

THE CONSTITUTION (SECOND AMENDMENT) BILL, 1952

MR. CHAIRMAN : Mr. Biswas to move the Constitution (Second Amendment) Bill, 1952.

THE MINISTER FOR LAW AND MINORITY AFFAIRS (SHRI C. C. BISWAS) : Sir, I beg to move :

That the Bill further to amend the Constitution of India, as passed by the House of the People, be taken into consideration.

Sir, copies of the Bill have been in the hands of hon. Members for some time and it is a source of some satisfaction that no notice of amendments has so far been given.

MR. CHAIRMAN : They are very reasonable on this side.

SHRI C. C. BISWAS : I hope, Sir, that reasonableness will continue to be manifested. Sir, this is a simple measure and should not excite any suspicions or any apprehensions in the minds of my hon. friends. Before the meeting began, I suggested to my hon. friend, Prof. Ranga, that this might be treated as a non-political measure, and his answer was: "You are going to restrict the number of Members of this House and how do you expect that this should be a non-political measure?" Sir, I may assure my hon. friends that there is no desire on the part of Government in introducing this Bill to strike a blow at democracy. As a matter of fact, Sir, the House now consists of 500 Members. I think, Sir, 500 is an ideal number for any legislature. I see 500 is the number which we have in this House and I suggest.....

SHRI B. C. GHOSE (West Bengal) : Not in this House. In the other House.

SHRI C. C. BISWAS : I mean in the House of the People. This is the Upper House and of course the number here is much less. That is obvious, and is supposed to, and I hope it does consist of what may be described as elderly statesmen—although some of us sometimes behave in a way which does not justify that description!

SHRI B. C. GHOSE : That is not fair, Sir.

MR. CHAIRMAN : We are elderly,] though not in age.

SHRI C. C. BISWAS : I do hope, Sir, that is so. Anyway, Sir, we are concerned in this amending Bill with the House of the People and that is why I was referring to the composition of that House. Now, 500 is the number we have in the House of the People, and that I suggest is a reasonable number having regard to all considerations. It is neither too unwieldy, nor too little representative. We have got to reconcile both these points of view. More than 500 would make it too large a House. It is not quantity but quality that matters. If you look at the opinion of Dr. Paranjape which has been circulated along with.....

SHRI ABDUL RAZAK (Travancore-Cochin) : May I know who is that Dr. Paranjape ?

SHRI H. P. SAKSENA (Uttar Pradesh): Former Vice-Chancellor of the Lucknow University.

SHRI B. RATH (Orissa) : Read the opinion of Mr. N. M. Joshi.

SHRI C. C. BISWAS : Well, I have read all the opinions and I was only referring to the opinion which supports my point of view, naturally. Of course it will be my duty to answer the criticism that may be levelled. Sir, as a matter of fact, suppose there is a very large number of Members, that does not necessarily add to the value or the quality of the debate. It is only a few Members generally who carry on the debate and make their contributions to the proceedings of the legislature. That is common experience.

KHWAJA INAIT ULLAH (Bihar) : Let the others go.

SHRI B. RATH : Question.

MR. CHAIRMAN : Mr. Rath says that he is one of those few.

SHRI C. C. BISWAS : I am not suggesting that his contributions are not of the highest quality ; possibly so, and I hope that the same applies to the contributions made by all hon. Members. However, there are other questions. We all know that even in a small House like the Council of States, many Members complain that they do not get a chance to speak. Suppose this House is ten times as large, how many Members would have the chance to speak ?

SHRI RAJAGOPAL NAIDU (Madras): Ask the ancient Greeks.

SHRI ABDUL RAZAK : Does not the hon. Minister think that a sub-defeat would solve this difficulty ?

MR. CHAIRMAN : You may get along.

SHRI C. C. BISWAS : What I suggest is that there is no amendment to sub-clause (a) of article 81(1) which deals with the question of the numerical strength of the House of the People, and although this question has been raised, I submit this is not quite relevant to the Bill which is now before the House. We are concerned with an amendment to sub-clause (b) of article 81 (1), which deals first with the division of each State into territorial constituencies and then with the number of members to be allotted to each such constituency. Now, before I deal with this sub-clause, I will refer to the provision of article 387 of the Constitution. I should perhaps refer to article 327 first. This says :

“Subject to the provisions of this Constitution, Parliament may from time to time by law make provision with respect to all matters relating to, or in connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the due constitution of such House or Houses.”

