

RAJYA SABHA

Friday, 9th December 1955

The House met at eleven of the clock MR CHAIRMAN in the Chair

LEAVE OF ABSENCE TO PROF A R. WADIA

MR CHAIRMAN I have to inform hon Members that the following letter has been received from Prof A R Wadia

'As I have been convalescing after an attack of typhoid, my doctors do not advise me to go to Delhi for the current session I shall be grateful if the House will grant me leave of absence.'

Is it the pleasure of the House that permission be granted to Prof A. R. Wadia for remaining absent from all meetings of the House during the current session?

(No hon Member dissented)

MR CHAIRMAN: Permission to remain absent is granted

THE HISTORICAL RECORDS (DECLARATION OF NATIONAL IMPORTANCE) BILL, 1955

DR RAGHUBIR SINH (Madhya Bharat): Sir, I beg to move:

"That leave be granted to introduce a Bill to declare certain historical records to be of national importance and to provide for certain matters connected therewith"

MR CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to declare certain historical records to be of national importance and to provide for certain matters connected therewith"

The motion was adopted.

DR RAGHUBIR SINH: Sir, I introduce the Bill.

THE HISTORICAL RECORDS (OF NATIONAL IMPORTANCE) PRE- SERVATION BILL, 1955

DR. RAGHUBIR SINH (Madhya Bharat): Sir, I beg to move:

"That leave be granted to introduce a Bill to provide for the preservation and due management of historical records that may be declared by Parliament by law to be of national importance."

MR CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to provide for the preservation and due management of historical records that may be declared by Parliament by law to be of national importance"

The motion was adopted

DR RAGHUBIR SINH: Sir, I introduce the Bill

THE CHARTERED ACCOUNTANTS (SECOND AMENDMENT) BILL, 1955

SHRI V K DHAGE (Hyderabad): Sir, I beg to move:

"That leave be granted to introduce a Bill further to amend the Chartered Accountants Act, 1949."

MR CHAIRMAN: The question is:

"That leave be granted to introduce a Bill further to amend the Chartered Accountants Act, 1949."

The motion was adopted

SHRI V K DHAGE: Sir, I introduce the Bill

THE CONSTITUTION (FIFTH AMENDMENT) BILL, 1955

SHRI SATYAPRIYA BANERJEE (West Bengal): Sir, I beg to move:

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

[Shri Satyapriya Banerjee]

Sir, the Bill is a very simple one. It seeks to amend article 81 and article 170 of the Constitution of India. In clause 2 of the Bill, it has been said that after the words "the voters in the States," the words "in accordance with the system of proportional representation" shall be inserted in sub-clause (a) of clause (1) of article 81. In clause 3, it has been said that in clause (1) of article 170, after the words "direct election", the words "in accordance with the system of proportional representation" shall be inserted. In other words, it seeks to introduce the system of proportional representation in elections in place of the majority system that now prevails. When I introduced the Bill on the 26th August last, my esteemed colleague, the Law Minister, Shri C. C. Biswas, was frank enough and kind enough to forewarn me by saying that the Government would oppose this Bill when it would come up for consideration by this House. The reason that he advanced was that this matter was discussed thoroughly and threadbare by the Constituent Assembly of India when the Constitution was being framed, and rejected. I must thank him for that, because it forewarned me, and I took considerable pains to look up the proceedings of the Constituent Assembly in this regard and I have come to the irresistible conclusion that the Constituent Assembly did not give to this matter the attention and seriousness that it deserved, that it counted without the host and that it did not take into account the growing public opinion in favour of proportional representation. I am reminded in this connection of what Mill said in his autobiography:

"Anyone who does not feel the want which the scheme is intended to supply; anyone who throws it over as a mere theoretical subtlety or a crotchet tending to no valuable purpose, and unworthy of attention of practical men may be pronounced an incompetent statesman unequal to the politics of the future"

And I may also add unworthy. The scheme referred to above is the scheme of proportional representation. Sir, I am constrained to have to say that this fits in very well with the constituent Assembly that decided the issue.

SHRI M. GOVINDA REDDY (Mysore): Have not you got any recent author to go upon?

SHRI SATYAPRIYA BANERJEE: You will get everything. Please have patience and hear me.

Sir, I have always been giving my unremitting attention to the defects of the Constitution. Twice I have done before and this is the third time that I am doing it. And I have brought this Bill because I feel, and that very strongly, that the virtue, the spirit and the essence of a legislative body depart as soon as it ceases to be the express image of the nation and that such a body cannot form an adequate basis of support for a Government; and that, therefore, we should go forward with the task of making the House as representative as possible and of making it not only the mouth-piece of the nation but the mirror of the national mind till we reach this goal.

