मेम्बर हिम्मत करे तो अब भी कुछ हो सकता है। लेकिन हिम्मत करने की भी बात नहीं है; क्योंकि अपोजिशन वाले ज्यादा जोर शोर से इस विधायक के पक्ष में बोल रहे हैं। क्यों बोल रहे हैं, पता नहीं। इसके लिए ज्वाइन्ट सेशन होने की भी बात नहीं है। तो यह बिल पास होने जा रहा है। लेकिन मैं समझता हूँ कि बिल पास होने के मौके पर गांधी जी का नाम हारिजनों के साथ इस तरह जोड़ना ठीक नहीं है। गांधी जी ने रामजे मैकडोनल्ड के अवार्ड को रद्द करने की मांग की थी और वह रद्द हुआ सभी पार्टियों के बारे में तो मैं नहीं कहता, लेकिन जिन पार्टियों के पास बहुत रिसोर्सेज हैं, फाइनेन्सेज है उनको मैं जानता हूँ। अब हरिजन जब इलेक्शन के मैदान में अलग जायगा तब उसको पता चल जायगा कि क्या होता है और उनको लेने के बदले देने होंगे। इसलिये

[श्री शीलभद्र याजी]

मैं समझता हूँ कि इस बिल में उनके लिये बड़े खतरे हैं। तो एक बार मैं फिर दोहराता हूँ कि रामजे मैकडानल्ड के अवार्ड में जो मिसचीफ था वैसे ही इसमें भी बहुत कुछ मिसचीफ है। इसलिए काफी सोच समझ कर हमें इसको पास करना चाहिये।

SHRI GOPIKRISHNA VIJAIVAR-GIYA (Madhya Pradesh): Mr. Deputy Chairman, my opinion is that much can be said on both sides. I felt the same thing when reading the objects and reasons of the Bill. It appears that even the Government was lukewarm and has brought forward this Bill half-heartedly. The second paragraph of the Statement of Objects and Reasons states:

"There has been considerable criticism against the system of reservation of seats in two-member constituencies, and the suggestion has often been made that all the seats reserved for the Scheduled Castes and Tribes should be provided for in single-member constituencies and that there should be no two-member constituencies at all. Members of the Scheduled Castes and Tribes generally favour small single-member constituencies which involve less expenditure and travel. Double-member constituencies are inconvenient and cumbersome from the administrative point of view. It is therefore proposed to divide every two-member Parliamentary and Assembly constituency", etc.

I think also that this is not a whole-hearted measure which is sponsored by Government. When the 3 P.M. Constitution was framed, I was there in the Constituent Assembly and we were told that legally there could not be any reservation in single-member constituencies and

therefore there should be double-member constituencies and reservation was given in the double-member constituencies. There are Members who have felt strongly and they have alleged that it is the fundamental right of a citizen to stand for election and be elected.

SHRI JASWANT SINGH: Does not the Constitution provide that every citizen of India has the right to vote and stand for election?

SHRI GOPIKRISHNA VIJAIVAR-GIYA: I am just quoting what you have said that Members have said that it is the fundamental right of the citizen to stand for election and be elected and therefore they think that this Bill is a breach of that fundamental right. I remember that there were some constituencies in Madhya Bharat from where I come and those constituencies were given to the Scheduled Tribes. They were entirely Bhil constituencies. There was one such district in which there was one general constituency. That was a separate constituency altogether and there were four other constituencies for the Legislative Assembly there. They were entirely Bhil constituencies for the Scheduled Castes. Somehow, the lawyers later on came to the opinion that there was no infringement of fundamental rights and they held on to the legal aspect that there was no infringement of the fundamental rights if single-member constituencies were created for reserved seats. Having heard the opinions of Members who hold this to be against the fundamental right itself, I have given thought to it and have come to the conclusion that I do not find any basic objection to the principle contained in this Bill. If our friends, the Scheduled Castes and the Scheduled Tribes, want to have some self-satisfaction, let them have this satisfaction through this Bill. At present, the double-member constituencies are very big ones. In the double-member constituencies for Parliament, the number of voters is almost eight or ten lakhs and it is

very difficult for a candidate to contact all the voters. Therefore, if this Bill comes, it will be less costly and more manageable for the candidates and their contact with their constituency will be much better. There were a few general members elected from the double-member constituencies. They also talked to me and said that the Harijan or the Adivasi member, the running-mate as somebody called him, was almost a dead-weight upon them. I think this might have been in the matter of expenses because the Harijans or the Adivasis may be poorer, but in respect of votes, I think they are very helpful to the general member, and the general member is also helpful to the Harijans and the Adivasis. In this way, there was nothing bad in the old arrangement. But the question is, if almost all the Scheduled Caste and Scheduled Tribe members feel that they should have single-member constituencies, I think there is nothing bad if we concede that thing, and on that basis, this Bill has come before us. After all, this reservation is also for ten years only. It has to go and it is in this light that the Scheduled Caste and the Scheduled Tribe members do feel that this reservation is going and that some intermediate step must come and this Bill provides that intermediate step. They think that these double-member constituencies cannot last long and, therefore, to be in better contact with the constituencies and to stand on their own legs, they must have this intermediate step.

DR. SHRIMATI SEETA PARNANAND: Reservation was for ten years and it was extended. What guarantee is there that it will not further be extended?

SHRI GOPIKRISHNA VIJAIVARGIYA: It is the Harijans and the Adivasis themselves who think in this direction that ultimately reservation will go and therefore they have to stand on their own legs. I think that there are dangers on both sides, and this Bill is on the marginal line. So, let us pass this Bill. After all, it

is an experiment only and it is a step towards the entire abolition of reservations that has to come later on and for which our friends, the Harijans and the Adivasis, are prepared. So, with these views, I support the Bill as an intermediate step towards the complete abolition of the principle of reservation. There is no doubt that they will have all these experiences in the coming two or three elections and they will themselves know where they are, whether they have gained something or lost something by the abolition of the old arrangement and the coming in of the new arrangement.

SHRI SATYACHARAN (Uttar Pradesh): May I, on a point of order, know how does the question of the abolition of reservation come in? This is the question of bifurcation of double-member constituencies and, of course, certain constituencies will be reserved for the Scheduled Castes and the Scheduled Tribes. Am I to understand that even the reservation of a particular constituency for the Scheduled Castes and the Scheduled Tribes has also to be abolished?

SHRI GOPIKRISHNA VIJAIVARGIYA: No, no. I do not mean that just at the present moment. It is for the Chair to say about the point of order.

MR. DEPUTY CHAIRMAN: There is no point of order.

SHRI BHUPESH GUPTA: It is a point of order like a Rajah asking in some other place.

MR. DEPUTY CHAIRMAN: You also ask sometimes.

SHRI GOPIKRISHNA VIJAIVARGIYA: I was saying that ultimately, abolition of reservation would come. This is only an intermediate step.

About the procedure, there are a few remarks that I would like to make. Shri Bhupesh Gupta said that delimitation should be done through a Committee, a Delimitation Committee,

[Shri Gopikrishna Vijaivargiya.] while the Bill provides that it should be done by the Election Commission. If his amendment is accepted, it will cause more delay, and let us have faith in the Election Commission.

SHRI BHUPESH GUPTA: Have faith in God.

SHRI GOPIKRISHNA VIJAIVARGIYA: About the basis of bifurcation, there is an amendment by Shri Jaspat Roy Kapoor. That also, I think, is unnecessary and the present arrangement is good if continued.

One word more. Ultimately our objective is to bring emotional unity and a greater cohesion among the citizens of India. So, even though these arrangements are continuing and some reservations are being kept for a few years more, the ultimate objective is that all the higher caste people, the Scheduled Castes, the Scheduled Tribes, all have to be united as common citizens of the whole country and only then we would have abolished these castes and creeds. Even after that, the poorer sections have got to organise themselves. Let them organise themselves on a class basis, not on a caste basis. And all the people must join hands to end the caste system which is prevalent. I hope that at some future time there will be more inter-caste marriages, not only amongst the Hindus themselves, but amongst the Hindus, Muslims and all other communities. This is the picture we are aiming at and, in the meantime, as an intermediate step, I support this Bill.

SHRI BHUPESH GUPTA: Your Bill is polygamous in this respect.

SHRI M. GOVINDA REDDY (Mysore): Sir, I am going to lend my support to this Bill. Unnecessary issues and points of view have been raised with regard to this Bill saying that this is a violation of the fundamental rights of the citizen and that it would create two sorts of citizens and all that. I do not

think that that position is correct. Dr. Kunzru has pointed out that in principle, this Bill does not depart from the constitutional position or from the position prevailing now. The right to contest an election is not taken away. The hon. Shri Jaswant Singh and others have made much of it. I wonder whether their right is taken away. I am not able to contest in a constituency which is reserved, but other constituencies are open to me. So my right to contest is not taken away. It is a mistake to suppose that the right of a citizen to contest in a constituency is taken away, simply because that is a reserved constituency.

Sir, this Bill has been brought forward after working out the present system. The present system of double member constituencies has some disadvantages, some disadvantages which go against the Scheduled class candidates and which go against the general constituency candidates also. Sir, as has been pointed out, a double-member constituency is unwieldy. From the point of view of expense, it is unmanageable both to the general constituency candidate as well as to the reserved candidate. As many Members who have opposed this Bill have pointed out, a Scheduled Caste candidate is not in a position to meet the large expenditure, and as campaigning in a double-member constituency is very expensive, they should agree that single-member constituencies would be more helpful to the Scheduled Caste candidate as well as to the general constituency candidate. The other difficulty is in electioneering. It means so much trouble for both the candidates to go round such a wide constituency than it would be to go round a single-member constituency. The third disadvantage is that there is an anomaly in this position. Now there are two candidates for a double-member constituency and no one is responsible for the whole constituency. Now the Scheduled Caste people there unwittingly have come to believe that their representative is the