Now, in exercise of the power conferred by this article, Parliament did enact the Representation of the People Act, 1950 and the Representation of the People Act, 1951. The provisions

of these two enactments applied to the general elections which were held last year. Now it is necessary to make new provisions in certain respects as regards future elections. You might legitimately ask: “Why begin so early ? The next elections will take place five years hence. Why bother about these things now ?” The answer is furnished by article 387 of the Constitution which shows that the delimitation of constituencies which was made last time would remain in force only up to the end of the third year from the commencement of the Constitution. In other words, they would remain in force only till the 26th January 1953. Suppose, Sir, there has to be a general election for the Legislative Assembly of any State, if not for Parliament, then the existing delimitation will not do. It will not be correct to hold the election on the basis of constituencies as at present delimited. So, we have got to keep ready for any contingencies, for any eventualities, that might arise. That is why Government are anxious to take in hand all the preliminary steps which are necessary for the purpose of carving out new constituencies. For that purpose, the first thing to determine would be the total number of seats to be allotted to the different States, and then we have got to find out the number of constituencies into which the States should be divided and then we have got to find out the number of seats to be allotted to each such constituency. For that purpose, the basis on which the Constitution requires us to proceed is the population as determined at the last census. Now, for the last general elections, the figures of the previous census which had taken place in 1941 were out of date. Therefore the Constitution itself provided that for the purpose of those elections, an estimate of population will be made by order of the President. That was done and the last general elections were held not on the basis of actual population as determined at the 1941 census but on certain notional estimates made in terms of article 387 of the Constitution. This article reads :

“For the purposes of elections held under any of the provisions of this Constitution

during a period of three years from the commencement of this Constitution, the population of India or of any part thereof may, notwithstanding anything in this Constitution, be determined in such manner as the President may by order direct, and different provisions may be made for different States and for different purposes by such order."

If you now turn to the Election Manual, you will find the Constitution (Determination of Population) Order at p. 41. Then you find the Representation of the People Act, 1950, which contains provisions for orders to be made by the President for formation of constituencies and the allotment of seats. Section 13 lays down the procedure for making these orders regarding delimitation of constituencies. First of all, the Speaker was to set up Advisory Committees for the different States. These Advisory Committees were to formulate proposals in consultation with the Election Commission, or rather I should say the Election Commission was required, in consultation with the members of the Advisory Committees in the different States, to formulate such proposals as to delimitation. Well that was done. These proposals were based on tentative proposals previously obtained from the State Governments. The proposals so formulated were then placed before the President, and issued as President's Orders. Then they came before Parliament, as Parliament had the last say in the matter. When the matter came before Parliament, the proposals which had been accepted by the Advisory Committees in consultation with the Election Commission and which were later embodied in the President's Orders were simply torn to pieces. As a matter of fact—well, it may be a hard thing to say—I was not here but the reports show that there was a lot of gerrymandering, and that it was the interests of individual members which influenced the whole thing rather than the general interests.

SHRI B. C. GHOSE : There was only one party then.

KHWAJA INAIT ULLAH : There were other parties there also.

SHRI C. C. BISWAS : There might have been other parties or there might have been one party only, I do not know as I was not there, but that is the report we have received.

When I deal with the Delimitation Bill here after, it has been passed by the other House, I shall go more fully into this matter, but for the present I may point out that what we now propose to do is to amend article 81(1)(b) only for the purpose of determining the extent of representation of the various constituencies with reference to population. If you turn to another clause of article 81, you will find it is laid down that the ratio between the number of members allotted to each territorial constituency and the population of that constituency as ascertained at the last preceding census of which the relevant figures have been published, shall so far as practicable, be the same throughout the territory of India. That means that assuming the total number of members in the House is fixed, if you know what the total population of the country is and you also know the total number of members, and then you divide the one by the other—the population figure by the number of members—you get an average of the population which a Member may represent in the House. Last time the average was 7·2 lakhs per Member.

KHWAJA INAIT ULLAH : Is it for the House of the People ?

SHRI C. C. BISWAS : It deals only with the House of the People. I am now leaving out the case of the Legislative Assemblies. That will be relevant when I deal with the Delimitation Bill. Now if you turn to article 81(1)(b) you find it lays down :

"The States shall be divided, grouped or formed into territorial constituencies and the number of members to be allotted to each such constituency shall be so determined as to ensure that there shall be not less than one member for every 750,000 of the population and not more than one member for every 500,000 of the population."