It is said that when opinions tally, sympathy is born. I have looked up all the materials available in the Library with regard to the matter of proportional representation, and I have found that many of the eminent personalities have supported this system of proportional representation. I will, with your permission, quote among others Churchill, Lloyd George, Asquith, Wells, Ramsay MacDonald, etc and I may add here that even Mirabeau, the great hero of the French Revolution, supported it.

DR RAGHUBIR SINH (Madhya Bharat) But has it produced results?

SHRI SATYAPRIYA BANERJEE: Asquith says:

"Let them have a House of Commons which fully reflected every

strain of opinion. That was what made democratic government in the long run not only safer and more free but more stable."

I want the Law Minister to mark these words "more stable". (*Interruptions.*) Please have patience.

DR. RAGHUBIR SINH: What stability is there in France?

SHRI SATYAPRIYA BANERJEE: You look at Switzerland, you look at Belgium. They have all adopted proportional representation.

SHRI M. GOVINDA REDDY: Ireland.

SHRI SATYAPRIYA BANERJEE: Ireland has also adopted proportional representation.

DR. RAGHUBIR SINH: Look at what is happening in France.

SHRI SATYAPRIYA BANERJEE: Even then, they are going to have fresh elections in accordance with the system of proportional representation.

DR. RAGHUBIR SINH: They learn nothing and forget nothing.

SHRI SATYAPRIYA BANERJEE: Churchill has said:

"It was impossible to defend the present rough and ready methods. I think the present system has clearly broken down. The results produced are not fair to any party, nor to any section of the community. In many cases, they do not secure majority representation nor do they secure an intelligent representation of minorities. All they secure is fluke representation, freak representation, capricious representation."

Mr. Asquith said on one occasion—I am quoting from Hoag and Hallett's *Proportional Representation*, page 305—as follows:

"Whether proportional representation results in a large or a small majority is entirely beside the point. What you want is to get a reflection of the general opinion of the nation. As the result of long reflection and observation."

Mark these words of Mr. Asquith—

"I am disposed to give a hearty support to the attempt which this Bill proposes to make."

In another address he said:

"I press upon the men and women of all parties that the first and most urgent of all our political reforms is the abandonment of the misleading system, or lack of system, from which we are at present suffering, and the substitution for it of proportional representation."

"Proportional representation is an experiment which we are bound to make because it supplies the only direct means of escape from the breakdown and even the bankruptcy of our electoral machine."

DR. RAGHUBIR SINH: When did he say that?

SHRI SATYAPRIYA BANERJEE: He said it in the year 1924.

DR. RAGHUBIR SINH: After he was defeated in the elections?

SHRI SATYAPRIYA BANERJEE: Defeats there are and there will be, successes there are and there will be. That does not have any relation to the system of proportional representation. Sir, if they are intent on interrupting.....

MR. CHAIRMAN: No.

DR. RAGHUBIR SINH: I want to be enlightened.

SHRI SATYAPRIYA BANERJEE: I would also place before the House what Mr. Wells, that great thinker, has said with regard to it. He says:

[Shri Raghupir Sinh.]

"The only civilized method of democracy is proportional representation in large constituencies returning many members; there is no other method which gives the individual voter a reasonable opportunity of expressing his real preference. It is the right way, and all other ways are wrong and bad."

Mr. Lloyd George said:

"I therefore earnestly trust that in the interest of stability and good government, which must be based on the goodwill and co-operation of the community as a whole, this Parliament will apply its mind seriously to finding some means of preventing a repetition, either in one direction or the other, of this freak of representative government."

SHRI B. K. P. SINHA (Bihar): May I seek one information? When did Mr. Lloyd George make this statement? Was it when he was out of power?

SHRI SATYAPRIYA BANERJEE: Mr. Lloyd George wrote this in an article dated the 22nd November 1922 published widely in the press.

As I already said, this system has nothing to do with success or defeat in the elections. This concerns with fundamental principles of the representative Government and representative democracy. Defeat and success may influence your opinion but the truth is there, viz., this system helps to get a reflection of the general opinion of the nation.

SHRI M. GOVINDA REDDY: Andhra elections proved it.

MR. CHAIRMAN: These benches are also becoming boisterous.

SHRI H. P. SAKSENA (Uttar Pradesh): I agree.

SHRI SATYAPRIYA BANERJEE: Mr. Ramsay MacDonald said perhaps in 1917:

"There are circumstances in which proportional representation is a very wise and simple method. These circumstances are found today in Ireland. They are found in India and the system of proportional representation might well be adopted to get out of many difficulties which the very operation of the majority rule sometimes exaggerates more than it reconciles."