only representative in that double-member constituency and that if they have any grievance, they should only go to him. So also the other people in that double-member constituency, other than Scheduled Caste and Scheduled Tribe people, believe that the general constituency candidate is their only true representative and that therefore they have nothing to expect from the Scheduled Caste representative in that double-member constituency and that if they have any grievance to be redressed or attended to, they must go to the general seat representative. This is an anomalous position, and therefore this anomalous position goes if this Bill is adopted. Now in a single-member constituency there is an advantage to be gained, and the advantage is this. Whether members of the Scheduled Castes or members of non-Scheduled Castes, they will all have to depend upon the one and only representative there, because there will be only one Member in a single-member constituency. So those who have the interests of the Scheduled Castes or Scheduled Tribes at heart should welcome this proposal, particularly because this promotes emotional integration. Now, Sir, as I pointed out, the disadvantage in a double-member constituency is that members of the general classes need not consider the Scheduled Caste representative of that double-member constituency as their other representative. It will not be so when there is only a single-member constituency and it is reserved for the Scheduled Castes and the Scheduled Tribes, and the non-Scheduled caste people in that single-member constituency have willy-nilly to depend upon that representative. He would be the only representative and, therefore, they would come to treat him as their real representative. That is number one. And number two is this. The candidate also comes to believe that he is not the representative only of the Scheduled classes but that he is the representative of all the people in the constituency and if he does not earn the goodwill of the whole people, then

he would not have the chance next time. Therefore, Sir, this, in my opinion, is a device which would promote very fast emotional integration. All those who have argued against this have said that it would be segregating the Scheduled classes. The results would be contrary to segregation. The result would conduce to fusing the Scheduled classes and the non-Scheduled classes together and therefore, Sir, it is a very handy device, a very good device, and in time to come it may be quite possible for people of the reserved constituency to forget that there were other non-Scheduled classes in that reserved constituency and for people of the general constituency to forget that there were other Scheduled classes in that general constituency. So in every way, whether from the point of view of expense or from the point of view of trouble in campaigning or from the point of view of work in the constituency or from the point of view of effecting emotional integration between the Scheduled classes and the non-Scheduled classes this is a very good remedy provided in this measure, and all those people who want the differences between the Scheduled classes and the non-Scheduled classes to go should welcome this measure.

The other point to which I would refer is the amendment which relates to the proposal for the setting up of a Delimitation Committee. I do not think it is necessary. Already some friends have argued that it would entail delay. Surely it would entail delay, and having in view that the elections have to take place some time in February or March, 1962, it would not be possible for the Delimitation Committee . . .

SHRI BHUPESH GUPTA: Some people are doing in any case.

SHRI M. GOVINDA REDDY: . . . to collect the data and then examine them and then hear all people and then form a constituency of that sort. On the other hand, every Member

[Shri M. Govinda Reddy.] who has spoken for the constitution of a Delimitation Commission has also expressed the fullest confidence in the Election Commission. So, Sir, the Election Commission, which enjoys the confidence of the whole country, is an authority which can well decide this question. After all, Sir, this cannot be arbitrarily decided. Now they have to evolve some formula for deciding this question and that has been done in the Bill. In dividing a double-member constituency the formula naturally would be the incidence of the Scheduled Caste population or the Scheduled Tribe population in that area. So they cannot arbitrarily say that ten villages will go to that side and ten villages will come to this side. They will have to abide by this principle, of the incidence of the Scheduled Caste population or the Scheduled Tribe population, in coming to a conclusion. Even if a Delimitation Committee is to be constituted, it will have to adopt the same principle. So, in order to avoid delay, if the Election Commission works on the same principle and divides the double-member constituencies, there should be no objection. So I do not think there is any force in the objections raised by some of the hon. Members against this Bill. As Pandit Kunzru said, this arrangement of single-member constituencies should have been made right at the start. But after the experience of the working of the double-member constituencies it is coming now. It is not too late. I think, Sir it will promote the well-being of all classes. I do not believe there is any ground for the fears which my hon. friend, Mr. Santhanam expressed, namely, that the Scheduled classes will come to be perpetually treated as Scheduled classes, or the fear that my friend, Mr. Pattabiraman expressed, namely, that the reserved constituencies will come to be treated as Harijan constituencies for ever. There is no such fear whatever. I think the Scheduled Castes and the Scheduled Tribes are coming into their own and I hope

they will stand on their own legs and they will have confidence in themselves and in others, and the system will work only if they had an interest in and had the goodwill of the non-Scheduled classes in that constituency. This Bill will promote the interests of all, and it is the good of both classes that this Bill aims at and which this Bill, I have no doubt, will certainly achieve.

Thank you.

DR. SHRIMATI SEETA PARNAND: Mr. Deputy Chairman, Sir, speaking for myself I do not feel at all happy about this Bill, and I will at once proceed to mention some of the reasons.

The very fact that the Congress Party itself was hesitating for a long time over this Bill shows, and also the controversy that has raged round this Bill shows that there are many features about this Bill which are not exactly conducive to bringing about emotional unity in the country or emotional integration in the country.

Sir, it was mentioned that Gandhiji's name was brought in in connection with the debate on this Bill. I think there is nothing wrong in bringing in Gandhiji's name in this context, because it was Gandhiji who stood against any reservation of seats being made, and following his advice I would at once mention here that women never asked for reservation of seats though they are half the population of the country. There is nothing, Sir, to smile about the mention of the word 'women' because whenever anything that has been done creditably is pointed out, there should be some admiration for the point. My point is this. When Gandhiji said that there should be no reservation, he was sure that ultimately it brought about a feeling of weakness, a feeling of walking on crutches as it were and also a separatist tendency.

I remember very well when the States Reorganisation Bill was intro-

duced, some of us talked of fissiparous tendencies being created in the country. Quite a few of us mentioned that. Of course, the Bill was passed and we are seeing what is happening today. I myself have the same misgivings about this Bill. When Gandhiji mentioned that there should be a common electorate, the point was that even if a Harijan stood, all people would vote for him. Though ultimately he agreed to reserved seats, I do not think he would have agreed to reserved seats in certain fixed area where there was a majority of these people. It again points to a vicious principle, namely, that only a person of a certain community can represent those people. We as citizens of a country should learn to have confidence in anybody standing from anywhere in India. If it comes to the merit of the person, people should not think that he must belong to a particular community. Therefore, Sir, we are going away from that principle.

Sir, I think there is a lot of point in what Mr. Santhanam pointed out. I do not know why it is not being understood. Mr. Jaswant Singh pointed out the same thing and ultimately he admitted that at least 50 per cent. of it was now being achieved. The point is this. The present dual-member constituency position allows a Scheduled Caste person, who contests, to get votes from the whole area. Now you are changing the constituency with a view to having an area where there are a larger number of Scheduled Caste people. What Mr. Jaswant Singh pointed out was that by not allowing a person to stand from that area, you are not allowing any non-Scheduled Caste person to claim the votes of the people from that area. Therefore, to a certain extent you restrict his right. It is not a Constitutional right, it is not a fundamental principle, but it is restricting his legal right to vote, and as a corollary to the legal right to vote there is the right to stand for election. Therefore, in not allowing a non-Scheduled Caste person to stand from that area you

restrict that person's right and other non-Scheduled Caste persons' right to stand from any particular area. It is a reflected implication of the fundamental right, freedom to move and so on.

Sir, the rights allowed to Indians are available to them throughout the country. I do not want to dwell on that point very much more. I, therefore, feel that in accepting this Bill, we will be letting loose a hornet's nest. We know very well what has happened after the States' reorganisation. We know how certain parts of the country, of the States even today are wanting to be separated from the States, for example, for the formation of Vidarbha and Punjabi-speaking States and so on. Sir, the people would not be anxious not to be united but ultimately a few interested leaders make use of these opportunities. Therefore, I feel that once this separatist consciousness is aroused, I have a fear that some interested people may make use of this and ultimately say that there should be a separate State for these people. It may come to that. I hope it does not. But it is desirable to be awake to the possibilities. The reservation of seats was originally for ten years only. And people were unwilling to give up the reservation. Now once they learn to walk on crutches, they may feel, after a further period of ten years that it is a better state of affairs. It depends on us, the majority, how we give them opportunities and help them. I feel, therefore, this Bill is a novel method of finding an easy solution of the present problem in a way this is shirking the real issue of creating contentment through welfare of these people.

Sir, much has been said about the backwardness and economic reason on the grounds of which this Bill should be passed. I would like the Law Minister to think, and I would like him to answer this point in particular, namely, why we should not have an Election Tax. In that way we would have been able to know

[Dr. Shrimati Seeta Parmanand.]

the number of recognised parties, six, five or four, and they could decide how much money should be given to each party. Then all this present excuse of the economic need to help the backward Harijans, which necessitated this Bill, would not be there. I feel that would have been a very welcome measure and a progressive measure. There are people in America, there are people in some western countries who have made this suggestion, but only because these things are not there in the West we need not lag behind. We should be able, when the time comes, to spend money, large amounts to make the people free even of the so-called capitalists or other vested interests or of our Communist friends, free of the funds that they get from foreign countries for their elections. It would have been better if we had an Election Tax and money given to candidates from that.

SHRI BHUPESH GUPTA: What is the lady Member saying?

SHRI A. K. SEN: She is relating the facts.

DR. SHRIMATI SEETA PARMANAND: I am just giving expression . . .

SHRI BHUPESH GUPTA: Have you heard that?

DR. SHRIMATI SEETA PARMANAND: . . . to the opinion which has been expressed hundred times outside. It is not my personal opinion.

SHRI BHUPESH GUPTA: I never thought that the lady Member would utter such falsehoods.

DR. SHRIMATI SEETA PARMANAND: When I said that the candidates were supposed to be under the influence of capitalists, the hon. Member did not have anything to say because it suited him.

SHRI BHUPESH GUPTA: Capitalists you look after.

DR. SHRIMATI SEETA PARMANAND: Now, about the plea of economic backwardness, women constitute half the population of the country. From amongst them candidates stand for election. They are economically backward. I would, therefore, ask you, Sir, to do something for them. We know very well that a large number of women not only for the Assembly and Parliament elections but even in elections to local bodies are not able to stand because they just cannot afford.

SHRI BHUPESH GUPTA: We shall make you a Governor. Please do not tell us that.

DR. SHRIMATI SEETA PARMANAND: I would say, Sir, if this economic backwardness was to be taken into consideration, then some constituencies ought to have been put apart for women. Then I could have understood your plea. Women are Harijans and they are always classed with the lowest class of society in all old literature.

स्त्री पुत्रश्च दासश्च त्रय एव अथमाः स्मृताः ।
स्त्रियो . . . तथा शूद्राः, न स्त्री स्वातन्त्र्य
मर्हति ।

MR. DEPUTY CHAIRMAN: You can bring forward a separate Bill for that.

DR. SHRIMATI SEETA PARMANAND: Harijans and women are equally dependent. You know Ramayana which classes शूद्र, गंधार, वसु, नारी together. Therefore, I was unhappy with this Bill which has been brought forward because I feel it is going to sow seeds of possible problems which would be very difficult to solve after ten years.