[Shri C. C. Biswas.]

In other words for allotting the number of seats to a constituency you have to work between these two limits. The lower limit is 5 lakhs and the upper limit $7\frac{1}{2}$ lakhs. There is a misconception regarding the significance of the lower limit. Listening to the speeches in the other House I find that some Members were labouring under a misconception that if any constituency contains less than 5 lakhs, it would go unrepresented, and not get a single seat. That is not correct. This only means that if you have a population of 5 lakhs you cannot claim more than one seat. That is all. The upper limit is $7\frac{1}{2}$ lakhs, which means that you cannot have less than one member for every $7\frac{1}{2}$ lakhs. Now, therefore, in carving out the constituencies last time, care had to be taken to limit the representation in such a way that the population of any constituency did not exceed $7\frac{1}{2}$ lakhs. The average as I said was 7.2 lakhs. Now we might retain these two limits so long the average did not exceed the maximum of $7\frac{1}{2}$ lakhs. But last time though 7.2 was the average there were just a few cases where the population was found to be more than $7\frac{1}{2}$ lakhs when the first tentative delimitation was made. As the average was 7.2 lakhs, it was but natural that some constituencies might go beyond $7\frac{1}{2}$ lakhs, and others would be below the limit.

Since the last elections were held on the basis of the estimates under the President's Orders, the 1951 Census has taken place, and we have now got actual population figures for the different parts of the country. Now these represent an excess over the President's figures. Therefore it became necessary to readjust the constituencies and to reconsider the question of these lower and upper limits laid down in sub-clause (b). It was suggested in the other House that when $7\frac{1}{2}$ lakhs is the upper limit, that may be still retained and the constituencies formed within this limit, as in spite of the increase in population the average would not exceed this figure. Well,

this is true, as the population according to the 1951 census is only 361 millions. If we were writing on a clean slate, if you divide that figure by 500 you get an average below 7.5 lakhs, but that will not do, because you can't still avoid the possibility of some constituencies exceeding $7\frac{1}{2}$ lakhs. Even working on the basis of the President's estimates, it was found by actual experience that in some cases the limit was exceeded. That made it necessary to issue revised President's Orders to keep within the limit. So the chances of exceeding the limit will be much greater now, working upon the basis of the higher population figures. That is why originally when the Bill was introduced, the limit was raised from $7\frac{1}{2}$ to $8\frac{1}{2}$ lakhs. When the matter came before the Select Committee, they thought that the upper limit need not be there at all, because if you make it $8\frac{1}{2}$ lakhs now, within 10 years when the next census takes place we may have to raise it further. So it would be much better to do away with the upper limit, and only retain the lower limit of 5 lakhs. In practice, however, in making his proposals for delimitation the Election Commissioner would try his best not to exceed $7\frac{1}{2}$ lakhs in the case of any constituency. If you read the Report of the Select Committee, you will find that clearly stated. Although they do away with the upper limit, they say at the same time :

"The Committee wishes to record that the upper limit of one member for every $7\frac{1}{2}$ lakhs of population should not, as far as practicable, be exceeded."

So, Sir, in working out the new proposal every attempt will be made to keep within the limit of $7\frac{1}{2}$ lakhs. But lest the limit should be exceeded, it is much better not to retain the upper limit at all. That was the idea. The Report of the Select Committee in one paragraph succinctly sets out the reasons for making this amendment. The Select Committee explored the possibility of avoiding any amendment in spite of the increase of

the population, and they found that though theoretically it might be possible to readjust the existing constituencies within the existing limits, still in giving effect to this theoretical adjustment you might have to disturb administrative units. They were of opinion that the end should be not to disturb administrative units, if you can help it. But to keep within the existing limits, you may have to cut up many of these units, and that will introduce all sorts of complications. Therefore, they felt they had to do something with regard to the matter. Further although the amendment proposed in the Bill might perhaps solve the immediate difficulty, that is to say, by raising the upper limit above 7.5 lakhs, it was desirable to avoid the necessity of amending the article periodically after every census, and that is why they did away with the upper limit.