Sir, what then is proportional representation? Proportional representation is one of the many devices used to designate the various electoral devices which aim to secure a legislative body reflecting with more or less mathematical exactitude, the strength of the various groups and opinions in the electorate. Theoretically, this system is unassailable and in practice it has stood the test of time in several countries in Europe and other places. The test of a true system of representation, as laid down by John Stuart Mill in his classical essay *Representative Government*, has never been successfully challenged anywhere. The oft-quoted lines of John Stuart Mill from that essay—

"In a really equal democracy, any and every section would be represented, not disproportionately but proportionately. A majority of electors would always have a majority of the representatives and a minority of electors would always have a minority of representatives. Man for man, he would be as fully represented as the majority".

has been the sheet anchor of the system of proportional representation even to this day. Did not Mill take the very first opportunity to give expression to this principle in the House of Commons? Did he not say on that occasion:

"We require a House of Commons which shall be a fitting example of all the feelings of the people. We

want all the sincere opinions and public purposes which are shared by a reasonable number of electors to be fairly represented here. What is the principle of democracy? Is it not that everybody should be represented and that everybody should be represented equally? Am I represented by a member against whom I have voted and am ready to vote again? Thus, the present system is no more just to the majority than to the minorities. It gives no guarantee that it is really the majority that predominates. A minority of the nation, if it be a majority in the prevailing party."

as is the case now here in our House, in our country:

"may outnumber and prevail over the majority of the nation."

In other words the present system results in gross exaggeration of the majority, sometimes in the complete suppression of the minorities and on other occasions in the return of a majority of representatives by a minority of electors. This actually happened, in the general elections of England in 1886. What happened then? At that time, the Unionists, that is to say, the Conservatives of that time, and the Home Rulers, that is to say, the Liberals of those days, they were the contending parties. The majority of votes was secured, I mean the majority of the votes for the whole of England was secured by the Home Rulers under the leadership of Gladstone. And the minority of votes was secured by the Unionists, that is to say, the Conservatives. The Home Rulers secured 2,103,954 votes and the Unionists secured 2,049,137 votes. But low and behold, the Home Rulers obtained 283 and the Unionists obtained 387 seats; that is to say, a majority of 104. The result was that the grant of Home Rule to Ireland, the pet desire of Gladstone, was prevented, or rather delayed by more than three decades. I may quote here Garfield, that noble President of the United States of America. He said:

"When I was first elected to Congress, in the fall of 1862, the State of Ohio had a clear Republican majority of about 25,000; but, by the adjustment and distribution of political power in the State, there were 14 Democratic representatives upon this floor and only 5 Republicans."

Thus, in State though the Republicans were in the majority of 25,000, there were 14 Democrats and the Republicans were 5:

"The State that cast a majority of nearly 25,000 Republican votes was represented in the proportion of 1 Republican and 3 Democrats in the next Congress. . . ."

I would request the House to mark these words:

" there was no great political change in the popular vote of Ohio—a change of only 20,000—but the result was that 17 Republican members were sent from Ohio and only 2 Democrats. We find that only so small a change as 20,000 changed their representatives in Congress from 14 Democrats and 5 Republicans to 17 Republicans and 2 Democrats."

And the conclusion that Garfield has drawn and which should be borne in mind by everybody in the House runs as follows:

"Now, no man, whatever his politics, can justly defend the system that may in theory, and frequently does in practice, produce such results as these."

Let me, Sir, illustrate how proportional representation will work in practice. Suppose, there is an area in which there are seven single member constituencies and in each of which there is a majority of party A. That being so, party A is enabled to secure the whole of the representation allotted to that area. But the

[Shri Satyapriya Banerjee]
electors in that area are divided as follows

Party A	40,000 electors,
Party B	20,000 electors, and
Party C	10,000 electors

Then, it is obvious, Sir, that any just system of representation would enable party A, party B and Party C to secure 4 seats, 2 seats and 1 seat respectively. This area would then be represented accurately, and fairly within the legislative body. And if each area was so represented, we should be able to elect a legislative body which would reflect in true proportion the political opinions of the country, and the fairness of such a system cannot be questioned.

The minority under the present system, I submit, is not only disenfranchised but penalised, because the representation which is due to them is given to others. Let me, Sir, illustrate this from the results of the last general elections and from the results of the last Andhra elections. At the last general elections, Sir, the Congress polled 47,528,911 votes and secured 363 seats. The Communists and allied parties polled 6,177,792 votes and they secured 29 seats. The Socialists polled 11,009,740 votes and they secured 12 seats. The K.M.P.P. secured 5,660,799 votes and secured 10 seats. The Independents got 17,444,944 votes and they secured 35 seats. Sir, if you work out the simple arithmetic and find out the proportion you will find the injustice that has been done to the people and the country as a result of this majority system of election prevailing now.