SHRI BHUPESH GUPTA: I draw your attention to the remarks of the hon. lady Member. That point has to be cleared. The hon. lady Member has said that the Communist Party gets money from outside. Either she should prove it or she should withdraw it. You kindly have it expunged.

SHRI SHEEL BHADRA YAJEE: It is a fact that they are getting money from foreign countries by selling books..

SHRI BHUPESH GUPTA: You can say anything.

DR. SHRIMATI SEETA PARNAND: I would say allegedly.

SHRI BHUPESH GUPTA: Such lies are not alleged anywhere except in certain disreputable quarters.

SHRI N. SRI RAMA REDDY (Mysore): Mr. Deputy Chairman, Sir, the Bill before the House is for the abolition of two-member constituencies and for setting up single-member constituencies. In other words, the present double-member constituencies are proposed to be bifurcated as single-member constituencies with reservation of seats or constituencies for the Scheduled Castes and Scheduled Tribes. Now, Sir, a very crucial moment in the history of our young democracy has come. Wherefrom has this reservation arisen? Is not reservation repugnant to the very principle of democracy? Still, we have reconciled ourselves to this reservation. A reservation might be in any form, it might be in the form of constituencies, it might be for the Scheduled Castes and Scheduled Tribes. It is a fact of history that in our society there are people who are called weaker sections and they go by the name of Scheduled Castes and Scheduled Tribes. I do not know whose fault it is but anyway in our society, we find a section of people who are said to be weak. Certainly they are weak. Their cases deserve to be considered and should be given topmost priority but there is a lot of misapprehension when we talk of reservation of seats. Is a single-member of the Harijan community or Scheduled Caste going to solve the problem of the entire Harijan population? Is lifting up a single man into a Member of Parliament all that has to be done for these people?

Self-reliance, self-respect and things like that are talked of. How do they come? Will they come only by making a single man a Member of the Assembly or Parliament? Will that give self-respect to the entire community? On the other hand, I would believe that self-respect, self-reliance or self-confidence, whatever you call it, can come more by education, more by economic upliftment, more by spread of culture, more by mingling with other classes of people and these are the measures that are called for at present in order to uplift the weaker sections of the people. Anyway, they are there. Millions of rupees are spent on the uplift of these people and I am sure, never before in the history of this country such a lot of good to these people was done as is being done within these 12 or 13 years of our independence. I am sure, given a little more time, all these differences would disappear and India will emerge as a cohesive nation but in the meanwhile, something has to be done and the framers of our Constitution thought that the best way of giving representation to the weaker section was, consistent with our Constitution, to reserve or make double-member constituencies were both a general seat and along with it a reserved seat were provided for. Then it was thought that it was the best arrangement that could be thought of and it was then thought that at the end of 10 years, this reservation would be done away with and there would be only full-fledged democracy functioning. Now, at the end of 10 years, we have come to the conclusion—I do not know by what stretch of imagination—that instead of these double-member constituencies we shall have to set up single-member constituencies with reservation of seats for the Scheduled Castes and Scheduled Tribes. I should think that it is a great retrograde step that we have taken. It is not an advance that we are making in our democratic set-up. I am sure that this has happened on account of the pressure of certain sections of the people who night and

[Shri N. Sri Rama Reddy]

day harp on self-reliance, self-respect, etc. Now let us consider if this system that is being thought of by this Bill is going to create any vested interests. Let us also consider whether there will be any spirit of separatism that will be created. Let us also consider if a spirit of segregation will be created by the step that we have taken. These are the negative aspects of the step that we are now proposing. If vested interests are going to be created, if a spirit of separatism is going to be created in this country, if perpetuation of segregation is to take place, let us reject this Bill here and now. We have paid very heavy costs in the name of reservation of seats. Our country was divided. Had it not been for this principle that was introduced however unwittingly, our country would not have been divided to-day. Having found that position, let us be careful of what we do now. Now who in this world will give up an advantage gained, whether rightfully or wrongfully gained? We have seen it in the nature of man not to give up a right that he has earned. On the other hand, he wants to perpetuate it. Then, as the lady Member said, who knows what will happen after 10 years? Of course now there are big professions that after the end of 10 years they are going to do away with the single-member constituencies with reservation of seats but who can predict the future? Will the same Scheduled Caste brothers not insist on their rights to have a separate vote and a separate constituency? What guarantee is there? Why do you introduce this malaise into our system? So I would utter a very respectful, mild warning here that what we do here today might do a great mischief tomorrow. So what matters most is our attitude to the weaker section of the community. It has undergone a great deal of change. Nobody now recognises, at any rate more than 50 per cent of the people do not recognise untouchability or unseeability. They

have disappeared and become things of the past.

SHRI P. N. RAJABHOJ: No.

SHRI N. SRI RAMA REDDY: They are going, disappearing at a very rapid pace. We should welcome the forces and encourage the forces of cohesion. Instead of that, we are perpetuating the castes, maybe in this case in the name of Scheduled Castes. If we did that, a great harm probably would come. Therefore I very honestly, very sincerely, plead before the Government that this step that they are likely to take may be halted for the present. Let us see and give time for the feelings and prejudices to go and we are sure to march towards a unified State where all distinctions of caste, creed, class and everything will disappear before politics. Therefore, though very reluctantly, I would oppose this Bill. Thank you.

श्री पं० ना० राजभोज : उपसभापति महोदय, मैं इस बिल का समर्थन और स्वागत करने के लिए खड़ा हुआ हूँ। इस विधेयक का उद्देश्य अत्यंत स्तुत्य है और वह है कि जो डबल-मेम्बर कांस्टीट्यूशनमीज थीं, उनको खत्म करना, उनका निर्मूल करना और उनकी जगह सिंगल कांस्टीट्यूशनमीज की स्थापना करना। राष्ट्रपति जी ने अपने अभिभाषण में पिछले साल इसकी चर्चा की थी और आज यह बिल हमारे सामने आया है, यह बहुत ही खुशी की बात है।

यह बिल सादा है लेकिन लोकशाही की दृष्टि से और हमारे कांस्टीट्यूशन की दृष्टि से बहुत ही महत्वपूर्ण है क्योंकि जब तक हमने अपने संविधान द्वारा शिड्युल्ड कास्ट के लोगों को सन् १९७० तक रिजर्वेशन दिया है तब तक तो हमें सब कुछ करना चाहिये जिससे देशमें जातीयता अस्पृश्यता का निर्मूलन हो और यह जो ६ करोड़ लोग हैं उनका भारत के सवर्ण लोगों से इंटीग्रेशन होना जरूरी है। आज जातीयता इतनी फैल गई है और देश के

सामने एकता का प्रश्न इतनी तेजी से आया है कि वैसे कभी भी नहीं आया था। आज सदन में हमारे सदस्यगणों ने जो यह कहा कि जातीयता खत्म हो गई है, अस्पृश्यता खत्म हो गई है—श्री रेड्डी ने भी यही बात कही—यह बिल्कुल गलत बात है। मैं उनसे यह कहना चाहता हूँ कि जो जूता पहनता है उसको ही दर्द मालूम होता है कि कहां पर जूता काट रहा है। आज कानून द्वारा अस्पृश्यता सारे देश में बंद हो गई है लेकिन लोगों के दिमागों में यह चीज अभी तक बंद नहीं हुई है। इसलिए उपसभापति महोदय, मेरी आपसे यह प्रार्थना है कि जब मैं इस तरह का विधेयक हाउस में लाया था तब हमारे गृह मंत्री श्री पंत ने कहा था कि अभी हमारे देश से अस्पृश्यता खत्म नहीं हुई है इसलिए हरिजनों को १० वर्ष तक और सुविधा की आवश्यकता है। उस समय मेजरटी सदस्यों ने इस चीज का समर्थन किया था कि हरिजनों को अभी कुछ समय तक और सुविधा दी जानी चाहिये। हमारे सभू साहब और कुंजरू साहब ने भी हमारी बात को सपोर्ट किया था।

उपसभापति महोदय, मेरी यह प्रार्थना है कि यह जो विधेयक इस सदन में लाया गया है वह हरिजनों के लिए बहुत ही महत्वपूर्ण है। इलेक्शन की सुविधा की दृष्टि से यह बिल बहुत ही महत्वपूर्ण है और सदन में इस बारे में जो बहस हुई वह मैंने अच्छी तरह से सुनी और मैं इस बात से संपूर्ण सहमत हूँ कि यह सिंगल मेम्बर कांस्टीट्यूएन्सीज की स्थापना करने से एडमिनिस्ट्रेटिव सुविधा होगी और खर्च भी कम आयेगा। इससे एक चीज और भी होगी और वह यह है कि डबल मेम्बर कांस्टीट्यू-अन्सीज में रिजर्व कंडीडेट को जो तकलीफें सहन करनी पड़ती हैं वह सब खत्म हो जायेंगी।

वैसे तो प्रेक्टिस से अब तक यह हो रहा है कि सवर्ण हिन्दू कंडीडेट सिर्फ सवर्ण हिन्दू मतदाताओं के पास वोट मांगने जाता है और

हरिजन कंडीडेट अपने मतदाताओं के पास जाता है। इसलिए डबल मेम्बर कांस्टीट्यू-अन्सीज होने पर भी एरियाज आयसोलेट होती है और इससे इंटिग्रेशन रुक जाता है। यदि यह सिंगल मेम्बर बन जाय तो मेरा विश्वास है कि शिड्युल्ड कास्ट के लोगों के दिल में यह भावना पैदा होगी कि उनका चुना हुआ प्रतिनिधि उनका ही प्रतिनिधित्व करेगा और ये लोग अपने पांव पर खड़े होने की कोशिश करेंगे। इस तरह से इन लोगों में नेता, सामाजिक कार्यकर्ता पैदा होने की संभावना बढ़ जायेगी। आज हमारे आदिवासी और शिड्युल्डकास्ट के लोगों के दिलों में स्वतंत्र भावना नहीं है। अगर उनके दिल में अच्छी भावना पैदा हो जायेगी तो उनमें अच्छे लीडर पैदा होने लगेंगे और दोनों ही एक ही मां के बच्चे की तरह काम करेंगे। मैं इस बात को अच्छी तरह से जानता हूँ कि आज कुछ लोग इसका विरोध क्यों कर रहे हैं। मैं इस बात को भी अच्छी तरह से जानता हूँ कि साउथ के लोग ही इस बिल का ज्यादा से ज्यादा विरोध कर रहे हैं और साउथ ही में अस्पृश्यता सब से ज्यादा है। साउथ में ही इस समय सब से ज्यादा अन्टेबिलिटी, अनसियबिलिटी और अनएप्रोचेबिलिटी है। उपसभापति महोदय, यहां पर हमारे श्री संतानम् साहब बैठे हैं (Interruptions) लेकिन हमारी सरकार की तरफ से अस्पृश्यता को दूर करने के लिए हर प्रकार की कोशिश की जा रही है। जब हमारे साउथ के भाई इस तरह के बिल का विरोध करते हैं तो मुझे दुःख होता है। अस्पृश्यता को दूर करने के लिए और हरिजन भाइयों को ज्यादा सुविधा देने के लिए बिल पास हो गया है मगर इन लोगों के दिल अभी तक साफ नहीं हुए हैं। इस चीज को देखकर मुझे बहुत दुःख होता है। हमारी सरकार और हमारे होम मिनिस्टर साहब हरिजनों और आदिवासियों के दुखों को दूर करने की हर प्रकार की कोशिश कर रहे हैं। मैं यह कहना चाहता हूँ कि जब पार्टी की मेजरिटी ने यह फैसला कर दिया है कि इस तरह का बिल

