

It will be better if the Central Government asks one of its Cabinet Ministers with some senior official to go there and be in Madras to co-ordinate the activities and lessen the delay that is taking place in correspondence. Recently, Shri C. Subramaniam, the Finance Minister has sent an SOS but he is still awaiting reply. May I suggest that the Government of India might consider it worthwhile to send a Minister of the Cabinet rank and also some senior officials to be in Madras to co-ordinate the activities and lessen the delay in the matter of correspondence?

SHRI B. N. DATTA: The Government of Madras have been doing all that is necessary. And, if there is any request from them on the lines suggested by the hon. Member, Government will give due consideration.

THE CONSTITUTION (FIFTH AMENDMENT) BILL, 1955—*continued*

SHRI JASPAT ROY KAPOOR: Sir, I was referring to the question of the extent of the constituency both in respect of area and the number of voters.

[MR. DEPUTY CHAIRMAN in the Chair.]

The countries referred to by my hon. friend, Mr. Banerjee—Indonesia, Holland, Denmark etc.—are small, compared to India. Naturally, the extent of the constituencies must necessarily be very small and the number of voters in each constituency must also necessarily be very small. If we had the figures in respect of these two—area and the number of voters—it would have been helpful. But even without having the information on this subject, we can safely presume that these constituencies would be very much smaller constituencies. Therefore, what may be practicable there, more particularly because of the increased literacy, would not necessarily be practicable here. Therefore, cases of those countries do not help us very much.

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have to consider the case of constituencies on their own merits.

Now, Sir, as it is, our constituencies are mostly single-member constituencies except in the case of those constituencies where scheduled castes representatives have also to be returned. Even now our constituencies are wide enough. So far as Lok Sabha is concerned, one Member has to represent a population of about 7,50,000. Admittedly, Sir, as admitted by Mr. Banerjee, this system of proportional representation would not be very helpful if we should have only single-member constituency. That is what he admitted in reply to a question raised by my hon. friend on the other side. Therefore, I presume that Mr. Banerjee would like that the constituencies here should be three-member, four-member or five-member constituencies so that the various parties, that are there in the constituency are represented. If you elect only one Member he will represent only one party. By whatever system—either by the present system or by the system which he suggests, his purpose would not be served at all unless there are three-member, four-member or five member constituencies.

Now, what would be the extent of our constituencies for the Lok Sabha in that case? It would be terrible. 7,50,000 multiplied by 5 would mean about 37,00,000, with a voting population of about 50 per cent. What a terrible affair would it be? Even as it is today, it is very difficult to approach all the area and all the voters. Then it would be sheer impossibility for any candidate to approach the voters, not individually of course, even through their agents or even by propaganda. Therefore, it appears to me that this system would not be practicable in our country howsoever may be our anxiety to adopt it.

With all its good features, the system of proportional representation has one very serious drawback, which should not be lost sight of, namely, you do not have the best man

[Shri Jaspat Roy Kapoor.] elected—best from the point of view of voters themselves; not best from ie point of view of individual merit of the candidates, but from the point of view of the wishes of the electorate—because you give a first preference, second preference, third preference or fourth preference. If, say, the first preference go&s useless, then your second, third or fourth preference becomes useful. Therefore, you do not elect one whom you consider :■) be the best, but who is second or third in your choice. If you have only single-member constituency, just consider what would be the position. In that that one person would have the confidence of the largest number of voters in the constituency in relation to all other opposing candidates, but he may be elected by the second, third or fourth preference of the voters, and the candidate who has secured the largest number of first preference votes in relation to the other candidates is defeated. NowJ would it be fair? Obviously not. I am referring to the case where we have only a single-member constituency.

SHRI SATYAPRIYA BANERJEE: I have replied to that.

SHRI JASPAT ROY KAPOOR: My hon. friend concurs with me.

SHRI SATYAPRIYA BANERJEE: I do not agree with you.

SHRI JASPAT ROY KAPOOR: Anyway, that is the position. Whether he agrees with me or not does not matter. Though he started with a fair outlook on this subject, I find he has caught the contagion from my hon. friend, Mr. Saksena.

SHRI H. P. SAKSENA: What do you mean?

SHRI JASPAT ROY KAPOOR: I mean nothing disparaging to my hon. old friend.

The next question raised by my hon. friend, Mr. Banerjee, was that if

we adopted the system which he advocated, all parties would be uni-formally represented. Firstly, if we have single-member constituency, I have already stated, his point is not met. Even if we have two, three or four-member constituencies, all parties cannot be represented. Suppose there are even four seats and seven parties. Two seats may go to one party, third may go to another party and the fourth may go to the third party. The rest of the parties will go unrepresented. In either case all the parties can never be represented. Only such parties can be represented who are pretty strong in number. If the party is poor in number, it cannot expect representation. I, therefore, submit that the system which he advocates would not serve either his purpose or our purpose in view, in view of the area of the constituency, number of voters, illiteracy and the various other considerations that I have submitted.

My hon. friend had quoted some figures in relation to certain elections during the last general elections. He seemed to suggest that in certain constituencies the Congress was not really in majority since more than 50 per cent of the voters who went to the polling stations did not vote for the Congress candidate. True, in some cases it was so and it could not be otherwise because there were a large number of candidates. But then he should not forget the very fair attitude always adopted by the Congress in respect of minorities—not religious minorities, but, I mean political minorities. I wish a good word had come from Mr. Banerjee, as I said in my initial remark that he had put his case very fairly, for the very fair way in which the Congress dealt with the political minorities. He should have expressed his gratitude to the Congress for that.