Then let me come to the Andhra elections. The National Congress in collaboration with the K. L. P. and the Praja Party secured 42,65,074 votes. The Communist Party secured 26,80,525 votes, the P.S.P. got 4,73,899 votes and the Independents secured 11,70,164 votes. If we work out the proportions of the votes obtained to

the candidates returned, we would find that the Congress got 146 seats at the rate of 29,000 per seat and the Communists got only 15 seats with 180,000 votes per seat. The P. S. P. got 13 seats at the rate of 50,000 votes per seat and the Independents got 22 seats at the rate of 53,000 votes per seat. Mark the difference. The Congress secured 1 seat by having about 30,000 votes polled in their favour and the Communists secured 1 seat by polling 180,000 votes in their favour.

सरदार रघबीर सिंह पंजहजारी (पंप्पू):
मिगल मेंबर कास्टिट्यूटोनी के बारे में क्या अंदाजा है आपका ?

SHRI SATYAPRIYA BANERJEE:
All the constituencies are now single-member constituencies. That is why I am fighting against the single-member constituencies which cannot do justice to the people. That is the whole contention. I am afraid my hon. friend over there has not understood the implications of proportional representation and I am sorry for him.

SARDAR R A G H U B I R S I N G H PANJHAZARI You are putting it wrongly.

SHRI SATYAPRIYA BANERJEE:
The proportions are like this. The Congress secured 1 seat for every 29,000 votes, the Communists secured 1 seat for 180,000 votes and the P.S.P. got 1 seat, for 50,000 votes while the Independents got, I think, 1 seat at the rate of 53,000 votes per seat. These figures will speak for themselves and any comment is superfluous. This, Sir, is the result of the majority system of election which has been extolled by the Constituent Assembly and the Constitution framed by it, which was piloted by Dr. Ambedkar.

Let me come back to the Constituent Assembly and Dr. Ambedkar's reply in the Constituent Assembly to the criticisms of the present system by Mahbub Ali Beg Saheb, Kazi Karimuddin and Prof. K. T. Shah. He said:

"Proportional representation presupposes literacy on a large scale"

A curious objection. If the present literacy does not stand in the way of election by a majority system, I do not find any reason why this should stand in the way of election by the system of proportional representation. It is like giving the dog a bad name and hanging it. His second objection was:

"Proportional representation is not suited to the form of Government which the Constitution lays down, namely Parliamentary system of Government with a majority party prepared to support it"

This is not true. Without abolition of party Governments, it gives each party not more than the share that is due to it and this tends to put an end to its tyranny and binds the Government to good behaviour. The third objection was:

"Proportional representation leads to fragmentation of the legislature in different groups".

That is another myth, it is a figment of the imagination of those who are against proportional representation. What does it really do? It gives expression to the organised political opinion that exists in the country. Instead of creating fragmentation, it tends to coalesce the fragmentary groups. That has been the result of the system of proportional representation in other countries. Lastly, Sir,—this is very important and funny—he says, "Although the Royal Commission of 1910 appointed by the British Parliament to enquire which system of representation was better decided in favour of proportional representation"—I am quoting the words of Dr Ambedkar—"the Parliament did not accept the recommendations of the Commission on the ground that it would not permit a stable Government to remain in office". It is again a figment of the imagination, a trivial

one, to say that this will not lead to a stable Government. Without giving it a trial, you pronounce your judgment and say that it will not lead to a stable Government. This is a curious phenomenon which is to be observed here, perhaps not elsewhere. This is an argument based on the inertia of conservatism. The method I am advocating is the only method by which a truly intelligent electorate will finally consent to be governed.

SYED MAZHAR IMAM (Bihar): On a point of information, what is the system of representation in Russia?

SHRI SATYAPRIYA BANERJEE: Shall I tell him, Sir?

MR CHAIRMAN: It is not necessary. We are here discussing proportional representation, not the other countries.

SHRI SATYAPRIYA BANERJEE: In one word I may say, proportional system does not exist there because there is only one party and no other party is necessary there. There is no time, nor is this the occasion to discuss the Soviet method of election and I refrain.

SHRIMATI LAKSHMI MENON (Bihar): Why not have the same thing here?

SHRI SATYAPRIYA BANERJEE: The results that I have quoted from the general elections and the Andhra elections will demonstrably prove, if any further proof is necessary, the truth of the observations of Sir Winston Churchill—"fluke representation, freak representation and capricious representation".

I have so long sung the song of proportional representation; let me also put before you the other side of the shield and I will answer the objections. It is said:

"Proportional representation means very large constituencies and, therefore, very difficult to maintain."

[Shri Satyapriya Banerjee]

The constituencies will be large certainly, much larger than they are at present existing, but the very fundamental fact of proportional representation means representation according to the parties and all the constituencies will be looked after by the respective parties. Therefore, that question need not worry us here at least.