[श्री पा० ना० राजभोज]

पास होना चाहिये तो फिर ये लोग क्यों विरोध कर रहे हैं ? मैं यह कहना चाहता हूँ कि जब कोई हरिजन भाई रिजर्व कांस्टीट्यूएन्सी से खड़ा होता है तो उसे जनरल कंडीडेट के नीचे बसा रहना पड़ता है। वह जनरल कंडीडेट की परिछाई बन जाता है और उसे इलैक्शन की मशीनरी का उपयोग करने का मौका नहीं मिलता है। बहुत सा पैसा तो जनरल सीट के लिए खर्चा होता है और उस लिए बहुत कम पैसा खर्च किया जाता है। जब यह बिल पास हो जायेगा तो कंडीडेट अपनी एरिया पर ज्यादा ध्यान केन्द्रित कर सकेगा।

अंत में, मैं यह कहना चाहता हूँ कि हमारा रिजर्वेशन को हजारों वर्ष तक बढ़ाने का इरादा नहीं है। हम उसको खत्म करना चाहते हैं। यह चीज देश और समाज के लिए एक कलंक है किन्तु जब तक वह है तब तक शिड्यूल्ड कास्ट की आर्थिक, सामाजिक, सांस्कृतिक, औद्योगिक और नैतिक उन्नति करने की पूर्ण रूप से कोशिश की जानी चाहिये। इसलिए मेरी सब पोलिटिकल पार्टीज से प्रार्थना है कि सिर्फ कांस्टीट्यूशन ने जो कोटा मंजूर किया है उसे ही नहीं देवना चाहिये बल्कि प्रयत्न यह करना चाहिये कि जनरल सीट पर भी शिड्यूल्ड कास्ट के कंडीडेट खड़ा करके उनकी सामाजिक उन्नति की जाय। (Interruptions.) हमारी देवी जी कुछ कहना चाहती है मगर मैं उन्हें बतला देना चाहता हूँ कि क्या वे महिलाओं के बारे में नहीं कहती कि हमें इतना मिलना चाहिये। आज हम सारे देश में देखते हैं कि महिलाएं ही ऐसी हैं जिनमें अस्पृश्यता की भावना पाई जाती है। वे मंदिर की तो बात करती हैं मगर उनके दिल साफ नहीं हैं। वे बड़ी बड़ी सिद्धान्त और वेदान्त की बातें करती हैं, रामायण की बातें करती हैं, लेकिन उन लोगों का दिल साफ नहीं है। तो मेरी प्रार्थना यह है कि इस तरह की भावना से अस्पृश्यता देश से दूर नहीं हो सकती है। हमारे एक माननीय

सदस्य ने यह कहा कि यह बिल डैमोक्रेटि स्प्रिट के खिलाफ है। लेकिन मेरी यह सूचना है कि समाज का कोई भी सेक्शन बैकवर्ड रहे तो वह भी डैमोक्रेटिक स्प्रिट के खिलाफ है और इसीलिये यह जरूरी है कि उसको अपने पांव पर खड़ा होने के लिए अवसर दिया जान चाहिये। मुझे पूरी आशा है कि इस विधेयक द्वारा उसे यह अवसर प्रदान हो जायेगा।

अभी हमारे पूज्य प्रधान मंत्री जी ने हैदराबाद में कहा था कि सब लोगों को मैरिट में आना चाहिये। मैं भी यही कहना चाहता हूँ कि हम लोगों के लिए भी मैरिट होनी चाहिये। हम डबल मेम्बर कांस्टीट्यूएन्सी नहीं चाहते हैं और सिंगल मेम्बर कांस्टीट्यूएन्सी से हम खड़ा होना चाहते हैं। इसका नतीजा यह होगा कि हम सब लोगों में आपस में सहयोग बढ़ेगा और खर्चा भी कम होगा। इस समय जो डबल मेम्बर कांस्टीट्यूएन्सीज है वे देश के लिए खराब हैं और उन्हें जल्द से जल्द खत्म करना चाहिये। (Interruptions.) महात्मा गांधी जी ने जब पूना में हरिजनों के लिए फास्ट किया था तब उसका नतीजा 'पूना पैक्ट' निकला जिसको रामजे मैकडोनेल्ड ने भी मंजूर किया था। (Interruptions.) क्या आपने गांधीजी के नाम लेने का ठेका लिया है। गांधी जी कहा करते थे कि हमने एक पाप किया जिसके लिये हर एक को प्रायश्चित्त करना चाहिये और हरिजनों के उद्धार के लिए सब कुछ करना चाहिये। (Time bell rings) मैं एक मिनट में अपना भाषण समाप्त कर दूंगा। आज हमारे सप्रू साहब और कुंजरू साहब इस बिल का समर्थन कर रहे हैं लेकिन कुछ भाई ऐसे हैं जो इसका विरोध कर रहे हैं। हमारे देश में जो सोशलिस्ट और कम्युनिस्ट पार्टीज हैं वे अपनी थिसेज अलग रखते हैं और हर चीज को पोलिटिकल दृष्टि से देखते हैं। वे तो इस देश में जातीयता को खत्म करना नहीं चाहते हैं। हमारे देश के मंत्री और प्रधान मंत्री जी

बार बार यह कह रहे हैं कि हम हरिजनों को ऊंचा उठाना चाहते हैं और इसके लिये वे कोशिश भी कर रहे हैं और मुझे पूरी उम्मीद है कि कुछ समय बाद हरिजन और आदिवासियों को जो दस साल तक संरक्षण दिया है वह उसको आगे बढ़ाने के लिये नहीं कहेंगे और अपने दूसरे भाइयों के साथ आगे बढ़ने की कोशिश करेंगे। मैं इतना कह कर इस बिल का पूर्ण समर्थन करता हूँ।

SHRI N. SRI RAMA REDDY: Is not the hon. Member highly presumptuous when he says that he equates his own prestige with that of other people? It does not matter what happens to the rest of India, he wants to safeguard his own prestige as a Member of Parliament. That is what it comes to, Sir.

श्री पा० ना० राजभोज : साउथ वाले ही इस बिल का ज्यादा विरोध विरोध कर रहे हैं।

प्रो० सत्याचरण : श्रीमन् उपसभापति महोदय, मुझे आज द्विसदस्यीय निर्वाचन क्षेत्र के समापन के सम्बन्ध में बोलते समय और अपना समर्थन देते हुये प्रसन्नता हो रही है।

मे यह समझता हूँ कि यद्यपि इस सदन के कक्ष में काफी गर्मी उत्पन्न हुई है, किन्तु विधेयक इस रूप का है जिसके ऊपर बड़ी गम्भीरता के साथ विचार करने की आवश्यकता है। मैं इस विधेयक का स्वागत विशेष कर इसलिये कर रहा हूँ कि इसमें एक ऐसी भावना है, जिस भावना के आधार पर हरिजन वर्ग की उन्नति की कल्पना की गई है। अभी तक द्विसदस्यीय क्षेत्र थे। इसका तात्पर्य यह है कि एक सवर्ण और एक हरिजन दोनों ही साथ मिलकर मतदाताओं से मत लेने की चेष्टा करते थे। किन्तु अब दस साल के भीतर इतनी परिपक्वता आ चुकी है कि हरिजन जो सवर्ण के नीचे प्रायः दबा हुआ सा निर्वाचन क्षेत्र में जाकर मत की याचना करता था, वह अब

अपने पैरों पर खड़ा हो सकता है। इसमें एक मनोवैज्ञानिक तत्व छिपा है जिसमें व्यक्तित्व का विकास हो सकता है। इसे समझने की हमें चेष्टा करना चाहिये। जब मैं इस बात को सोचता हूँ कि हरिजन वर्ग को अथवा आदिवासियों को अलग निर्वाचन क्षेत्र में जाकर मत याचना की आवश्यकता पड़ेगी, तो मैं इसमें व्यक्तित्व के विकास का एक तत्व देखता हूँ कि वे स्वयं अपने द्वारा अपनी शक्ति का उत्तोलन करके मत प्राप्त करने का प्रयत्न करेंगे। मुझे इस सम्बन्ध में एक उदाहरण देते हुए कुछ भी हिचक नहीं होती है। मैं देखता हूँ कि आज संसार दो विभागों में विभक्त है। दो महान् शक्तियाँ अपने अपने साथ कुछ वर्गों को लेकर चल रही हैं। एक शक्ति के साथ कुछ देश हैं और दूसरी शक्ति के साथ कुछ देश हैं। एक शक्ति जो महान् है, उसके साथ जो शक्तियाँ सम्बद्ध हैं, उन शक्तियों को अंग्रेजी में सैटेलाइट कंट्रीज कहा जाता है या यह कहा जाता है कि वे उसके पीछे पिछलगुआ हैं। मैं समझता हूँ कि अब तक जो हरिजन सवर्ण के साथ मतदान में याचना करता था वह बहुत कुछ अपने सवर्ण बन्धु की भिक्षा, उसके सहयोग और उसके व्यक्तित्व पर निर्भर रहा करता था। यदि यह चीज अलग हो जाय तो उसके लिए ही अच्छा है।

उपसभापात महोदय, एक बात की ओर पुनः ध्यान आकर्षित करना चाहता हूँ। महात्मा गांधी की दुहाई दी गई है। एक माननीय सदस्य ने ठीक ही कहा कि विरोध और पक्ष में बोलने वाले दोनों ही ने उस महात्मा के नाम का उल्लेख किया है। ठीक है, लेकिन जहाँ तक मैं समझ पाया हूँ रामजे मैकडानल्ड का जो साम्प्रदायिक निर्णय या कम्युनल अवार्ड है उसके भीतर यदि आप अध्ययन करें कि किन विषयों के ऊपर प्रकाश डाला गया है, जिन के आधार पर महात्मा गांधी को उपवास करना पड़ा, तो वह स्पष्ट है। वह चीज यह है कि महात्मा गांधी..