They expressed the hope all the same and we can give the assurance that we shall endeavour to work in such a way as not to falsify this hope—that in point of fact the upper limit of one member for 7.5 lakhs should not be exceeded. That is how the matter stands. Every attempt will be made to keep within the existing limits as far as possible, and there need not be any apprehension that the existing number of seats in the various States will be materially altered. There might be changes here and there possibly. I have worked out the figures on the basis of this 1951 census to see how the number of seats will be affected in the different constituencies taking the average of population for members at 7.2, 7.3, 7.4 and 7.5 lakhs and there need be no fear of any revolutionary changes.

SHRI B. RATH : It is not revolutionary, but reactionary.

MR. CHAIRMAN : It is not. We do not apprehend any such thing from this side. It is reactionary.

Motion moved :

That the Bill further to amend the Constitution of India, as passed by the House of the People, be taken into consideration.

SHRI P. SUNDARAYYA (Madras) : Sir, I oppose the Bill for a number of reasons. The first reason is that the Government brings Bills without proper thinking whether any such Bill is necessary or not. As the hon. Minister himself explained just now, our population is 300 millions and even according to the present Constitution, the average number of the people of a constituency would come to 7.2 lakhs, whereas the Constitution allows the upper limit as 7.5 lakhs, which means that till our population increases to 37½ crores, there is no necessity for this Bill being brought. And since the Constitution asks the Government to revise the constituencies only on the basis of a new census—till 1961 a new census is not likely to be taken—there is no necessity for the next ten years for any such Constitution (Amendment) Bill. But since the Government thought of its own accord to bring the amendment, then naturally, we must take this opportunity to criticise the Constitution itself and we will only thank the Government for giving this opportunity for criticising the Constitution itself with regard to this aspect.

Sir, the Constitution provides for two Houses and the Government comes with and wants to remove the upper limit of 7.5 lakhs and increase it. Even in the original Bill, before it went to the Select Committee, the upper limit was put at 8½ lakhs. Why should the upper limit be constantly increased? Because, they have stuck up to a figure of 500 and the hon. Minister quoted Harold Laski or somebody—I could not hear—and on that basis wanted to adjust the constituencies. In that case, this clause (b) is not at all necessary in the Constitution. If you limit it at 500, there need not be any lower limit or upper limit. They could have decided on the 500.

So, the Select Committee could have made the proposal to omit the upper limit as well as the lower limit. It is true that in the following sub-clause it is stated that "The ratio between the number of members.....and the

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population of that constituency..... shall be equal as far as practicable"..... etc. This, "as far as practicable" is the rider. The Minister himself has admitted that under this the constituencies were gerrymandered last time. When that is the position, why should the Government have a lower limit of 5 lakhs which is not going to be of any use at all unless you want to give to certain areas one representative for 5 lakhs whereas in other areas one member for 8 lakhs, or as time goes, one for 10 lakhs? If the Government wants to have a change in the Constitution, they should come out with a properly thought out plan. They would argue that on the last occasion, the average constituency was 7.2 lakhs. Only with regard to the "C" States we have given representation for every 5 lakhs. Now, I ask, Sir, how long do you want to keep these "C" Class States? In the process of evolution, they might have come there. But the Government seems to be of the view that these States, which are not properly governed, which have no democratic form of Government, and which have been detached from their proper linguistic areas, should be kept under the control of the Centre. And when they come out to change the Constitution, they do not want to abolish these States and make them join the neighbouring linguistic Provinces so that a really effective democratic Government may be formed. Sir, the Government came with a Bill the other day bringing Coorg into the jurisdiction of the Mysore High Court. They could have as well brought in a Bill to amalgamate Coorg into the Mysore State. But they do not want to do that because, they do not want the coffee planters of Coorg to be affected, and especially the foreign coffee planters. Similarly about the question of Ajmer. Ajmer is in the midst of Rajasthan; it is a part of Rajasthan. But Government does not want to take any steps to merge Ajmer into Rajasthan. Similarly, there are other small "C" States. Now the Government want to argue that they give them more representation. They may

argue that to provide representation for these "C" States where the population is 5 lakhs or sometimes, 6 lakhs we have to keep the provision of one seat for 5 lakhs. Now, take for instance, Cutch or Tripura or Manipur. They are all "C" Class States. There is not even an Advisory Council there. They are all only Commissioner Provinces. Some Commissioner is there; he is the sole dictator. Now their representation—one representative for 5 lakhs—is it going to change the character of these Governments in any way? We are not opposed to give representation to the "C" States or to any State. One representative from.....