Let us take the case of only Uttar Pradesh. Let us not forget that only two years ago, during the last elec-

tions in spite of the overwhelming Congress majority in the State Assembly, it allowed non-Congress Members to be sent to the Council of States. We all know, my hon. friend, Acharya Narendra Dev does not belong to the Congress but he was elected by the U.P. State Assembly in 1952. He was re-elected here along with ten others in 1954 because the election was in respect of one-third of the total number of seats returned by the State Assembly, and this was possibly only because the Congress did not oppose him. That is the fair way in which the Congress deals with the political minorities.

Sir, I hope I have been able to bring home to my hon. friend, Mr. Satya-priya Banerjee, two things: (i) this system which he advocates, with which I have my fullest sympathy, is not practicable in our country, so far as Lok Sabha and State Assemblies are concerned; and (ii) that the Congress deals with political minorities in a very fair manner. And if the Congress is convinced that a particular candidate is not opposed to the interests of the country, it will not oppose his election. And we find here men like Dr. Kunzru and many others who have secured their representation here mainly by the active co-operation and support of the Congress.

PROF. G. RANGA (Andhra): Mr. Deputy Chairman, Sir. I think it is necessary for me to say, whatever may be the merits of the proposition that is placed before this House, that, time has not yet come when the country can be expected to give this particular principle the consideration that it deserves and then take necessary measures either to adopt it in full or in part. My hon. friend, Mr. Jaspat Roy Kapoor, has already advanced certain reasons as to why the time has not yet come, and those considerations are very weighty. My hon. friend, Mr. Satyapriya Banerjee, referred to one of them, *i.e.* illiteracy. The second one is the area, and the third one is the magnitude of the

population that we have to deal with. At the same time, Sir, it is wrong for anyone simply to say that there is nothing at all in this principle of proportional representation, because we have already adopted it for certain purposes in our country, and there are certain countries in the world which have had plenty of experience in the working of democratic institutions on the basis of that principle. Yet, Sir, my friend should also recognise one other fact, and that is this. When he wants us to take into consideration his plea that because so many other countries have adopted this particular principle, therefore, we should also adopt it, he should not forget that that alone ought not to be the criterion. Is it not a fact that there are nearly as many, if not more countries, with much larger populations in this world, which have adopted the principle of dictatorship? Therefore, we are not prepared to accept this principle here, because it obtains in so many countries of the world. We have got to see whether this particular principle, if applied for the purpose of general elections for the State Legislatures as well as for the Union Legislature, would really be workable, practicable and useful, as also necessary. At the same time, Sir, we cannot be blind to the fact that there may come a time when not only one party, but a number of parties may begin to be very keen about the application of this particular principle of proportional representation.

Sir, my hon. friend quoted the experience of Andhra in the recent general elections. He could also have quoted the experience of Andhra in the first general elections in the year 1951. What happened then? There were so many candidates of so many political parties, and of no parties at all, competing one with the other, and with the fluke-freak, arid capricious voting, quite a large number of the Members of the Communist Party came to be elected by a very

[Prof. G. Ranga] small minority of the total number of voters in any constituency, sometimes nearly 30 per cent, and some times even 25 per cent, in a particular constituency. Why did it happen? It happened because of the absurdity or the mischief or the weakness that is inherent in the present system of election that we have. It happened like that, and their own leader—the then leader—in the Madras Legislative Assembly admitted that the Communist Party would not have got even half the number of the seats that it was able to capture in Andhra. And actually, Sir, they captured a majority of the seats.

SHRI KISHEN CHAND (Hyderabad) :
It applies to all parties.

PROF. G. RANGA: That is why I have told you that not only this particular party, but all other political parties also may come to be interested in the application of this particular principle. I have, already prefaced my remark in the very beginning that this is not the time when we can give the consideration that it deserves, when we should be willing to pass a Bill like this and adopt this particular principle. As opposed to the instance that my hon. friend has given where the Congress Party has gained, I am now giving the other experience where the Communists have gained under this particular system. A similar experience, Sir, was also met with in Travancore-Cochin where also the majority of the voters did not want the Communist Party to come in such strength, and yet the Communist Party came in such terrific strength in Travancore-Cochin that it became the single largest party there, I think. Even today I shall not be surprised if it happens to be either the single largest or the second largest party in Travancore-Cochin. Could they have gained that particular strength, if it had not been for the virtue or the vice of the, pre-

sent system of majority rule? So, we do not know in how many other States, the Communist Party or some other party, apart from the Congress Party, may succeed in getting similar advantages in time to come, may be in the next elections, or two more elections thereafter or three more elections thereafter. Therefore, Sir, obviously there is this inherent weakness in the present system of voting. We cannot be blind to that. If it is felt that today it might be to the advantage of this particular party in opposition to plead in favour of it, tomorrow it might be to the advantage of some other political parties also to plead in favour of it. Actually, I know, Sir, that it was the K.L.P. and the Socialist Party soon after the first general elections in 1951, which said that there was no proportional representation in this country, because they polled more votes than even the Communist Party, and yet Sir, they got fewer seats than the Communist Party. So, they wanted the system of proportional representation. And if I had been a Congressman then, as I am now, I would certainly have pleaded for the system of proportional representation, because we would have been able to secure more seats by virtue of the number of votes that were cast by my party, *i.e.*, the Congress Party. But it so happened that the present system of election gave that particular advantage to the Communist Party at that time. Therefore, Sir, today, the Communist Party need not be very unhappy. If it is advantageous to the Congress Party in certain States, it is advantageous to the Communist Party in certain other States, and so long as this particular system continues, there is this particular inherent defect in it. So, whichever political party happens to be, for the moment, better organised, and which enjoys the confidence of the electorate, whether intelligent or unintelligent, confused or clear-headed, that particular party would derive the advantage. Therefore, Sir, it would not be right for this House when it decide^

against this particular Bill, to light heartedly dismiss this particular principle of proportional representation. Secondly, it would also not be right for us to close our mind completely to the virtues or the vices, or to the advantages or the disadvantages, of the present system of voting or the present system of majority rule.