SHRI B. D. KHOBARAKAYDE: The principle of Communal Award was bad only so far as the Scheduled Castes were concerned, or was it bad also so far as the Muslims and other minorities were concerned?

प्र० सत्याचरण : वह तो आपने एक दूसरा प्रश्न उठाया। मैं तो यहाँ इस बात को ला रहा हूँ कि साम्प्रदायिक निर्णय के आधार पर महात्मा गांधी को बाध्य होकर उपवास करना पड़ा था और उसके पीछे जो भावना थी वह यह थी कि रानैतिक कूटनीति या पोलिटिकल डिप्लोमेसी के द्वारा रामजे मैकडानल्ड ने इस बात को सोचा था कि हरिजन वर्ग को हिन्दू समाज से अलग किया जाय। महात्मा गांधी ने यह सोचा कि हिन्दू समाज काफी पतित हो चुका है और उसने एक वर्ग के साथ अत्याचार करके उसको अपने अधिकारों से वंचित कर दिया है और अब उस वर्ग को उठाने का यदि कोई उपाय हो सकता है तो वह यह है कि उसको अधिकार दिये जाय, किन्तु अधिकारों के साथ पृथक्करण की बात न हो क्योंकि एक अंग कट करके यदि अलग पड़ जाता है तो समस्त शरीर पर उसका प्रभाव पड़ता है। इसीलिये यहाँ मैं निवेदन करना चाहता हूँ कि साम्प्रदायिक निर्णय के सम्बन्ध में जो प्रकाश डाला गया है उसमें कुछ गलतफहमी हुई है। कम्युनल अवाइड या साम्प्रदायिक निर्णय, जिसके सम्बन्ध में मत प्रगट किया गया उसका तात्पर्य केवल यह था कि हरिजन वर्ग को अलग किया जाय। यह मैं स्पष्ट कहना चाहता हूँ।

यह तो भावनाओं का प्रश्न हुआ, संगठन का प्रश्न हुआ। अब प्रबन्ध की ओर भी हमें दृष्टि डालनी होगी। मैंने स्वयं संसद् के निर्वाचन में भाग लिया है। आठ, सोढ़े आठ लाख का विशाल मतदाताओं का समूह जिस विन्तु क्षेत्र में बसा होता है उसकी परिक्रम

और इसके साथ साथ जिन लोगों को प्रबन्ध करना पड़ता है मतदाताओं के लाने का और उनके मत को डलवाने का, वह एक साधारण सी चीज नहीं है। हम में से जिन लोगों को कभी भी विदेश भूमि में जाने का अवकाश मिला है, चाहे वह अमेरिका हो, चाहे यूरोप की कोई भूमि हो, और वहाँ प्रजातन्त्र की व्यवस्था के अवलोकन का कोई भी अवसर प्राप्त हुआ है, वे जानते हैं कि कहीं भी इतने बड़े बड़े क्षेत्र नहीं हैं। जहाँ तक इंग्लैंड का प्रश्न है, उसके क्षेत्र तो निहायत छोटे हैं। यदि उन क्षेत्रों की तुलना हमारे यहाँ के विधान सभा के सदस्यों के क्षेत्र से की जाय तो कदाचित् मुश्किल से उससे भी समानता हो सकती है। ऐसी परिस्थिति में प्रबन्धकों की कठिनाइयों को दृष्टि में रख कर जो यह विधेयक पारित करने के लिये हम से याचना की गई है, इसमें सन्देह नहीं कि वह हमारे समर्थन के लिये अत्यन्त उपयुक्त है।

यहाँ पर एक विषय और भी उपस्थित करना चाहता हूँ। वह यह है कि कुछ ने कहा है कि इन क्षेत्रों का पृथक्करण करके, हम सदा के लिए इस समुदाय को पृथक्कृत करेंगे, यह सन्देह गलत है। मैं इस लिये इस सन्देह को गलत कहता हूँ कि क्या अभी तक पृथक्करण नहीं था? जहाँ तक सीट या स्थान के पृथक्करण का सम्बन्ध है, द्विसदस्यीय क्षेत्र में भी इसका पृथक्करण था और उस समय क्यों नहीं इसके विरोध में आवाज उठाई गई? जैसा कि मैंने अभी कहा, यह एक मनोवैज्ञानिक तत्व है, एक ऐसी प्रणाली है जिसकी सहायता से एक रास्ते को पार करके हरिजन आगे बढ़ रहा है और वह यह है कि द्विसदस्यीय निर्वाचन क्षेत्र में उसने कार्य करके दस वर्ष में यह सीखा कि अपने पैरों पर हम खड़े हो सकते हैं या नहीं। उससे उसे कुछ अहसास प्राप्त हुआ। अब एक सदस्यीय क्षेत्र में भी वह भिक्षुक होगा सवर्ण मतदाताओं का। अतः इस बात की कल्पना करना कि पृथक्करण

हो जाने के पश्चात् एक संकीर्ण दायरा उत्पन्न होगा, गलत है। इसकी सम्भावना नहीं है।

अब एक दूसरे विषय की ओर मैं आना चाहता हूँ। जिन की ओर से यह कहा गया है कि यदि इस प्रकार से पृथक्करण होता है कि किसी स्थान को, किसी सीट को हरिजन वर्ग के लिये अवस्थित कर दिया जाता है, निश्चित कर दिया जाता है, तो बहुत बुरी बात होगी, मैं उनके साथ हूँ। मेरी भी सम्मति है कि यदि ऐसा हो तो बुरी बात है। जिन लोगों ने इस विधेयक को सदन के सामने लाने का प्रयास किया है, उनका यह मंशा नहीं है। इसकी अवधि केवल दस वर्ष की हो सकती है और इस अवधि के भीतर हरिजनों को यह सीखना है कि किस तरह वे स्वतन्त्र हो करके वोट ले सकते हैं। केवल यही इसका मंशा है। यह कहना कि एक क्षेत्र सदा के लिये निश्चित रह जायगा, गलत है। यहां पर एक सुझाव मैं देना चाहता हूँ। आज जो डिबेट या विचार विमर्श हो रहा है कि और इसका उत्तर देने का दायित्व जिन माननीय मन्त्री जी के कंधों पर आयेगा, उनको मैं एक सुझाव देना चाहता हूँ। मेरा सुझाव यह है कि एक क्षेत्र के पश्चात् दूसरा क्षेत्र हरिजनों को दिया जाय तो बुरा नहीं है। इसको अंग्रेजी में मैं यह कहूंगा कि रोटेशन के साथ क्षेत्र बदल दिया जाना चाहिये। एक ही क्षेत्र निश्चित कर देने से संकीर्णता उत्पन्न होगी।

इस सम्बन्ध में एक बात और कह कर मैं समाप्त करूंगा और वह यह है कि कहा गया है, स्थान के निर्धारण के लिये वर्तमान चुनाव आयोग उपयुक्त नहीं है, वह समर्थ नहीं है कि वह सीमांकन कर सके। इसलिये सीमांकन करने वाली एक अलग समिति की स्थापना होनी चाहिये, सेप्रेट डिजलिमिटेशन कमेटी की।
4 P.M. मैं इसका विरोध करता हूँ। यदि किसी प्रकार की एक अलग सीमांकन समिति की इस समय रचना की जाय तो निश्चित है कि सन् १९६२ ई० में चुनाव नहीं हो सकता। यदि यह

चाहते हैं कि सन् १९६२ में चुनाव हो तो मैं विराधियों से—मैं राजनैतिक विरोधी दलों को नहीं कह रहा हूँ बल्कि जो इसके विरोधी हैं और जो इस प्रकार के भाव के समर्थक हैं कि डिजलिमिटेशन कमीशन अर्थात् सीमांकन समिति या आयोग की स्थापना पुनः दूसरी होनी चाहिये—उनसे एक प्रश्न करना चाहता हूँ कि क्या वे सन् १९६२ ई० में नहीं चाहते हैं कि चुनाव हो। यदि वे चाहते हैं तो हमें विश्वास करना पड़ेगा कि मुख्य चुनाव आयुक्त के तत्वावधान में जैसे अब तक चुनाव होता रहा है वैसे ही हो और उनको इस प्रकार का अधिकार समर्पित किया जाय कि किस प्रकार से सीमाओं का निर्धारण हो और निर्वाचन-क्षेत्रों की रचना हो। बस, इन शब्दों के साथ हृदय से मैं इस विधेयक को पारित करने के लिये अपना समर्थन प्रदान करता हूँ। धन्यवाद।

SHRI KOTA PUNNAIAH: Mr. Deputy Chairman, Sir, I rise to lend my support to this Bill. First of all, let us see the position of the Harijans as it stands today. At present there are double-member constituencies and there is a general candidate and a reserved candidate. However intelligent this reserved candidate may be, the general candidate dominates in the constituency. It is my practical experience. We can see, we can read and we can tell hundreds and hundreds of stories but in practice you will see that the general candidate dominates the reserved candidate. Bapuji was telling that the leaders of this country must be from among the Harijans. That has not come about; why? Because this reserved candidate would not take any trouble; he would not organise for himself. Bapuji wanted that there should be a change in the attitude of the Harijans. But even after fourteen years of independence the Harijans have remained the same. Some of the Members who have spoken said that the Harijans have not got that ability; they cannot con-

[Shri Kota Punnaiah.]

test for the seats separately. My point is this. We must give them the chance, the opportunity, if not today, tomorrow, to stand on their own legs. That is why this is a welcome feature. They must be given separate seats; not separate electorate. When there are caste Hindus also in the constituency we can also judge whether the caste Hindus are interested in the welfare of the Harijans or not. We can know whether simply because there was a general candidate they were going to vote for him and incidentally also voted for the reserved candidate. Tomorrow if this bifurcation is made, they have to go and vote for the reserved candidate separately. Then we can understand whether they are really interested in the welfare of the Harijans.

So far as the financial position is concerned, some Members have expressed the opinion that the scheduled caste people are not in a position to meet the election expenditure. But the scheduled caste candidates are not fighting the elections individually. There are organisations and if the organisation is powerful, certainly the candidates will come up. There is no doubt about it.