SHRI C. C. BISWAS : I might draw the attention of the hon. Member to the fact that the Part "C" States are dealt with under article 82 : "Notwithstanding anything in clause (1) of article 81," so far as Part "C" States are concerned, it is stated that "Parliament may by law provide for the representation in the House of the People of any State specified in Part C of the first schedule or of any territories comprised within the territory, on a basis or in a manner other than that provided in that clause".

SHRI P. SUNDARAYYA : If that is so my argument is strengthened all the more. The five lakhs are not intended to give representation to Part "C" States. However small, they must get a representation by an Act of Parliament. Then if this population is small, say of 2 lakhs or 3 lakhs, they would be given representation. My point here is that even in the "C" States, the time is already long past when these "C" States should have been abolished, and merged in the neighbouring linguistic provinces. This, the Government does not want to do. That is why I oppose the clause itself. Because, you want the present Government to fix up constituencies in such a way that even Part A & B States with a large population can have one representative for 5 lakhs and another for 7½ lakhs or even more. It will enable the Government to gerrymander constituencies so as to get

a majority, and ensure it for future also. The hon. Minister has argued that 500 is a good number and more than that will not contribute to the working of the Parliament itself, and therefore we do not want to increase the number. The hon. Minister has brought in this argument only from the view of contribution to the debates, and therefore, he says, what is the use of having bigger houses ? It is, to say the least, an undemocratic attitude. The representatives of the people are not here only to debate, only to go on talking, so that the Government may benefit from it, or may not—which they usually do not. The representatives of the people are here to voice the grievances of the people to the Government. You should bring out a system by which their co-operation is taken and you should be able to associate them in the day-to-day Administration also. Our complaint is against the very system of Government. The system which they now follow is to make the representatives use the halls of the two Houses to talk, but not in any way to take any interest in the day-to-day Administration. If the Government thinks that the representatives in this House and in the House of the People are merely to take part in the debates, then the 365 days in a year are not enough. How could every one participate in the debates ? Will you reduce us to mere debaters, to mere talkers ? Then of course, 365 days are not enough. Is this the way in which democracy is to work ? Last time, in the previous assembly, there were the Standing Committees which were advisory committees. And they met only once or twice in a year, to consider any report which the Ministers may make before them, and agree or make suggestions and go back. We do not want such a standing committee but we do want a parliamentary committee, with representatives of all the political groups on it, who will be associated with Government in their day-to-day Administration. Their suggestions should be implemented by the Government. If the Government is prepared to work the Parliament in that way, then the

peoples' representatives would be telling the Government every day on every important matter that comes up, and help them to carry on the day-to-day Administration itself. But the Government does not want it. They want the peoples' representatives to come here and no agreement, or go on discussing. That is not the way of democratic functioning.

AN HON. MEMBER : It is their democracy.

SHRI P. SUNDARAYYA : Yes. We are criticising their democracy. If the Government really want to function, then 500 representatives are not enough for them to find out how their people are being affected. The Government should come with a proposal to lessen the constituency from 7½ lakhs to 5 lakhs and increase the number of seats to one thousand if necessary. You should not make it a mere talking shop. The representatives should be on the standing committee and should be associated with the working of the different departments while contributing to the daily Administration of the Government itself.

Then Sir, about the question of costs. If the Government feels that this is going to increase the cost, the administrative expenses, then why have two Houses at all ? If the whole argument of the Government is one of money, then, in that case, I would seriously suggest to Government to bring in an Act early. Why do you want two Houses in a country like ours, where there are different languages in different areas ? Of course, we have got a common culture and other things but there are diversities also because of the diverse languages, diverse conditions. If the Government come to make the second House as representative of these States, and there is equality of representation from all States, and it is not merely a reflection of the Lower House, then at least, I see the necessity of the second House.

[Shri P. Sundarayya.]