Objection number two is

"It leads to an unstable Government"

I have already answered that and it does not require any further answer, I will only add that nothing but habit and old association is responsible for this untenable opinion.

The third objection is

"It provides no scope for bye-election"

It provides for bye-election if, in the original election we make provision for keeping seats for bye-election. It can be done and it is done in some places but, generally speaking, bye-election is very difficult to be provided for in the proportional system of representation, but even then, such a great authority on Constitutional affairs and law as Professor A. P. Keith observes with regard to this bye-election that "bye-election is of very minor importance and should not be pressed". It is said that it is a cumbersome and complicated matter. On the contrary, I maintain that far from being cumbersome and complicated, it is the simplest method that has up till now been evolved.

I hold that an ideal system of representation should impress the voters with its fairness, encourage the selection of able representatives, give expression to all important opinions and, at the same time, facilitate the formation of a workable Government. I maintain that if we compare these two methods, majority and the proportional system and judge them by these tests, I and those who really feel for the people of the country can

unhesitatingly assert that the majority system will be found wanting and the system of proportional representation will stand these tests more successfully.

After all, Sir, an ounce of fact, they say, is worth a ton of theory and let me illustrate by citing the example of those countries which have successfully adopted the principle of proportional representation.

Let me begin with Germany. In East Germany,—that part of Germany which is a really democratic one, more democratic than the Western part—the German Democratic Republic, article 51 of the Constitution lays down that "representatives are elected in a universal, equal, direct and secret ballot for a term of four years according to the principle of proportional representation".

In West Germany article 38(1) of the Constitution provides "The Deputies of the Bundes tag shall be elected by the people of universal, equal, direct and secret elections". They shall be representatives of the whole people, (3) Details shall be determined by law and that law, so far as my information goes, has accepted proportional representation.

Uruguay in their Constitution has laid down in article 78 "The House of Representatives shall be composed of 99 members elected directly by the people under a system of proportional representation in which shall be taken into account the votes cast in favour of each party throughout the country."

Venezuela's Constitution lays down in article 83 "The law shall regulate concerning the principle of proportionate representation of minorities and shall see to it that no political party or group shall predominate in the electoral agencies."

The Constitution of Belgium lays down "Elections shall be held according to the system of proportional representation determined by law."

The Constitution of Denmark lays down: "To secure a proportionate representation of the various opinions of the electorate, the Election Act shall determine the manner of election, laying down detailed rules for the exercise of the right to vote and deciding whether proportional representation shall be adopted concurrently with an election by a majority vote in each separate constituency"

The Constitution of Finland lays down in article 4: "Representatives are elected by direct and proportionate suffrage. For these elections the country shall be divided into electoral districts numbering a minimum of twelve and a maximum of eighteen. When local circumstances necessitate an exception to the proportional procedure, one or several districts besides the number indicated above can be established for the purpose of electing a single representative"

Switzerland—"Elections to the National Council are direct. They are conducted on the principle of proportional representation, each canton or half-canton forming an electoral constituency."

Ireland—Here I may remind the House that the chapter on Directive Principles of State Policy in our Constitution has been adopted from the Irish Constitution. There in article 16 2(5) "the members of the Dail Eirean shall be elected on the system of proportional representation by means of the single transferable vote"

Netherlands—"The second Chamber"—curiously enough their second chamber corresponds to the first chamber in our country—"shall consist of 100 members chosen on the basis of proportional representation within limits to be determined by law"

If I come nearer home, I find that in Indonesia they have adopted the system of proportional representation

SHRI JASPAT ROY KAPOOR (Uttar Pradesh): Will the hon Member kindly enlighten us on one point? What is the area of the constituencies there where this system obtains and what is the number of voters in those constituencies? It would help us to arrive at a decision.

DR SHRIMATI SEETA PARMANAND (Madhya Pradesh): And also whether they are literate

SHRI SATYAPRIYA BANERJEE: So far as Indonesia is concerned, I may mention outright that the literacy there is perhaps lower than the literacy here, and so far as the point raised by my esteemed friend, Shri Jaspat Roy Kapoor, is concerned, these are all matters of detail. What I want you to accept here and now is to accept the principle of proportional representation. The details can be worked out and I have already

SHRI JASPAT ROY KAPOOR: So far as the principle is concerned, we have accepted it in the Constituent Assembly so far as

SHRI SATYAPRIYA BANERJEE: You have accepted it only for the Upper House of the Indian Union and the different States

SHRI JASPAT ROY KAPOOR: So, it would be helpful to us if you could give us what is the area of the constituencies there where this system obtains and what is the number of voters in those constituencies so that we could make a very careful study of the subject. I for one have an open mind on the subject.

SHRI SATYAPRIYA BANERJEE: I think everybody has an open mind if there is no whip

SHRI JASPAT ROY KAPOOR: There is none

SHRI H. P. SAKSENA: Would you believe it?