Some Members said that this will be encouraging communalism. My point is this. If the other people will support the scheduled caste candidate, there cannot be any communalism. There is no scope for saying that it will lead to communalism. To put an end to this communalism I feel the scheduled castes should be given full representative capacity. There must be a change in the hearts of the people. Unless there is that change even if we pass hundreds and hundreds of Bills, they will not in any way help the Harijans. If the scheduled castes are given the opportunity to stand for elections independently, they will develop that independent outlook; not only independent outlook but organising ability; not only organising ability but representative character; not only representative character but they will think in terms of working

for the welfare of the country and the nation. With these words, Sir, I support the Bill.

SHRIMATI T. NALLAMUTHU RAMAMURTI: Sir, I feel pained that at this stage of the progress of our Constitution and of our democracy we are pointed out as if the children of this country are not together, children of the motherland—knit together by ties of common allegiance and common citizenship. There is one country and there can be only one nation but this Bill is vicious in the sense that it creates a sort of double citizenship and double electorate. At a time when we are moving towards emotional integration and unification on all sides, it introduces a clause whereby actual segregation is advocated. Sir, I want to point out that even under the British regime as far back as nineteen thirties—1932—when we under the auspices of the All India Women's Conference were asked what sort of voting rights we would like to have, we said adult universal franchise and no reservation. No class of people could have been more suppressed, oppressed and depressed than women at that time and yet we stood for our own rights along with the rest of the nation and as a consequence of that we are very happy that our Constitution has provided equality irrespective of caste, creed or sex. On that basis I would like to question the need for inclusion of reservation at this stage for members of Parliament of scheduled castes and tribes who could, as is obvious, very well be their own advocates and stand on their own feet but who are pleased at the same time to call themselves weak!

Sir, I wish to draw your attention particularly to two clauses here in this—The Two-Member Constituencies Abolition Bill, 1961—which are very very mischievous. One is clause 3 (b) on page 2 which says:

“(b) the seat shall be reserved in that single-member constituency which in the opinion of the Commission has the greater concentra-

tion of population of the scheduled castes or, as the case may be, of the scheduled tribes."

The other is on page 3:

"(c) constituencies in which seats are reserved either for the scheduled castes or for the scheduled tribes shall, as far as practicable, be located in the areas in which the population of the scheduled castes or, as the case may be, of the scheduled tribes is most concentrated . . ."

These two clauses are mischievous in their tendencies. We are talking against segregation of all kinds not only inside this country but even in the international sphere. Segregation is a condemned idea and I am surprised that the Harijans are pleading for segregation. They will be treated as a particular class within a society that ought to be one. Therefore I would like to support the amendment suggested by Mr. Santhanam and Mr. Kapoor.

Now, reference was made to the South. Sir, the untouchables or Harijans are Hindus and from our experience in the South and in the rest of India I would say that we are moving towards the one-nation idea and there is no question of segregation as such anywhere in the country. In fact, more and more education that is taken to the doors of the people and the social services that are provided are all directed towards bringing the people together and fighting against this vicious idea of segregation. Therefore I would plead that these amendments should be accepted. In the name of all that is progress and in the name of all the principles that are embodied in our Constitution I feel that it is not good to create these two kinds of electorates. I do not know how it is going to help the scheduled castes by getting these reserved constituencies because it will mean going away from all that is progress in life. Mingling with each other will bring about interchange of

ideas and opportunities for raising themselves and that is what would enable them to stand on their own feet. Psychologically too it is an established fact that the weak child that is propped up all the time will continue to remain propped up and will tend to remain weak all the time. We should give them opportunities to face life with all its calls on their resources, their energies and to exercise their intelligence in voting on the same basis as other classes. Further, creating separate electorates would also lead to mischievous tendencies. Whereas we are hoping to march together with common planning and common objectives now, there will be so many conflicts, clashes and in the delimitation process that you are going to suggest, through this Bill, there will be so many complications. As my sister, Shrimati Seeta Parmanand and others have pointed out, as a result of the reorganisation of States, in the border areas and so on, there are endless disputes. Now, you are going to create a new thing, to further conflicts, sow the dragon's teeth, which will lead to endless disputes. It is a suicidal policy.

SHRI A. K. SEN: Mr. Deputy Chairman, when the hon. Member, Mr. Rajabhoj, spoke so eloquently, though it might not have been appreciated by some, I personally thought that the deep and sincere feeling coming from a responsible Member of Parliament belonging to the Scheduled Caste was a strong enough justification for the Bill itself. Whatever might be said, let us not blind ourselves to the fact that these deep feelings are expressed not without justification and that as a result of accumulated indignities and agonies of centuries we shall be certainly not true to ourselves if we ignored this and if we tried to brush aside everything designed to aid the quick development of the Scheduled Castes and Scheduled Tribes as something destructive of our national unity. What national unity can there be when large numbers of people have only a theoretical right to vote and to stand, and

[Shri A. K. Sen]

yet real equality is denied to them in the sense of all the things of life, the resources and other things which make a man equal with another? If the majority of the Scheduled Caste members feel that a special treatment, so far as reserved constituencies are concerned, is still necessary for some time to come, we must take note of it, as we have, in extending the period prescribed under the Constitution, in article 332 for reserved constituencies. I was really surprised when constitutional objections were taken by some and it was rather glibly said that this Bill, which gave single-member constituencies reserved for the Scheduled Caste categories, was violative of the Fundamental Rights of the Constitution, forgetting this for the moment. In fact, I remember, Dr. Shrimati Seeta Parmanand saying it, and I would be quoting her own language, lest I should be unfair to her. She said that the right to vote attracted the right to stand, as a corollary. I do not think so. The right to vote is unfettered under the Constitution. The right to stand is subject to the provisions of articles 330 to 332. That is a thing which many of us miss, that under the Constitution we have designedly subjected the right to stand by the provisions of article 330 to 332, namely, the provisions for setting up reserved constituencies both for Parliament and for State Legislatures in favour of the Scheduled Castes and Scheduled Tribes. When this House extended the period prescribed for the operation of articles 330 to 332, it naturally accepted the view that this reservation must yet continue. And if that is so, I think it is rather late and it is possibly irrelevant now to say that the system of reserved seats was either violative of the Constitution or violative of our national unity. There will be real national unity—I agree entirely with Mr. Bhupesh Gupta—when those upon whom we have heaped indignities and those whom we have kept under and those to whom we do not give all the opportunities for developing themselves, come up and become equal with the

others. That has been the basic principle underlying our Constitution. That has been the basic principle underlying all our progressive movements and that is one of the great lessons which we have learnt from the great leader of the nation, whose name has been quoted so often in the course of the debate on this Bill. If ever he preached anything and lived for anything, it was for the upliftment of those whom we have chosen to call the Scheduled Castes. I heard a voice from there saying if reservation of seats for Muslims and a separate electorate for Muslims in the olden days was offensive, why was not any fast undertaken or any protest made against the system of separate electorates designed for Muslims, and yet protests were made when separate electorate or separate treatment was proposed for the Scheduled Castes. That question is certainly not very pertinent to the present discussion and yet it is one which is so basic that it cannot be possibly ignored without an answer. To equate the Scheduled Castes and Muslims and an effort to do so coming from the Scheduled Castes themselves, grieved me, as it would grieve any Indian. And it would grieve most those who have been very intimately connected with the movements of Gandhiji. We have lived very near him and we have been inspired by him. Many of us have had the advantage of being so close to him when these great movements, which have shaken this continent, not only took shape but were actually alive. They are matters of history today, because I say that the things for which those were designed have been accepted as basic under our Constitution. As I said, it would grieve any Indian, as it did grieve me, if any effort were ever made to treat the Scheduled Castes as a separate entity. If ever our movement in the olden days had reached a moral level, if ever we had made any impression on the pages of history and if we are to make that impression permanent in the future, it is this that this country has believed in certain basic princi-

pies of unity and basic ways of life. Our devotion to these basic principles makes us one, notwithstanding the various forces of disunity which have through the ages rent us, made us weak and made us possibly sometimes easy preys to foreign invaders. Yet, if those fundamental forces of history have bound the vast population of this country into one unified, cultural entity, into one civilisation, it is because these basic ways of life have remained and will remain for ever unified. Nothing will destroy them. It will be, I think, flying completely against all the lessons of history to ever try to conceive that the Scheduled Castes were ever a separate entity from the rest of India or they would ever be. In fact the entire effort of the nation has been to redress the genuine grievances of the Scheduled Castes but never to treat them as separate, and I am sure I should be expressing the entire voice of this House and of the entire country if I say that nothing will happen in this Parliament and no measure will pass through these two Houses of Parliament of the country which ignores the basic unity of India and which does not strengthen the bonds of unity between the Scheduled Castes and the rest of India and emphasize the fact that they are a part and parcel of the Indian nation, of the great Hindu society which, notwithstanding the many vices to which it has been subject, yet forms one unit, and no one will countenance for one moment any measure which will have the effect of treating the Scheduled Castes and Tribes as separate from the rest of India. As I say, it will be not only doing something which would be violative of our basic principles, basic ways of life, but it will be flying against the entire course of Indian history, and it is those things which made the vast movement decades back possible and which have today ended in our success. If we really owe any reverence to the memory of the great leader whose name has been quoted often, we must remember this that it was he who lived and died for this great truth that India was one and

that it was not rent into different entities, whatever names they may be called by.

Sir, it would not have been necessary to raise these questions which, as I said, were not so pertinent to the main discussion but for the fact that these questions of principle have been raised, some repugnant, some very very pleasant, some very very instructive. Now, Sir, the objections which have been raised to the Bill are not really objections to the principles excepting the only objection which has come from the hon. Member, Mr. Santhanam. He is completely opposed to the reservation of seats, if I have understood him properly, for the Scheduled Castes and Tribes, to the continuation of the system of reservation and also in the process to the bifurcation of the existing constituencies into single-member constituencies. His objection, which I have tried to understand really falls into two parts: firstly, he objects to the system of reservation as such; secondly, his amendment is designed to bring about a position where each State Legislature would be entitled to either allow the continuance of the existing double-member constituencies or to introduce the bifurcation which is the purpose of the Bill. Dealing with the first objection, namely, the question of continuance of the system of reservation, I think I have said enough to say that this House has already decided in favour of continuing the reservation.