Then, Sir, there is that other objection raised to the system of proportional representation that it leads to fractionalisation of the political parties' strength in different Legislatures. It does, if we are to judge it from the experience of France. But at the same time, we should not get frightened by it, because even in France, when it appeared as if the Communist Party was within an ace of capturing complete political power by themselves, the other democratic parties found it possible to combine, and keep the Communists out of power.

Even though the Communists were then strengthened by more or less violent-minded trade unions, one section of the trade unions anyhow, and the workers, they could not capture power. Therefore, the safety of democracy does not lie merely in the present system of majority rule, in direct elections. It lies in the democratic sense of the people, in their faith in democracy, in the capacity of the democratic leadership in any of these countries if not to deliver the goods by way of social welfare, at least by their *bona fides* in trying to deliver the goods, in making a genuine effort, and also in the political character that they display amongst themselves and in the presence of the people in their activities and in their behaviour. So, I, for one, am not afraid of that particular possibility which might result by the adoption of proportional representation. At the same time, in so big a country like ours with our large mass of illiterate voters and with the almost unmanageable number of voters that we

have in our country, it would be certainly dangerous to begin to make experiments with this particular principle for electing people to the Legislatures. It is a well-known fact that after the last general elections, we had to wait—was it not a fact?—for nearly one and a half months to know the results of the elections all over India. Why did we have to wait? It was because of the unmanageable character of our country and the condition of the electorate. What will happen then if we were to adopt this particular principle? My friend, Mr. Jaspal Roy Kapoor, has already told us how difficult it is to keep secrecy. That is the great difficulty. On top of it, there is likely to be the other danger of increasing the power of the political bosses behind the political parties. It may be that the system of political parties cannot be escaped from in a democratic system of organisation; because organisations are needed, people have got to form political parties; but the political parties have also got their bosses. If the system of proportional representation is adopted, then their powers will increase, because of its very complexity of working. America has made experiments with this principle in certain States and we know the evils of political bossism in that country. Such evils have crept into our own political life too. And why should we make ourselves still more open to the evils of the greater strength of these people by the introduction of this particular principle, especially when we are so vulnerable on grounds of literacy and also on grounds of political consciousness and also awakening in a large mass of our people? Then we have got to consider our responsibilities towards the electorate themselves. We are not in a position to say to ourselves that our electorate are able to vote as intelligently as is the case with the electorate in England. Even in England we are told that the people are likely to be carried away by the swing or the sweetness of mass propaganda, some political stunt or other, during the elections. When such has

[Prof. G. Ranga! been the case with them, what will be the case in our own country? The Communists themselves know to their cost what happened during the last one or two general elections. In the first general elections, it was all a cyclonic swing in their favour. In the recent elections, the landslide was against them. The cyclone struck them hard, and that kind of experience -is likely to come across in this country more often and in larger areas and in more States so long as we are content to keep our people as ignorant as they are today and as illiterate as they are today. Not only the political parties but also their candidates and other independent politicians or those who claim to be politicians, go and play mischief with the minds of the masses. Therefore, under these circumstances, the House will not be well advised to give its consent to this Bill at this stage, but the time may come when this House or the other House may find it necessary and useful in the interests of the whole nation, not only in the interests of any one political party, to make greater experiments than what we are today making with this particular principle at the various stages of elections that we have in our country.

SHRI KISHEN CHAND: Mr. Deputy Chairman, Sir, looking at this Bill, I am surprised at the speeches made by hon. Members opposing this Bill. The hon. Member who has just sat down said that he was in agreement with the principle but that at some future date, when the situation in the country has changed and when conditions are better, it is possible that this country may adopt the system of proportional representation. I am afraid that only two years ago when the general elections were held, the hon. the Prime Minister himself, after the colossal task of the elections, felt that the method of direct elections was not very fair. He then suggested —I cannot quote his speech—that some sort of proportional representation by the method of indirect election would have to be adopted. ? have

a feeling that, if the great leaders of the Congress Party suggest that the method of proportional representation is all right, hon. Members on the Government benches will come forward and say, "Conditions have certainly changed and the time is now suitable for proportional representation". Instead of being guided by the pronouncements of our leaders, it is far better to consider this proposition on its merits, and accept it if we find that it is a suitable proposition. I do not see any reason why we should look to our leaders to make their pronouncements.

I submit that democracy has been tried in only a few countries during the last three or four hundred years, and we have carefully to consider their population, their area and their percentage of literacy and then see how it has worked in those countries. England is called the home, the original home, of democracy; it has been tried in that country for the longest time, but it is a small country. It had formerly a population of 40 millions, and now it is 50 millions. They have six hundred representatives. Therefore, as was pointed out by Mr. Jaspat Roy Kapoor and Mr. Ranga, we have to see the conditions in our country. Ours is a much bigger country. Our population is ten times the population of the U.K. and the number of representatives is only 500 as against 600 of the U.K. In that country, direct election has worked because there are only two parties. This type of direct elections with a simple majority works if there are only two parties. Then you are sure that, if any party has majority representation, it means that the majority of voters want that to happen but in our country with a number of parties, this system cannot work. Figures have been quoted. I need not repeat that in the last general elections the Congress got the largest number of seats. Of course, they, polled the largest number of votes. Nobody deny' they did poll the largest number of votes and they got the largest number of seats, but there is no relation-