SHRI JASPAT ROY KAPOOR: We have only the whip of wisdom and conscience

SHRI SATYAPRIYA BANERJEE I am afraid, of that precious thing you have not enough and to spare

MR. CHAIRMAN: Order, order, go on please

SHRI SATYAPRIYA BANERJEE: Therefore, what I want the House to do is to accept the principle and leave the details to be worked out at a later stage

I cannot, in this connection, omit to mention this,—omission will be a crime—this is a letter addressed to the Secretary, Rajya Sabha, Shri S. N. Mukerjee;—I do not know whether he has got it—a copy has been sent to me. The copy has reached me all right. It says: "Dear Sir, Re:—Bill No. X of 1955, A Bill further to amend the Constitution of India." I was most agreeably surprised and overjoyed when I received this copy of the letter. This is from the Bombay State Women's Council. Dr. Seeta Parmanand will perhaps be happy to support me when she gets this news from me. The letter says: "The Bombay State Women's Council considered the above-mentioned Bill and whole-heartedly supported the principle underlying it." Sir, if the mothers of the country have given their whole-hearted support to this Bill, their sons and daughters sitting in this House, whichever side they may occupy, I am sure, will not hesitate to give their support to this Bill, and thus make the House of the People and State Legislative Assemblies truly representative and reflecting the opinion of the people. Thank you, Sir

MR CHAIRMAN: Motion moved:

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

SHRI H P SAKSENA: Mr Chairman, Sir, verily, verily my hon. friend Mr Banerjee is a prophet, an erring prophet at that. One fine morning, having suddenly taken leave of mundane affairs in which he is engaged all his time, he reflected that he should go into meditation. The meditation resulted in his moving an amendment to the Constitution. Now, that happy or unhappy occasion has resulted in a crop of amendments to the Constitution. There is the fifth Constitution amendment before us. There is the sixth Constitution amendment before us and there is the seventh Constitution amendment before us. Now that was a very unhappy occasion on which my friend, Mr Banerjee, thought of introducing an amendment to the Constitution. I am not one of those who hold that the Constitution is sacrosanct. We can change it whenever we like. But certainly the Constitution is a document which is not to be treated lightly.

Sir, a soldier who goes to the battle-front on the advice of the council of women and takes them along with him for winning the battle is sure to lose it. I am positive in this respect. The same is going to happen to my friend, Mr Banerjee. Blessings, Sir, they may give. Certain lectures they may deliver; all that they can do but to go to a field of battle for a fight on their advice is doomed to disaster.

Sir, my friend Mr Banerjee quoted John Stuart Mill, he quoted Asquith; he quoted H G Wells and he quoted so many dignitaries of European countries but did not think it worth while to quote a single expression of opinion by the greatest of the great men of the present age—Mahatma Gandhi. Not a word had he either in favour or against. He might have quoted

SHRI SATYAPRIYA BANERJEE: But I

SHRI H P. SAKSENA: I am not going to yield to my friend

Mr. Banerjee. He has had his say and I must have mine.

SHRI JASPAT ROY KAPOOR: Two old men need not quarrel.

SHRI H. P. SAKSENA: He could have very well quoted Bernard Shaw in his favour which he perhaps forgot. This Bill, my hon. friend Mr. Banerjee said, was a simple one; but his simple Bill has been the precursor of so many complex Bills, the fifth, sixth, seventh and eighth and so on which I have enumerated just now. In his advocacy for the introduction of proportional system of representation he tried to establish that the proportional system of representation would ensure better representation of public opinion of the people residing in a country than the majority system of representation. My friend Mr. Banerjee ought to know that in order to establish a full-fledged democracy, adult suffrage is the only instrument that human civilization has devised up till now and this adult suffrage should not be fettered by anything whatsoever.

SHRI V. K. DHAGE (Hyderabad): He has not opposed adult suffrage.

MR. CHAIRMAN: Let him go on.

SHRI H. P. SAKSENA: My friend Mr. Dhage must remain in politics for a further period of time before he thinks of interrupting me. He advocated this Bill with an advocacy worthy of an eminent advocate which he is not, I am sure, and the result was that he contradicted himself several times with the result that the entire House—I am quite certain I can say the entire House without any fear of contradiction—remained unconvinced by his advocacy. Now, he talked of the Constituent Assembly of which he himself was a member

SHRI SATYAPRIYA BANERJEE: No; I was not. We only fought for independence.

SHRI H. P. SAKSENA: I am glad that Mr. Banerjee has been our old comrade. I have never denied it. He was one of the most brave and courageous fighters; but that is beside the point. The result of all that is before us and we have to make the best use of the result that we have achieved by our own exertions, efforts and sacrifices. Now, I am sorry that my friend Mr. Banerjee is going astray; but I hope I shall, with my persuasive methods, not only bring him to my fold but also the entire party which he has the honour to represent.