SHRI K. SANTHAMAN: May I inform the Minister that I did not press that point at all? It was for some argument, and I did not press it as a point. The main point I raised was that this prevents candidates from standing for any Parliamentary or Assembly constituency and also that this prevents people from standing in their own home constituencies as candidates. That was the main point I raised.

SHRI A. K. SEN: As I said, his amendment is designed not against the system of reservation but against the system of reservation on the basis of single-member constituencies, whereas in the course of his speech he did express his disapproval of the system of reservation as such. At least that was the impression that others got from his speech. If he does not oppose the system of reservation, that is an end of the matter, but there were others following him who did express themselves against the very principles of reservation, and to them I say only this much apart from what I have already said in the beginning, that if they do not want the reservation to continue, it is for them to make the Scheduled Castes feel, and feel sincerely, that they have become equals not merely in theory but actually in fact, and it will be really again flying against all facts if we ignore the tendencies which remain even now to treat the Scheduled Castes as possibly not equals. I have seen so myself, others have seen so. How many would be happy to see their children marrying freely with Scheduled Castes of equal education and culture? I make bold to challenge the entire House and I am sure that many would not be able to say that they would accept such a situation.

SHRIMATI T. NALLAMUTHU RAMAMURTI: There have been such marriages. Young people, which they choose, do not need dictation.

AN HON. MEMBER: Very few.

SHRI A. K. SEN: If there were none, we would have been hopeless of the destiny of this country. The question was quite different. The question was not whether in fact there had been marriages; the question was how many of us would feel glad if our children did so. That is quite a different question. It is only when that situation comes, when every Hindu father will be glad as much for the marriage of his child amongst his own caste as for

its marriage outside that caste but with a spouse belonging to the Scheduled Castes, shall we be able to rise and condemn those who want reservation for their own protection. But at the same time I am perfectly confident that the trends of history are such and the forces of national unity are so strong today and their rate of progress will be so quick as everyday passes that the days are not very far off when that desired period will come when we shall be able to declare unanimously on the floor of both the Houses....

SHRI BHUPESH GUPTA: The way in which things are developing, by that time you will be a great grandfather.

SHRI A. K. SEN: Sometimes Mr. Bhupesh Gupta is very optimistic and at other times he is very pessimistic. When it is a question of working out the process of bringing about complete eradication of the capitalist system he is very optimistic but when it is a question of eradicating the age-old vices in our social system he is not so. When we are able to see some who still not only adhere to those old vices but adhere to them with pride and adhere to them with conviction, to think of bringing about an equal society would be something difficult. But, as I said, the day is not very distant and the rate of progress which is marking our onward march is such that we can look ahead with confidence to that day when we can very boldly and confidently feel that no more reservation is necessary for any category of people in this country and that every Indian citizen has equality of opportunity and equal rights, amenities and duties. I have been rather surprised that women have been equated with Scheduled Castes, not that I have any objection to equating myself with Scheduled Castes. But is the equation on a level of equality? An attempt has been made to equate them on the basis of their suffering and that both had been the wronged communities and therefore, if one has not asked for reservation, why should the other ask for it? Sir, the argument might

be attractive if it is stated rather loosely. But it is really not at all sound and in fact, if I may say, it lacks substance completely. Women, or let us say the higher castes, have enjoyed the same economic opportunities—leave alone the disability of women about which we are cognizant. But talking about the equality of opportunity and the classes who have not at all had the advantage of sharing the fruits of society and the resources of the country, it is absolutely illogical to say that women, even women of those classes who have enjoyed the fruits of the country, have been deprived of opportunities. Women have enjoyed as much as men have; none of them would have enjoyed more than others, and possibly, we have enjoyed opportunities more for our women than for ourselves. In fact, when a class enjoys added privileges, the women of the class and the children of that class share them, and when a class is an underdog and is denied the privileges due to it, then the men and women of that class equally suffer. There is no categorisation in the enjoyment of amenities and fruits of the country sex-wise, but there is certainly categorisation in such enjoyment class-wise, caste-wise or otherwise. And to say, therefore, that women never wanted special protection and therefore the Scheduled Castes should not have it, is an argument which, I may submit, is not worthy of serious notice.

I now come to the specific amendments which have been proposed. The first one is from the hon. Mr. Santhanam. If that amendment were accepted, then we would be creating separate electoral laws for the different States in India. The one good thing that has happened since independence is this that this country has enjoyed one system of election, one system of electoral laws and, if I may say so, a common benefit from those laws, and a good benefit. I do not know if this is shared by Mr. Bhupesh Gupta. But I am sure it is, because I do not think that his Party has criticised the sound-

ness of our electoral laws and the impartiality and the efficiency of the electoral mechanism, and it will be destroying that grand structure which has been built up with such devotion and labour if we tried now to create separate laws for separate States. Mr. Santhanam's amendment says:—

“Provided that this section shall not apply to any State in which the Legislative Assembly resolves, within thirty days of the commencement of this Act, that this section should not be given effect to in relation to the two-member constituencies in that State.”

That means that one State will have double-member constituencies and so on, like America where even the procedural laws differ from State to State, leave alone substantive laws relating to marriage and divorce and others. This country has one great strength and that is a common legal system—substantive law or procedural law—a common system of governing and a common system of election and a common electoral law. Let us not do anything to destroy that unity.

Mr. Bhupesh Gupta's amendments are concerned with the question of setting up a Delimitation Commission for the purpose of bifurcation. I certainly would agree with him that if we had the time, we might have set up some sort of Delimitation Commission to create single-member constituencies.

SHRI B. D. KHOBARAGADE: On a point of information. If that Delimitation Commission can do the same work in such a short time, what is the difficulty? If this Delimitation Commission is appointed, the work will be finished within a short period.

SHRI A. K. SEN: Before I can say anything on that point, the hon. Member wanted an explanation. I thought the explanation was opposite after I had said something. He had no reason to suppose that I was not going to deal with it. In fact, I was going to.

Now, Sir, as I said, though on principle the demand for a Delimitation

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Commission is not objectionable, to set up a Delimitation Commission with the Supreme Court Judge and the High Court Judges and functioning as a court governed by the Civil Procedure Code for its deliberations and work, will entail at least three years to do this work as it did in 1952 when the Delimitation Commission was set up, and they delimited every constituency. But if a sound election demanded it, possibly we might have had it. But I am not at all convinced that it is necessary at all to have a Delimitation Commission for this little work. My reasons are as follows. Firstly, the existing reserved constituencies have been created by a Delimitation Commission which was set up in 1952. They found out, after very careful and thorough examination, what constituencies should be treated as reserved constituencies for the Scheduled Castes and the Scheduled Tribes. And as hon. Members know, some of the Scheduled Caste seats and Scheduled Tribe seats are single-member constituencies. They, therefore, selected these areas, having regard to various considerations, as appropriate areas which should be selected for being reserved for the Scheduled Caste and the Scheduled Tribes. We are now only bifurcating them and bifurcating them according to the rigid tests laid down in the Act itself. These tests are in Clause 3 which says—

“(a) all the single-member constituencies shall, as far as practicable, be geographically compact areas and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience; and

(b) the seat shall be reserved in that single-member constituency which in the opinion of the Commission has a greater concentration of population of the Scheduled Castes or, as the case may be, of the Scheduled Tribes.”

Therefore, all that the Election Commission has to do is to apply this test and select those areas out of the existing double-member constituencies which have a larger concentration of the Scheduled Castes or the Scheduled Tribes, according to the census figures. And I do not see any reason why the Chief Election Commissioner with all his experience and everything else would be at all less capable of doing this job than any Delimitation Commission, especially when the Delimitation Commission has already selected those areas as apposite or appropriate areas for being regarded as reserved constituencies. It is only question of now bifurcating these areas having regard to these considerations, statutory considerations, which are not merely subjective but absolutely objective for the purpose of determination.

Then, Sir, you see the objection. Mr. Bhupesh Gupta was very eloquent and he said that already things had been done and that the Election Commission would really be a show-piece as the real work would be done by the wretched district officers who are always under the influence of the wretched Congress bosses.

SHRI BHUPESH GUPTA: I am sorry. I did not use the word ‘wretched.’ Now I add it.

SHRI A. K. SEN: That is mine. These severer words are not within the reach of the hon. Member. I concede that immediately.

SHRI BHUPESH GUPTA: I will be grateful for providing the exact adjective.

SHRI A. K. SEN: The hon. Member is absolutely ignorant of this. Possibly, severer words are necessary to make them familiar to him and they are possibly too mild for me. I do agree with him that if the matter was left to the district officers or some of these subordinate officers, even if there might not have been in fact any dereliction of duty, there would have

been a good cause of complaint. And our election machinery is such that it must not only work impartially but appear to work as impartially as a court of law, and without it, it will never command the confidence of a country like ours, which is pledged to democracy and therefore, even for the purpose of effecting this work impartially, even for appearances, it would have been necessary to safeguard against the possibility of these things being done by these officers. In fact they are not to be done by these officers. Clause 4 makes it perfectly clear. But for the purpose of the Chief Election Commissioner in making these preliminary proposals, tentative proposals, for the purpose of inviting objections and hearing them and then deciding upon finally about the shape of these constituencies, it will be necessary for him to get the facts and data in order to apply the considerations prescribed in clause 3 of the Bill. Now how is he to get them unless he gets them from the officers concerned? He has to ask the Chief Electoral Officer of the State, who in his turn gets it from the district officer. In fact it is absolutely true that facts and figures were being collected by the Chief Election Commissioner ever since the Bill was introduced, in anticipation of the fact that if this preliminary work were done already, it would be easier for him to proceed quickly in the matter of bifurcating these constituencies. That is why the moment this Bill was introduced, the Chief Election Commissioner himself—it is not the Government or the district officers themselves acting on their own—the Chief Election Commissioner himself sent out requisitions to the Chief Electoral Officer of each State, and the Chief Electoral Officers in their turn sent the requisitions to the different officers in the districts to get the facts and figures concerning each double-member constituency, so that the work of bifurcating them may be proceeded with with expedition after the Bill was passed into an Act. So what he heard is correct, namely, that facts and figures were called for and were

being collected. But that is only at the instance of the Chief Election Commissioner, and not at the instance either of the Central Government or of the State Governments or of the District Officers, and I think the Chief Election Commissioner did so rightly and at the proper time, instead of waiting for this Bill to be made into an Act, and had proceeded, in anticipation of the events to come, to collect the facts and figures first, so that his proposals under clause 4 can be made quickly and expeditiously. I do not see any reason to take exception to this course, but I agree that if the District Officers or the subordinate officers had, under the influence of local party bosses—whether of the Congress or of the Opposition—or on their own started doing this as busy bodies, it would have been certainly objectionable, absolutely objectionable. But fortunately that is not the fact, and everything has been done at the instance and the direction sent out from here by the Chief Election Commissioner. Therefore, Sir, I do not see any reason why we should have a Delimitation Commission if we want to have the single-member constituencies for the elections of 1962, which we have decided to have. Therefore, Sir, if we support the Bill, it necessarily follows that the work of bifurcation must be left to the Chief Election Commissioner. And any grievance may be remedied by the provisions of clause 4 which provides for hearing of all objections against any proposal for bifurcation, and as the hon. Member knows, in any Delimitation Commission the Chief Election Commissioner is always a member, and his voice counts very very heavily always.