ship between the number of votes secured by them and the seats secured by them. Mr. Banerjee has quoted figures. I will point out that for 47 million votes polled, Congress secured 363 seats while the Socialist and the K.M.P. Parties polled nearly 17 million votes but secured only 22 seats. That means for one-third of the votes they got only 22 seats while the Congress got 363 seats for 47 million votes. The obvious objection will be that there is no method. Now, there are two types of constituencies—single-member constituencies and multiple seat constituencies. We have single-member constituencies in almost the major part of the country except for the few seats reserved for the scheduled castes and some seats reserved for the scheduled tribes; where there are scheduled caste people, there is a double-member constituency and every voter has got two votes—one vote he puts in for the general seat and one vote is put in for the reserved seat. The number of people in that constituency is 15 lakhs and the number of voters is 7 lakhs, while in a single-member constituency the number of voters is about 3½ lakhs. It has been pointed out that if there are three contestants and each gets about 33 per cent, of the votes—three different parties are contesting for that seat and 33 per cent, of the votes are more or less obtained by each of the three candidates—what will happen is that any individual who gets about 35 per cent. of the votes will be ahead of the others and he will get that seat. Under the proportional representation with single-transferable vote, what will happen is this. After all, in that election you are not taking advantage of 65 per cent, of the votes. Only 35 per cent, of the votes cast for that individual, who wins the election, become valid votes while 65 per cent, of the votes, which are cast for the other two candidates, are really wasted. If our contention is illiteracy. I admit it and so we have adopted the method of having election symbols. If you think that our illiterate voter

can select on the basis of a symbol what is going to be his first choice and to which candidate he should put in his vote, then on the same method of symbols you can devise a suitable method, which is easy and not very difficult to operate. You can explain to him the idea that in case the candidate of his choice is not elected, his vote may be utilized by some other second candidate. After all illiteracy; if it was not a barrier for the elections—and I must give all credit to our Government that they organised the elections on a very sound basis and it was all right, and there is no objection to the method of election that has been adopted—then all I am suggesting is that with the same set of symbols it may be quite easy and possible that a voter besides casting his vote for his first choice, may also cast his second vote in a second box. We could have another set of boxes and another set of papers with different colours and symbols. It is not very difficult. I think human ingenuity can devise methods and they could be easily worked out. Simply to say that illiteracy is an obstacle is not correct. In America, every voter has a voting paper and he enters his first, second and third choice and the whole thing is put in an enumerating machine and it does the enumeration work. It is all right in that country but in our country when we have adopted the system of elections by symbols, we could have easily evolved a system by which second choice could have been given. When we can have two-member constituencies and when we can approach 7 lakh voters, I don't see why we don't have similarly two-member constituencies for the rest of the country. In one-member constituency, you can hold elections by the method of symbols on the basis of single transferable vote. It will be very nice because it is quite possible that 30 per cent, of the people want to cast their first vote to one individual and another 30 per cent, may like to cast their second vote for that same individual. So, if you have a method of proportional representation by

Mr. Kishen Chand] single transferable vote, it will be easy to gauge the real opinion of the people.

Then, I come to multiple constituencies. As I pointed out that in the case of scheduled castes and scheduled tribes, there are a large number of constituencies where two persons are elected and there are a few constituencies where three candidates are elected. The number of voters goes up to even 10 lakhs. When we can manage in a small number of constituencies, with votes of 7 and 10 lakhs, what is the harm if in the rest of the country we have all constituencies with a voting strength of nearly 10 lakhs? It is a new experiment and democracy on this big scale has never been tried anywhere else in the world. It is the biggest experiment and we should be very careful and make sure that this democracy is really run by the will of the people.

So, I would suggest that it will be far better if we have multiple constituencies. Supposing hon. Members think multiple seat constituencies with direct elections to be very difficult, as it has been the experience in the last elections that the candidates were not able to approach all voters, what is the objection to indirect elections? As I stated before, the hon. the Prime Minister has said in one of his speeches that we will have to adopt some sort of indirect elections because our population is growing and the number of candidates in the Lok Sabha cannot go beyond 500. When our population becomes 400 millions, we will have nearly 8 lakhs population for one representative. In U.S.A. in the Presidential election there is an electoral college. They don't elect directly the president. The whole of USA selects people and they meet and then elect the President. Similarly in our country, if for every State, on the basis of adult franchise we select candidates, say one for every 1,000 persons of the population and these elected representatives meet at one place and from among themselves

they elect representatives to the Lok Sabha and to the Legislatures, I do not see any objection to that method. In a large country if you want to really ascertain the will of the people, some sort of indirect election will have to be adopted. It is a question of time. It is not a question that I am opposing the Congress Party or I am opposing some other party. It is not a party question at all. We want an effective and true democracy in our country and true democracy is only possible if we really get true representatives of the people. Unless the candidate can approach every voter and explain to him his programme, he will not be getting his vote on the basis of an intelligent understanding of the programme. It will be just as in the last election where they said: "Well, because 2 bullocks is the symbol of the Congress, so we will just put our vote in that box; or a tree or a hand is the symbol of some other party, we will go and put our votes in that box." It was therefore not based on a real understanding of the programme of the party but just the name of a few great leaders and if a party had a larger number of great leaders, that party got greater number of votes. Instead of that, if we have some sort of indirect elections, there will be a better representation of the people. Of course, it will become an indirect election.

MR. DEPUTY CHAIRMAN: It is time Mr. Kishen Chand.

SHRI KISHEN CHAND: Can I speak for some more time?

MR. DEPUTY CHAIRMAN: How much time you want more?

SHRI KISHEN CHAND: I want another five or ten minutes.