II. A. M.

In that case, one could have seen the necessity for having a second House, because under such an arrangement, we could see that because of its population no one State is able to dominate over the other States or take advantage of the Central Government's machinery and work it for the benefit of only some of the States. If this House, as the House of the States has equal representatives from all the States, is given the same power as the other House, as the custodian of the interests of all the States, then I can understand the necessity for having a second House. But as things now are, this House has no such powers. It can do only one thing—talk on many matters. That much power is all that this House has. It can talk and make recommendations which, of course, are not binding on the other House. That is the position. And even those small rights which this House is entitled to under the Constitution are not given to it and from the manner in which Government is treating this House, it would seem much better if there is no such second House. It serves no purpose, except giving the Opposition Members another chance to speak, it gives more Members the chance of speaking. If there had been no second House, most of us would not have been here and so would not have got a chance of speaking. But we are not moved by such considerations at all. If the Government wants to have a second House, then they should treat this House more seriously than they have been doing. There are many instances to show that the Government is not caring for this House. Take for instance the Public Accounts Committee. Though many months have passed since this House came into existence, this House has nothing to do with the Public Accounts Committee and Government goes on spending money and this House cannot go into the details of the public accounts or check them up. Take again the Estimates Committee. We are told that so far as money matters are concerned, the other House has the entire jurisdiction and we can merely talk

about them and as such we have no business to be associated with the Estimates Committee and as such an Estimates Committee is not being formed. Take the question of the Estate Duty Bill. That is a very important measure and it has been introduced and not even a Joint Select Committee to go into that Bill has been formed. After the other House has passed the Bill, it will come up to this House, and of course Government will argue that under the Rules of Procedure, we have got every right to refer back the Bill, if you like to refer it back to the Select Committee. Government only says that, it does not really mean it, for with its majority it can turn down the proposal to refer the Bill back to the Select Committee. Government really would not desire, after the Bill has been fully discussed in the other House to have it referred back to the Select Committee and the whole procedure being repeated. Is the Government anxious to follow such dilatory methods of legislation? We do not want this kind of dilatory methods. Sir, these are some instances to show the way in which the Government is treating this House. Therefore I say it is not serving any useful purpose. We can talk and.....

MR. CHAIRMAN : Mr. Sundarayya, please confine yourself to the Bill.

SHRI P. SUNDARAYYA : Yes, Sir, I am saying that the representation in the other House could be increased and not decreased and I also suggest that from the way in which this House is being treated by the Government, this House seems to serve no useful purpose. But they want two Houses and that is their whole argument. They want two Houses and that is why they have 500 in the other House and some 200 here. This attitude is there even with regard to the fixing of salaries, allowances and everything. We want a reduction in the expenditure of Government and I suggest methods by which Government can save money, can save time also. The people will be

saved time and we will be saved our time if the suggestions that I have made are accepted and there will be the proper functioning of a democratic assembly also. If a Bill comes up here, not a single comma, not a full-stop, nor a single word is to be changed, for if we do, there is once again the botheration of going through the other House. And so, Sir, this is the way in which this House is being treated and used by the Government.

Therefore I suggest that Government should come forward with a well thought out amendment to the Constitution abolishing the second House—because the second House is not being treated as the House of the People and given the same powers and rights. We want only one House which will simplify the business of legislation. The other House should not be limited to 500 members, but it should be increased so that each representative can certainly be in touch with the voters and find out their difficulties and their needs and represent their grievances. Therefore we oppose this present clause and ask the Government to come out with a well thought out amendment to the Constitution with regard to these Houses.

SHRI RAJAGOPAL NAIDU : Sir, I have to join hands with my hon. friend Mr. Sundarayya in ventilating our grievances that this House has not been taken into confidence, not taken into as much confidence as we can demand, especially with regard to this amendment of the Constitution. We had all taken our oath on this sacred Constitution and we very much respect this Constitution. But when the Constitution is sought to be amended, this House is not taken into confidence by the Government. Article 368 of the Constitution provides that any amendments to the Constitution should be passed by a majority of both Houses. But here this Bill has been moved some time in the month of June and a Select Committee has been constituted with a large number of Members of only one House. But unfortunately a Joint Select Committee consisting

tuted. I may also state that this is not the only important Bill for which a Joint Select Committee has not been constituted. There are several other important Bills. There is, for example, the Estate Duty Bill and other Bills for which it would have been very good on the part of the Government to have constituted a Joint Select Committee. I wish also to state that this House is being treated only as a post office, for stamping all the Bills, to affix its seal on it and then send the measure to the President for his assent.

This Bill, as originally introduced in the other House was drafted in one way wherein the upper limit has been raised from 750,000 to 850,000 and the lower limit has been raised from 500,000 to 650,000 and has been sent for eliciting public opinion.