(Interruptions.)

MR. CHAIRMAN: Let him go on. You are going astray with all these things.

SHRI H. P. SAKSENA: Sir, it is for you to lead them to the right path.

Sir, Mr. Banerjee said that the majority system of representation was fluke, freak and capricious. I hope he understands the meaning of these three words that he has borrowed from somebody's speech.

SHRI SATYAPRIYA BANERJEE: If I have borrowed, I have borrowed from Mr. Winston Churchill, that great master of the English language.

SHRI H. P. SAKSENA: Mr. Winston Churchill, rather Sir Winston Churchill.....

SHRI SATYAPRIYA BANERJEE: When he said this he was only a simple Mr.

SHRI H. P. SAKSENA: Sir Winston Churchill may be his mentor but he has never been mine. Proportional representation, he said, was the mirror of the national mind. Sir, I beg to differ from him. I say that the present majority system of representation is the only system of representation that is worthy of being practised by any civilized country and we claim to be the forerunners and civilization-givers to the entire

[Shri H. P. Saksena.] world. Therefore, the proportional system of representation which my friend Mr. Banerjee tries to introduce by this Bill is hopeless and it should never be adopted by a country like India. It is obvious, therefore, that I am deadly opposed to the system of representation advocated by my friend Mr. Banerjee.

SHRI SATYAPRIYA BANERJEE: You may at least support me in one matter.

SHRI H. P. SAKSENA: No, Sir.

SHRI SATYAPRIYA BANERJEE: Thank you very much.

SHRI H. P. SAKSENA: Sir, my friend Mr. Banerjee made some fantastic assertions. He said that democracy meant that everybody was represented and that under the present system everybody was not represented. He quoted figures from the last general elections as well as from the Andhra elections; but could establish nothing. He could not establish anything in his favour. Had he succeeded in establishing at least one point which was irrefutable, I would have been satisfied.

SHRI SATYAPRIYA BANERJEE: At least I have succeeded in provoking you to oppose it.

SHRI H. P. SAKSENA: I have nothing to oppose. The thing that I am opposing is so weak and so timid that I feel that I am simply wasting my precious breath. It is not even worthy of any opposition.

MR. CHAIRMAN: Do not waste your time, then.

SHRI H. P. SAKSENA: Since my hon. friend Mr. Biswas is in a hurry, I close my remarks and say that Mr. Banerjee would do well to reflect and give another thought to this proposition and come to the conclusion that the majority system of representation is well, good and sound.

SHRI JASPAT ROY KAPOOR: Mr. Chairman, Sir, I am inclined to express my sympathy, my wholehearted sympathy, I should say, with the proposition enunciated by my hon. friend Mr. Satyapriya Banerjee. I would also like to congratulate him on the very fair manner and the very moderate manner in which he has placed his viewpoint. He has studied the question very minutely; but I wish he had also enlightened us on certain other points which I placed before him during the course of his advocacy of his proposition; but then we were disappointed in not getting the necessary information on the subject. That information, Sir, is very necessary and important to enable us to arrive at a correct decision on this subject—I mean the extent of the constituency and the number of voters in the constituencies in the countries where this system of proportional representation obtains. Sir, having heard him at length and patiently, I am afraid I cannot persuade myself to support him in entirety at this stage when the country is so illiterate and, particularly, in view of the fact that our constituencies are very wide and extensive and the number of voters is very large, most of whom are illiterate.

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He was overjoyed to get support from the Bombay State Women's Council. Well, I don't grudge him that joy and I do not want that his joy should in any way be diminished by any opposition or any criticism that we may offer to his proposition, though I do not know whether he was overjoyed because of the support he got or because of the particular quarter from which he got the support.

SHRIMATI LAKSHMI MENON: He was overjoyed at the good sense of the women.

SHRI JASPAT ROY KAPOOR: So far as the principle of proportional representation is concerned, I think we all know it very well that we have accepted it and adopted it also.

to such extent as it was found practicable, because, as we all know, so far as the elections to the Council of States and the Legislative Councils in the States are concerned, the basis of election is proportional representation. Now, the question arises: If this system was considered good for the Council of States and the State Councils

SHRI H P SAKSENA Indirect elections

SHRI JASPAT ROY KAPOOR
why was it not adopted in the case of Lok Sabha and the State Assemblies? The simple reason is that this system of election by proportional representation—though it has its own merits—is a complicated system, and that being so, it cannot easily be or even successfully be adopted in the case of an electorate which is a wide and extensive one. If the electorate were not wide and extensive, I for one would always like this system to be adopted subject, of course, to certain other necessary details which would ensure proper representation.