MR. DEPUTY CHAIRMAN: Then you can continue after lunch.

The House stands adjourned till 2-30.

The House then adjourned for lunch at one of the clock 1 till half past two of the clock.

The House reassembled after lunch at half past two of the clock, Mr. DEPUTY CHAIRMAN in the Chair.

MR. DEPUTY CHAIRMAN: Who represents the Government?

DR. R. P. DUBE (Madhya Pradesh): No Minister is here.

SHRI KISHEN CHAND: Not even a Parliamentary Secretary, what to speak of a Minister, when a Constitution (Amendment) Bill is being discussed. That is the importance they attach to it; maybe because it is non-official.

MR. DEPUTY CHAIRMAN: They are getting some one. You may go on, Mr. Kishen Chand; after all Mr. Banerjee has to reply to it.

SHRI KISHEN CHAND: Mr. Deputy Chairman, I have got to invite attention to the fact that it is possible that some hon. Members might suggest that the election should be really on a party basis. I may, at the very outset say that I am against elections whereby proportional representation is applied to party system. I will explain the position.

(The Parliamentary Secretary to the Minister for Information and Broadcasting entered the House.)

MR. DEPUTY CHAIRMAN: You must be here before time, Mr. Raja-gopalan.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR INFORMATION AND BROADCASTING (SHRI G. RAJAGOPALAN) : I am sorry for being late, Sir.

SHRI KISHEN CHAND: I will make my point clearer by saying that it is not a question of electing representatives of parties. Ours is a democracy in which we have representatives of the people. The mover of this Bill has suggested that each party in the

country may draw up a list of its representatives and that list may be placed before the electorate. And suppose, let us say, out of 10 million votes, the party gets 4 million votes, and another party gets 3 million and so on, then they will allot four-tenths of the number of seats to that party which secures 4 million votes out of the total 10 million votes. In my opinion, this will not be the true form of proportional representation. It was asked of Burke whether representative Government meant that the representative should be bound by every opinion of his electorate; and his reply was that he was elected by his constituency as the best person to represent them, and that except for broad ideas and broad principles, the member must use his own discretion and his own ideas and decide and give his opinion on any matter. Therefore, I maintain that in our democracy we should really select the representatives on their personal merits and not only on the basis of a party programme. Persons having the same sort of ideas may come together and form a party. But it should after all be remembered that it is the individual who is being elected as the representative of the people. Therefore, we should never adopt that type of proportional representation which really elects representatives of parties and leaves it to the party bosses to.....

THE MINISTER FOR LAW AND MINORITY AFFAIRS (SHRI C. C. BISWAS): Sir, if I may interrupt the hon. Member.

I wish to express to the House my apologies for not being here at half-past two. I was in the other House in the midst of a Bill. I had transferred the Bill to my honourable colleague, but unfortunately an hon. Member raised a question of fact to which I had to give a reply. I tried to hurry my reply as much as I could and then ran back here. I am very sorry that I had to be absent from this House for the last few minutes. I hope you will excuse me.

SHRI KISHEN CHAND: Sir, I was saying that the type of proportional representation that I have suggested will mean several multiple constituencies; or it may mean that if there is a single-member constituency, there will be single transferable vote and there will be the second choice and the third choice. As far as I can see, from this Bill, I think the type of proportional representation that is being advocated by me is provided for in it. I commend the Bill to the House for adoption.

SHRI M. GOVINDA REDDY: Mr. Deputy Chairman, I hope that the mover of this Bill has earned the gratitude of the people of his group who have taken him in adoption and have felt that he has after all, come to their rescue. Sir, the House knows that in the Andhra elections, the group which he represents had a disaster and I believe, it was engaging their active attention as to how best in future years they were to come into the Legislatures and into Parliament. My hon. friend has done a very good piece of research work and has tried to show them a way of entering the Legislatures by this door.

Sir, my hon. friend has presented to us a very good case, I must say of proportional representation. But he has spoken mostly of the merits of the system of proportional representation with which I do not think many hon. Members of this House are in dispute. It is well-known that the system of proportional representation reflects in any Legislature the minorities that the country is composed of. It is the best way of representing minorities. That is not at all disputed. My hon. friend has quoted in support of his arguments, from many authors, most of whom are out-of-date. But none of those authors has ever said that this system is a simple one. Sir, the system of proportional representation has its own limitations which the hon. the mover has himself recognised. These limitations are as follows. First of all it presupposes multiple constituencies

Secondly, it presupposes an educated electorate.

SHRI SATYAPRIYA BANERJEE: No, no. I have not said that.

SHRI M. GOVINDA REDDY: I am saying it and I am showing it to the hon. Member. Thirdly, it presupposes that the country should be one where elections are not new, where elections have been in existence for several decades. Let us examine how this system would work in India if it were existing here. I dare say that my hon. friend contests that it is a simple system. I dare say that even if he is asked to work out the results of proportional representation, he would not be able to do it. I will not be able to do it. Sir, it is admitted by all authorities that this is a very complex system, both from the point of view of voting and from the point of view of working out the results.