We find, Sir, that almost all the States had sent their opinions ; several eminent jurists had sent their opinions and several Secretaries and Presidents of Congress Committees had also sent their opinions. But, their opinions were only based on whether the upper limit has to be raised from 750,000 to 850,000 and, whether the lower limit has to be raised from 500,000 to 650,000. Now, the Select Committee has given a go-by to the whole thing and they had simply removed the words "750,000" from article 81 (1) (b). Well, Sir, the reason why that has been omitted altogether has been briefly stated in the Report of the Select Committee. But, I find, Sir, that when the population increases, there should be a proportional increase in the representation of the people also. Now, if this amendment is accepted, Sir, the population may be going on increasing with biological enormity but, at the same time, the number of 500,000 would remain the same always. It has been suggested, Sir, by some Members that article 81 (1) (a) also requires to be amended, raising the figure of 500 to something more also; but, the scope of the discussion in the Select Committee was only restricted to 81 (1) (b)

[Shri Rajagopal Naidu.]
the number of voters, and not the number of Members representing the House of the People.

Sir, I find, though the hon. Minister has said that it is not striking a blow on democracy, and yet I would submit, that it is certainly a blow on democracy because, as the population increases, the representation of people also should increase. That will be real democracy; but, when the population increases and if increase of population is not represented in the House of the People, that will not mean democracy.

Then, the proposed Bill would amount to a kind of disenfranchisement also, because, as franchise increases, there should be more representation, but, we find that it is only the reverse of the thing that is provided for in this Bill.

Well, Sir, it has been argued by the hon. the mover that, though there are 500 Members in the House of the People, only very few Members speak.

KHWAJA INAIT ULLAH : Are allowed to speak.

SHRI RAJAGOPAL NAIDU : My hon. friend to my left seems to be very vehement on that point but, I take it, Sir, that it is not a fair compliment to the Members of Parliament. Every Member is desirous of speaking and every Member wants to represent his constituency ably but, unfortunately for want of time or under the dictates of their Party Whips or to accommodate the House in certain matters, just to push through the business, some Members, though they are very desirous of speaking, are not speaking. So, I may submit to the hon. Minister that let him not be under the impression that all the Members cannot speak. Every Member is capable of speaking, capable of speaking for hours.

SHRI GOVINDA REDDY (Mysore) : We do not deny that. There is ample evidence of that

SHRI RAJAGOPAL NAIDU : Then, Sir, I think that the hon. the mover need not be alarmed at the strength. We find, Sir, in the House of Commons, the number is 640, if I am correct, 625, my hon. colleague corrects me.

SHRI C. C. BISWAS : In England there are no State Assemblies; there is only the House of Commons.

KHWAJA INAIT ULLAH : For how much population?

SHRI RAJAGOPAL NAIDU : Please don't interrupt me. The hon. the mover says that there are State Assemblies here whereas in England there is only the House of Commons. There are no States as we have in India. Certainly, Sir, if all the Members of the State Assemblies are taken into account, the number will come to 3,000. Ours is a Federal Constitution and, certainly, people will have to be represented in the House of the People. There is absolutely no harm in increasing the figures from 500 to a reasonable limit, 550 or 600.

I may also point out, Sir, that in the case of the Council of States, where the maximum that was fixed under the Constitution is 238, we find there are only 214 Members in our House. Including the nominated Members, it is 216. I do not understand, Sir, why we do not find the maximum in this House whereas in the House of the People the maximum that is fixed under the Constitution is 500 and it is there in that House.

I may also point out, Sir, that in article 81 (3) we find that "upon completion of each census, the representation of the several territorial constituencies in the House of the People shall be readjusted by such authority, in such manner and with effect from such date as Parliament may by law determine". Sir, the very presence of such a clause, as this, indicates that the Parliament, at the completion of each census, will have to adjust the several territorial constituencies in the House of the People. Now, what you are actually doing is this that you are making

to give a go-by to the very provision of article 81 (3) and you now say, Sir, that the number of Members in the House of the People should always remain the same and, in the presence of such an article, as 81 (3), I have got my own doubts that your amendment may not be legally sustained.

Then, Sir, I find that already the constituency is too big; in some places it is about 200 miles from one end to the other. It is becoming overwhelming. The Members, who are returned out of their respective constituencies are not able to go round their constituencies and try really to find out the needs of the people. If you don't want to increase the number, that means, Sir, that there will have to be more number of people who will have to be represented by each Member hereafter in the future and, I find, Sir, that that will be opposed to democracy. The hon. Members should be able to represent their constituencies in such a way, so as to please their constituencies and so as to see what their constituencies require.