These are my submissions, Sir. I am very grateful to the hon. Members for the kind interest they have shown in the Bill and also appreciate the deep sympathy, which has been evident all round, for the Scheduled Castes and the Scheduled Tribes who, as I said, have been and will always be a part and parcel of us, and whose

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welfare would be the special charge of this Parliament. Thank you.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to provide for the abolition of two-member parliamentary and assembly constituencies and for the creation of single-member constituencies in their place, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 3—Division of two-member Constituencies

SHRI K. SANTHANAM: Sir, I move:

1. "That at page 2, after line 16, the following proviso be inserted, namely:

'Provided that this section shall not apply to any State in which the Legislative Assembly resolves, within thirty days of the commencement of this Act, that this section should not be given effect to in relation to the two-member constituencies in that State'."

SHRI BHUPESH GUPTA: Sir, I move:

2. "That at page 2, line 2, after the word 'divide', the words 'on the basis of the recommendations of the Delimitation Committee concerned appointed in this behalf' be inserted."

The questions were proposed.

MR. DEPUTY-CHAIRMAN: Speeches have been made on the amendments and reply also has been given.

SHRI BHUPESH GUPTA: I have to say something because of the reply.

SHRI K. SANTHANAM: Sir, I would not repeat anything that I have said, but the Law Minister has made one or two observations which require a reply. The Law Minister said that it is our pride to have uniform legislation in this matter. If he had been present while his Deputy was speaking, he would have heard him say this. He started with the observation that there was no such uniformity today, that in tribal areas at present, there were only single-member constituencies. And therefore no such uniformity existed today.

SHRI R. M. HAJARNAVIS: I do not think I said anything like that.

SHRI A. K. SEN: That is a different matter.

SHRI R. M. HAJARNAVIS: The law is certainly uniform.

SHRI K. SANTHANAM: The two-member constituency is not there in the tribal areas and so—if it is not there in some States—there will be no more non-uniformity than at present. He said that and he argued on the assumption that this division was going to benefit the Scheduled Castes. Sir, the position of the Scheduled Castes differs from State to State. It is quite possible that in some States, where this curse of untouchability is not so bitter, it would be beneficial. But in some other States, where this has been deep-rooted, where even now it is difficult for the Scheduled Caste member to go and canvass in all the various villages, this is going to hurt them, and I do not want the Central Government here to judge whether it will be beneficial to the Scheduled Castes in every State. Why should not the Central Government leave it to be judged by the State concerned? If he had taken the precaution of consulting them beforehand, then of course this amendment would not have been proper. But the hon. the Law Minister and his colleagues knew that any such consultation would yield the results which I want to produce here. Some

legislatures would have said, "we do not want this." Others might have said, "we want this." In such a case this legislation might have been framed so as to adapt it to the varying conditions prevailing in the States. I know of at least two States which do not want it at all. They are Madras and Bengal. They think that the Scheduled Castes are going to suffer on account of this legislation. In Madras I have consulted them, from the Chief Minister down to the ordinary people, and all of them say this is an imposition from the Centre.

SHRI P. N. RAJABHOJ: In Bengal also you have consulted the Chief Minister.

SHRI K. SANTHANAM: So many prominent Members of Bengal have come and told me that this is going to hurt the Scheduled Castes in Bengal. That is why I think so.

DR. H. N. KUNZRU: How?

SHRI K. SANTHANAM: Therefore the acceptance of this amendment will be more realistic. And if we are going to make a mistake, why should it be made to apply to the entire country? Let it be a partial mistake so that it may be easy to go back and rectify the mistake. So I have moved my amendment.

SHRI BHUPESH GUPTA: My two amendments may be taken together, because I do not wish to make a speech on the other amendment. I suggested in the other amendment 'Delimitation Committees'—plural—and in this amendment earlier 'Delimitation Committee'. Therefore, when I moved this amendment, I kept in mind the time factor, and I thought there could be a number of Delimitation Committees operating in the country to expedite the delimitation or the break-up of the constituencies. It is a question of principle, Sir. It has very serious practical implications. I know the fate of my amendment. Even so I pressed because such things should go on record.

Now, Sir, the hon. Law Minister accepted in principle that such things are good and that if he had time at his disposal, he would have accepted a suggestion of this kind. For these little mercies I am grateful to him. But the question is: Was it not at all possible? Here I am not suggesting delimitation committees for dealing with the entire scheme of election or constituencies. A set number of double-member constituencies had been demarcated or delimited in a particular way, and now for the same there should be a number of delimitation committees. Their function would have been very restricted. They should have just asked, what should be done and how to do it in the best interest of free and fair elections? It was not done, because the Government did not advise those who are concerned here. I know the authority depended on the Election Commission to say as to what should be done. On such matters, I think, the convention in the country should be that political parties are consulted and things are done by agreement. It should not be left to any individual or institution be left to any individual or institutionally. In this regard there was no consultation, there was no discussion at all on what others may feel.

Then, Sir, the question of officers and others. Yes, I do realise that they are doing it at the instance of the Election Commission or those people who represent them in the States. But then you have to bear in mind that it is they who are doing it and it is not possible physically under the existing circumstances, as matters stand, for the Election Commission to operate with a fair measure of justice even in the 400 odd Assembly constituencies and nearly 100 Parliamentary constituencies and to see that things are done in a right way. Whatever the constitutional cover, the fact of the matter is that things will be done, not by way of mere collection of facts, but also by delimitation by the officials who are subject to the influence of—if I may use his phrase

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—“wretched Government officials.” Now this will be the position. The Election Commission’s job is to give protection, and he said rightly that things should not only be right but they must look right. But is it looking right? Here is an Opposition party sitting. We come next to the Congress and the P.S.P. We do not like such things. Therefore, at least as a large section of the Opposition, we should have been consulted. Things, however fascinating, captivating and beautiful might be to the hon. Law Minister and his friends on the Treasury Benches, do not look so charming to us. That is what I say. Therefore, on that ground also he cannot possibly stand here. Things do not look right. We are getting letters from all parts of the country.

Then, Sir, about three years’ time. Whom is he trying to frighten away? If it were three years’ time, he could have convinced us at the conference table and we would have said, “Thank you very much for the tea. There is no need for delimitation committees.” We would have gone away. We have also run elections. We have found it was possible to do it and arrangements could be done well before the third general election. Therefore, this is a kind of argument which should not be given in this manner, and certainly not by the Law Minister.

Then, Sir, he has drawn attention to clauses 3 and 4, especially clause 3. If you look into clause 3, you will find that it is extremely vague. That is where our quarrel is. I cannot seek cover under such things. Fine things are said, but by that time somebody will have done the trick and I shall be left with this clause to interpret it in a particular way, and seek remedies when things will have been done. It has not been fair. I say, it has not been fair. I lodge my protest against this kind of behaviour on the part of even the Election Commission. The Election Commission should function in consultation with all the parties. They are not bound by the advice

of the party, I know it. But then they should function; they should not think that they are the only ones to understand these things and others do not. When Mr. Sukumar Sen was there, he had the habit of consulting us on many matters—he probably consulted us informally or formally, I do not know. Probably the Law Minister does not seem to understand the good things. But anyway, here it is not done. That is our complaint and I do not know what is the protection. Now the Bill is going to be passed.

As you know, Sir, in this House we pointed out time and again about the photograph-cum-identity card business and now it has been given up. If consultation had taken place, it would not have been necessary. Here also I say this thing. This is a serious thing. It is a very serious thing for the ruling party and the Treasury Benches. They should have consulted others but they did not do such things and the Election Commission also goes by their example. It is not consulting others. I think we shall certainly face the situation, but I think this thing has to be strongly protested against. My amendment shall go on record as a protest against this kind of behaviour on the part of the Election Commission and against the attitude of the Government in this matter. They will not do it, I know.

MR. DEPUTY CHAIRMAN: Any reply?

SHRI A. K. SEN: I have already replied.

MR. DEPUTY CHAIRMAN: The question is:

1. “That at page 2, after line 16, the following proviso be inserted, namely:—

“Provided that this section shall not apply to any State in which the Legislative Assembly resolves, within thirty days of the commencement of this Act,

that this section should not be given effect to in relation to the two-member constituencies in that State."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

2. "That at page 2, line 2, after the word 'divide' the words "on the basis of the recommendations of the Delimitation Committee concerned appointed in this behalf be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

MR. DEPUTY CHAIRMAN: Amendment No. 4 by Mr. Bhupesh Gupta for insertion of New Clause 3A is barred.

SHRI BHUPESH GUPTA: I knew that fate.

MR. DEPUTY CHAIRMAN: But you have spoken on that also.

Clauses 4 to 8 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI A. K. SEN: Sir, I move:

"That the Bill be passed."

The question was proposed.

SHRI A. K. SEN: I only omitted to say one thing.

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SHRI BHUPESH GUPTA: No, you cannot say anything now.

MR. DEPUTY CHAIRMAN: Yes.

SHRI BHUPESH GUPTA: This is a wrong procedure. If you allow him, you allow me and also Dr. Kunzru to say one word. This form should not be followed

MR. DEPUTY CHAIRMAN: I will allow you one minute.

SHRI BHUPESH GUPTA: Since my hon. friend wants to say something, to facilitate his speech I only say that he should have the good sense to accept my amendment.

MR. DEPUTY CHAIRMAN: He has not yet spoken.

SHRI A. K. SEN: Sir, after a discussion on the question of indignity suffered by the Harijans, when I was hearing the speeches, I wanted to quote an English translation of a poem by Dr. Tagore, which if translated in English would read thus—

"O my unfortunate country, those upon whom ye heaped indignities, in their indignity shall ye be equal."

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 11 A.M. on Monday, the 6th March, 1961.

The House then adjourned at one minute past five of the clock till eleven of the clock on Monday, the 6th March, 1961.