How difficult it is from the point of view of voting has been explained by many Members and I need not go into that. Because of the illiteracy of the people, they will have difficulty in remembering a long list of names while giving the preferences. Mr. Kishen Chand said, "Although they are illiterate, they can remember symbols". Even so, it is very difficult for them to remember a series of symbols and which should come after which. We cannot imagine or even conceive of illiterate voters remembering this series. So, it is by no means simple. I am not going into the details to develop this point as it has already been sufficiently developed on the floor of this House. The main thing, however, is that it is very difficult to work. Those who have to work out the results of proportional representation have to be trained. Even if some competent experts should now come into this House and try to explain to us, I dare say that the majority of us will not at the first instance understand it. So, it is a very difficult system and it requires trained people to conduct the working of it and to calculate the results. So, it is complex

both ways. This is a system which i we want to apply to a country where we want real peoples' representation. My hon. friend says in the Statement of Objects and Reasons of the Bill that the present system does not reflect the true public opinion. He professes to speak for the masses and I would like to know how he, a champion of the masses, can, under the circumstances now existing in India, advocate the system of proportional representation. I submitted, Sir, that this system presupposes multiple constituencies. As it is, our single constituencies are large and, by large I mean that they are beyond the ability of any candidate to cope with, both from the financial point of view and from the point of view of the number of people that he has to meet. Even if we take the smallest Assembly constituency in any State, it costs about eight to ten thousand rupees per candidate and a Parliamentary constituency would cost at least about one and a half times that of an Assembly constituency. No doubt, the Election Commission have placed a ceiling on this; even within that ceiling, I would like to ask the hon. Member who speaks for the people here, "How many of the candidates—men who are not men of means, men who are not propertied people—can cope up with the expenditure that a candidate has necessarily to incur under even the present system?" If +here is a multiple constituency of say 25 or 30 lakhs, how can he expect the people's representative to go and meet all these people and incur large expenditure?

He says that this Bill is in the best interests of the country. The system of proportional representation may be good in Switzerland where you have sma 1 Cantons with only 2,000 or 3,000 people and where many of them may not turn up or do not take interest. In such cases it may work in Ireland; it may work, as he said, in Indonesia; but India is not Ireland and India is more than hundred Irelands put together. I would like to

ask him to consider this point whether it would—even granting we agree to it—bring out the real representatives of the people. If his claim is conceded then it would mfin only the multi-millionaires and the big moneyed people coming into this House and by no means the representatives of the people. It may be that some representatives of parties which get very heavy financial assistance may be able to come in, but I cannot visualise any party, even including the party which he represents, which will be able to command such resources as to run countrywide elections and bring in the real representatives of the people.

SHRI SATYAPRIYA BANERJEE: Your party commands such resources.

SHRI M. GOVINDA REDDY: Most of the people are not men of means. We must admit that. Most of the real representatives of the people will not be men of means. So, Sir, this is eminently unsuited to the conditions of this country and most eminently unsuited if we want the real representatives of the people to come in.

Then, supposing we concede this point, we will have to delimit the constituencies again. That is a task which is, at the present stage of the country's development, undesirable. The hon. the mover has forgotten to refer to one point. We have now joint electorates, constituencies in which there is a general seat and also a seat reserved for a Scheduled Caste or Scheduled Tribe candidate. In a system of proportional representation, how are we to calculate the results? Is it practicable? There is a general candidate who has got to be elected and there is a candidate belonging either to the Scheduled Tribes or the Scheduled Castes. What is the practical system which my hon. friend proposes to work out this? Of course, we can say that although they are illiterate, they could be trained and they could be made to work it, but then we will have to have one set of preferences for the general seat

[Shri M. Govinda Reddy.] and another set of preferences for the reserved seat in the same constituency. How is he going to suggest a practical procedure for this? I do not think that it is a practicable proposition.

SHRI R. U. AGNIBHOJ (Madhya Pradesh): That is an impossible proposition.

SHRI M. GOVINDA REDDY: That is an impossible proposition. What about those people whose representatives he wants to put into this House? What about those poor people who cannot put up their own candidate because of the expenditure involved? What about the Scheduled Caste people? Can they send their representatives here, even granting we adopt this system of proportional representation?

Another argument advanced by my hon. friend was that the present system did not reflect the minority opinion. I would like to know whether this system of proportional representation will reflect the minority opinion.

SHRI SATYAPRIYA BANERJEE: Yes, it will.

SHRI M. GOVINDA REDDY: My hon. friend, Mr. Kapoor, was giving one example. Suppose there is a constituency with three or four seats. If there are five or six parties contesting, necessarily all the parties cannot hope to be elected. Some parties will have to lose. Therefore, from all these points of view, I submit that this system of proportional representation is not suited to this country. I admit that it is good as a system of indirect election. The Constituent Assembly did consider this point at length. The hon. the mover referred to it but said that the Constituent Assembly disposed of it without giving due attention. When it has selected this system for the Upper Houses in the country—for the Legislative Councils of the States and for the Rajya

Sabha—does he mean to say that they did not give sufficient consideration to this, that they did not consider the pros and cons of this system? They have adopted the most suitable system to the primary elections and this system of proportional representation for election to these bodies.

I have only one more point to urge before I sit down. Mr. Kishen Chand was pointing out about the injustice of one party monopolising and about the desirability of bringing out the best fitted candidates. All must give credit to the Congress that it has considered this point. Mr. Jaspat Roy Kapoor quoted one instance but forgot to mention the other. In the case in which Acharya Kripalani contested one of the seats in the Lok Sabha, the Congress did not oppose him because it felt that he was a desirable candidate, that he was a representative of the country and that his services should be available to the country. So, Sir, the ruling party has, at its heart, the best interests of the country. This Bill has no place and I would request my hon. friend to withdraw this Bill. He has made a valiant attempt to rehabilitate his party but he should depend upon other circumstances for that not on proportional representation which will not fulfil his desire.

SHRI C. C. BISWAS: Sir, I must first of all express my thanks to the hon. the mover of this Bill because of the thanks he had given me. I had warned him, when he was asking for leave to introduce the Bill, that Government would be bound to oppose it if he did not withdraw the Bill at my request. Well, he has thought it fit to go on with it and I have also thought it fit, therefore, to carry out what I had said on that occasion.