But then we have to look at this question from a practical point of view in this country. To discuss it in abstract is one thing, as my hon. friend, Mr. Satyapriya Banerjee has done. He discussed it mostly in abstract without going into the details of it, the difficulties that are likely to confront us if we adopt it in this country, in the case of Lok Sabha as well. So far as the abstract is concerned, I think most of us, if not all, will agree that that is the best system, but then when we come to apply it to the present day conditions in our country, it should be obvious to every one of us that it is almost impracticable.

Now, Sir, there is one point. The one most important point that needs to be considered in this context is the literacy in our country. Now, admittedly our masses are mostly illiterate. What are they going to do, if we

adopt a system of proportional representation, when they are called upon to cast their votes? They will go to the polling booths. And according to the present system it is not necessary for them to be literate at all in order to express their opinion. They simply .

DR P C MITRA (Bihar) Mark

SHRI JASPAT ROY KAPOOR: Not mark. They put a ballot paper in the ballot box of the person for whom they want to vote. Now, they need not be literate at all to do this little thing. If we have a system of proportional representation, they will have to go there, look at the ballot paper, read the names of the various candidates, and then put a mark. Not only simply mark, they will have to say which is their first preference, which is their second preference and which is their third preference. Now, can they do it? Illiterate voters cannot do that. The polling officers can put that question. Now comes the question of secrecy. Where will the secrecy be if they have to answer the question of the polling officer? They will have to speak it aloud. The polling officer will know it and many other voters who will be standing close by will know it and he will not be in a position to exercise his vote freely, undeterred by any other consideration, without fear or favour of anybody.

In this connection, I may point out a case of which I have personal experience. During the course of the last general elections I was in one of the constituencies looking after the interests of a Congress candidate. When I reached that constituency the evening before the day of the election, the voters there were so much overawed, were in such a terrible fear of the candidate who was opposing the Congress candidate that they were not prepared to extend to me the courtesy of letting me stay in their room. I and two or three friends of mine, without seeking the permission of the person who was the owner of a particular building, got into the verandah

[Shri Jaspal Roy Kapoor:] at night and slept there. And during the course of the whole night, news came to me from various centres that the voters were being coerced and terrorised. I thought that perhaps we should not be able to secure four or five per cent. of the votes there. In the morning I found a large number of voters standing in a queue, holding in their hands the voting slips given to them by the person who was opposing the Congress candidate. Well, I thought my candidate's battle was lost so far as that particular polling station was concerned. But curiously enough, when these voters went inside the polling booth, ninety per cent of them—I was informed by one of the voters himself who was a very clever voter, he kept on standing by the side of the ballot box for about fifteen or twenty minutes, there was a huge crowd.....

DR. SHRIMATI SEETA PARMANAND: Was it a valid election then?

SHRI V. PRASAD RAO (Hyderabad): Valid under the present system!

SHRI JASPAT ROY KAPOOR: Why is it not valid?

MR. CHAIRMAN: He asks whether the election procedure is valid if somebody stands there and views for fifteen minutes what is happening as you say.

SHRI JASPAT ROY KAPOOR: The position was like this. A large number of voters were going to vote. And the constituency was such that the number of voters was large.

(Interruptions.)

MR. CHAIRMAN: Order, order.

SHRI JASPAT ROY KAPOOR: He could manage to stay on. And may I tell you that that particular voter was a lady voter? Though they had a separate polling booth for them-

selves, she was clever enough to stay on for fifteen minutes and watched the whole thing going on.....

DR. SHRIMATI SEETA PARMANAND: Sir, it is clearly an afterthought to put the blame on women.

SHRIMATI LAKSHMI MENON: Corrupt practice he puts on women

SHRI JASPAT ROY KAPOOR: I am crediting that particular lady voter for her intelligence. Ninety per cent. of the voters who had gathered there with the slips of the opposing candidate voted for the Congress candidate. And in the end I came to know that about ninety per cent. of the voters had voted for the Congress candidate. Now, that was because the whole thing was secret.

MR. CHAIRMAN: Where is the secrecy?

SHRI JASPAT ROY KAPOOR: Secret to all, except to the lady voter. And, Sir, I think I will not be contradicted by my friends here when I say that things confined in secrecy to ladies are always safe and that is my experience.

MR. CHAIRMAN: Let us come to the issue of proportional representation.

SHRI JASPAT ROY KAPOOR: I submit, Sir, that if the system of proportional representation is introduced in this stage of illiteracy, there will be no secrecy left with the voters and the voters will not be in a position to exercise their votes freely or independently.

Then again there is the question of the extent of the constituency and the number of voters. In our country.....

MR. CHAIRMAN: Mr. Kapoor, you kindly wait for some time. Let Mr. Datar read his report on the cyclone.