Sir, the reason why Government is opposing this Bill is not because we do not appreciate the merits of the system of proportional representation. This is a subject on which a good deal has been written, written both in favour of the system and against the

system. The merits and demerits have all been examined in great detail by the authorities who have dealt with it. The question, however, which concerns us is the one to which prominent attention has been directed by the hon. Members here. Assuming that it has all the merits that are claimed for this system, still the question arises whether it is practical to give effect to it in a country like ours, and we must not forget the conditions which prevail here. It may be good in Ireland; it may be good in Switzerland; it may be good in other smaller countries, whatever other countries may be added to the list. But the question is whether or not it is suitable for our country. Now, you must not forget the fact that the mass of the population, a vast mass yet, I regret to have to admit, are illiterate. They do not know how to put a mark on the ballot paper, most of them, the illiterate section. Now, when they do not know how to put a mark on a ballot paper, how do you expect that this system of proportional representation will work at all? It may work for a certain section; it may work for the literate population. That is about all. Is it not much better, therefore, that we, still for some years to come, proceed on the system which was adopted after a good deal of hard thinking when the Constitution was being framed? We must not run away with the idea that those of our countrymen, our leaders, who were responsible for framing this Constitution, who had participated in the discussions which had taken place at the time, were unaware of the system of proportional representation. Mr. Banerjee has himself pointed out that this very question, this very suggestion had been moved in the Constituent Assembly. One of the Members of this House, whom I miss here now, Kazi Karimuddin, did bring forward a Resolution in these terms. Mr. K. T. Shah also did the same thing. All these were considered at length and you know, Sir, who were the persons who then composed the Constituent Assembly—the leaders of the party.

SHRI SATYAPRIYA BANERJEE: The henchmen of the Congress.

SHRI M. GOVINDA REDDY: The flower of the country.

SHRI C. C. BISWAS: They had given their thought and mind to this question of proportional representation and after great deliberation they found that it was not practicable. There were many objections to it, first of all this widespread illiteracy among the population which would make such a system practically unworkable. Then, Sir, we had deliberately decided to adopt the parliamentary system of Government. Now if that be so, that requires that there should be a stable Government commanding the confidence of the majority of the House. Sir, one of the defects of the system of proportional representation is this. It gives rise to any number of splinter groups. Will that make for stability of Government? Will that make for successful working of a parliamentary system of Government? That is the question. If you do not want the parliamentary system of Government, do away with it, and have the Russian system or the system prevailing in any other country. Sir, the conditions of this country have to be considered, and having very fully considered them, the framers of our constitution came to the conclusion that such a far-reaching innovation was out of the question; it was unsuited to the population as it was; it was unsuited to the conditions prevailing. As my friend, Mr. Ranga, pointed out, it may suit us several years later; we cannot anticipate. Let us all hope for the best that in spite of splinter groups, we shall never forget the unity of the country and we shall not act from a narrow party point of view, whether it is Congress Party or any other smaller party does not matter. After all, we are all here for the welfare of the nation, and, therefore, let us wait and see. When that spirit of oneness is developed more and more, then it

[Shri C. C. Biswas.] will be time for us to think of these far-reaching innovations, not yet, I say.

Therefore, Sir, I regret very much that, on behalf of Government, I have got to oppose this Private Member's Bill. It is not that Government is opposed to every Private Member's Bill. Members should not run away with that idea.

SHRI SATYAPRIYA BANERJEE: Have you accepted any Private Member's Bill?

SHRI C. C. BISWAS: Yes. I can point out to the House that I was myself responsible for bringing about the successful implementation of a Private Member's Bill, that is, the Muslim Wakfs Act. I was in the Select Committee and I did all that I could possibly do to make it an acceptable measure and that was welcomed by all my Muslim friends here. We have got to work in that spirit, do something which will benefit the whole community. We are not here for promoting sectional interest-; we are not here only for the welfare of particular communities. Nothing of the kind.

SHRI H. P. SAKSENA: The Muslim Wakfs Bill was a sectional measure.

SHRI C. C. BISWAS: That was. It does not mean that you must not benefit any group of people merely because they practise some religion or other. There is freedom of religion for all and if their religion requires that certain wakfs or endowments should be preserved it should be done and so the Muslim Wakfs Act was passed. At the same time I may inform hon. friends here that before that I had also asked for particulars from all the States in India regarding the conditions under which religious endowments of other communities were being administered. That is a very important matter and I think, now that the Law Commission has come into existence, it would be a very good thing probably to refer the

question to them—the materials have been collected to a large extent—so that they might suggest a comprehensive Bill. That will not be a communal Bill just as the Wakfs Bill was not a communal Bill. Nothing of the kind. We have got to take care of all communities in this country without making any distinction between one and the other. That is all I would say here.

Before we bring in the system of proportional representation, what is called for is that we must develop the party system. Mr. Ranga pointed out that even under the party system now in force there might be many surprises. Where the Congress is expected to win an election, the Communists may come out successful. It will be for every party to work the party machine. Not only on the eve of the elections but throughout the year the Members must come in contact with the people, whichever party they belong to. They must meet the people; they must try to show that members who go to vote do not vote because there is the picture of a cow painted on the ballot box. They must think out for themselves and then they must record their votes. Let the party members work the party system; let them contact their constituencies and educate them; spread literacy among them; teach them how to vote; teach them the value and importance of voting. Then only will come the time for thinking whether we could or could not have the system of proportional representation. That is the position.

Now, Sir, having regard to these circumstances, having regard to the fact that we are so far wedded to the parliamentary system of Government, I say this is not the time for introducing the system of proportional representation. It is no discredit to us to be told, "No, this system is borrowed from what prevails in the U.K. You have blindly copied it from the U.K." That is not the thing. It is not blind copying from some other coun-

try. The Constituent Assembly considered the systems in force in the different countries of the world. They thought about America; they thought about the U.K.; they thought about other countries. Then only they came to the conclusion that the most practical and workable system which would work here in this country, having regard to the conditions of the country, was the parliamentary system of Government, and so they deliberately adopted it, and we must not so quickly abandon that. That is my suggestion, Sir. Therefore I oppose this motion.

3 P.M.

SHRI SATYAPRIYA BANERJEE: Mr. Deputy Chairman, Sir, it was a foregone conclusion that the Government would oppose it and the remarks which have just now fallen from the lips of the hon. the Law Minister are only a repetition of what Dr. Ambedkar stated in his reply in the Constituent Assembly to those who moved motions for having proportional representation and to that I have already answered in my main speech. I, therefore, do not want to repeat. I am thankful for the support or rather the sympathy which my hon. friends, Mr. Jaspat Roy Kapoor, Prof. Ranga and Prof. Kishen Chand have shown by putting in a few words in support of proportional representation; but let me make myself clear that the proportional representation which I have in view is not the Hare system of proportional representation which they have in view but the List system of proportional representation. The system that has been accepted by the Constituent Assembly with regard to the elections to the Upper Houses both in the States and at the Centre is proportional representation in accordance with the system of single transferable vote. My Bill relates to proportional representation in the matter of election to the House of the People and the State Assemblies. If it were the question of Hare's system, I confess it would really be a very difficult and complicated process but if it is in accordance with the List

system it is as simple as two and two make four.

The parties are the representatives of the people. My hon. friend Mr. Govinda Reddy for whom I have very great regard quoted from my Statement of Objects and Reasons and hit at the word "people". Yes, I mean people as represented in political parties. Do not your supporters come under the banner of the Congress, the strongest political party in the country? Does not the Congress claim to represent the people? So do all other parties. Therefore, the List system of proportional representation is the system which I have advocated.

SHRI R. U. AGNIBHOJ: But how will it give reservation to the Scheduled Castes and backward classes?

SHRI SATYAPRIYA BANERJEE: I will come to that. That is a thing which is only peculiar to India and, therefore, some peculiar process has got to be evolved. So far as the List system is concerned, there is no difficulty at all. Big constituencies, large constituencies, large number of voters, all these do not come into account at all. The whole country is the constituency and the country is divided into areas. The parties nominate their candidates and send their lists to the election authorities. If you could vote for a pair of bullocks which represent the Congress, certainly the people of the country can vote for any other party with different symbols. Therefore, the questions that it is expensive, that it is complicated, that the area of the constituency is very large, all these do not come into the picture at all, if you accept the List system of proportional representation. People who have got their inspiration from England and have accepted proportional representation have accepted the Hare system but those who have experience of election in Europe—I had myself experience of election in Germany—under the List system of proportional representation will know that it works splendidly. It works very smoothly; it works like anything.

SHRI R. U. AGNIBHOJ: What was the number of voters in Germany?

SHRI SATYAPRIYA BANERJEE: It was adult franchise. Everybody above the age of 18 years was entitled to vote.

SHRI J. S. BISHT (Uttar Pradesh): Which Germany was this?

SHRI SATYAPRIYA BANERJEE: This was the old Germany—before Germany was divided as it is now— under the Weimar Constitution.

PROF. G. RANGA: The whole country was under the Nazis then.

SHRI SATYAPRIYA BANERJEE: No, before the Nazis came to power— how they did it is a different story. That has nothing to do with proportional representation. If you want me to go into the history as to how the whole country came under the Nazis, I can do so if you so desire but that is neither here nor there. The objections that have been raised by my friends opposite relate to the system of proportional representation in accordance with the single transferable vote, but the proportional representation which I have in view in this Bill is the List system of representation. Therefore, no objections raised by my friends opposite touch that system.

Sir, I am very sorry to have to say that as before I could not oblige the hon. the Law Minister by not introducing the Bill or withdrawing it at the last moment, I cannot oblige him now also by accepting his advice and not pressing it to vote. I do press it to vote because I feel it is in the interests of the country, in the interests of the people, in the interests of the Government and the Opposition and I wish that this Bill be supported by all sections of the House as proportional representation will benefit all sections of the House.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Constitution of India be taken into consideration."

SHRI KISHEN CHAND: Sir, there must be a division. This is a Constitution amending Bill.

MR. DEPUTY CHAIRMAN: Not necessary. We can take a count.

(Interruptions.)

SHRI C. C. BISWAS: Only in respect of certain Bills which are specified in the rules, you will have to call a division and ascertain the votes. There is nothing in the Constitution itself. The Constitution says that when a Bill is passed by a specified majority it shall be laid before the President. You cannot place the Bill before the President unless the Bill is passed by that majority.

PROF. G. RANGA: How do we know whether it is passed or defeated unless

(Interruptions.)

MR. DEPUTY CHAIRMAN: We can take a count.

SHRI KISHEN CHAND: Sir, you give a ruling that according to the Constitution a division is not necessary.

MR. DEPUTY CHAIRMAN: I am fully convinced that the majority is against it. I will take a count.

(After a count) Ayes—8; Noes—23.

The motion was negatived.

THE RIVER BOARDS BILL, 1955.

THE MINISTER FOR PLANNING AND IRRIGATION AND POWER (SHRI ! GULZARILAL NANDA): Sir, I beg to move:

"That the Bill to provide for the establishment of River Boards for the regulation and development of inter-State rivers and river valleys, as reported by the Joint Committee of the Houses, be taken into consideration."