In the last election, Sir, the hon. Minister was saying that, on an average each member represented 7.2 lakhs of the population. It varied, Sir, if my figures are correct, it varied from 6.43 to 7.43 lakhs in each constituency and the number of voters that each member represented varied from 3.21 to 3.73 lakhs in the case of single member constituencies.

We find, Sir, that if this amendment is passed, it will put an end to any further amendment that will be required so far as the representation is concerned in the Lower House. What is the hurry for bringing forward this kind of Bill, I cannot understand. Even if the population increases, Sir, I don't think, as the hon. Minister said, it will exceed 7.5 lakhs before the next general elections. There is absolutely no fear of any election in the near future. We can certainly wait, review the whole thing after 5 years

any amendment at all is required for the Constitution. I find that there is absolutely no urgency, Sir, and we cannot understand why, towards the fag end of the Session, such an important Bill as this will have to be rushed through in our House and, we find from the Report of Select Committee that though they have suggested the omission of the upper limit of 750,000, yet I am not able to understand the next sentence. I am not able to understand how they can say that 750,000 will have to be omitted altogether and, in the same breath say:

"At the same time the Committee wish to record that the upper limit of one member for every 750,000 of population should not, as far as practicable, be exceeded."

That only shows that even the Select Committee is not free from doubt on this point. I have already submitted that we do not find there is any urgency to push this Bill through, because there is absolutely no urgency for a general election. We can wait for some more years and see how the Constitution works and how the entire territorial jurisdiction will have to be reconstituted at the end of 10 years.

I may also point out, though it is a little outside the scope of the Bill, that in some big cities like Madras, Bombay and Calcutta we find that there are more than 5 or 6 members, probably about 10 members representing each of such big cities. After all, we elect members to the House only to represent the constituencies. I would submit that so far as the urban areas are concerned, enlightened people live in urban areas, and they read newspapers, and can represent the grievances of such areas to the Government. I would therefore suggest that the representation of the people of the urban areas should be reduced so as to give a better chance to the people in the rural areas to have more representation in Parliament.

Finally, Sir, I oppose this Bill only for this reason, that it is opposed to democracy. The ordinary rule should be that as population increases, their

[Shri Rajagopal Naidu.] representation should also increase in the legislature. That would be the correct approach so far as representation is concerned.

SHRI H. N. KUNZRÜ (Uttar Pradesh): Mr. Chairman, the first question to which we should address ourselves is whether this Bill was needed at the present time. The hon. Law Minister, anticipating this question, referred to article 387 of the Constitution which lays down that in any arrangements for holding elections under the provisions of the Constitution during a period of three years from the commencement of the Constitution the population of India shall be estimated in a particular manner. And he has argued from this that as the period of three years referred to in this article will expire on the 26th January 1953, and as thereafter a general election may take place in a State, it is necessary that a Bill of this kind should be considered and passed by Parliament. The matter is of such far-reaching importance that I think that the argument brought forward by the Law Minister in support of the introduction of the Bill at this stage does not seem to me to be cogent. If there is an emergency and elections have to be held in a State at a time when the arrangements made in connection with the first election will not hold good, the President can pass an Ordinance making provision for such elections in the State. So far as I know, there is nothing to debar the President from making by Ordinance arrangements to meet a difficulty of this kind, and I submit that it would have been much better to rely upon the Ordinance-making power of the President in a matter of this kind than to bring the Bill forward at this stage. There is hardly any likelihood of a general election taking place in a State next year, but even if there is such a possibility, I submit that more consideration should have been given to the matter than what appears to have been given to it so far.

Now, let us take the Bill itself. Article 81 of the Constitution to which a reference has been made by several

speakers refers not merely to the maximum number of members to be elected to the House of the People but also to the strength of the constituencies that are to return members to that House. Although I believe the relevant portions of this article were read out by the Law Minister, in order to make my point clear I shall venture to read out sub-clauses (a) and (b) of clause (1) of that article again. Clause (1), sub-clause (a), says :

“Subject to the provision of clause (2) and of articles 82 and 331, the House of the People shall consist of not more than five hundred members directly elected by the voters in the States.”;

and sub-clause (b) says :

“For the purpose of sub-clause (a), the States shall be divided, grouped or formed into territorial constituencies and the number of members to be allotted to each such constituency shall be so determined as to ensure that there shall be not less than one member for every 750,000 of the population and not more than one member for every 500,000 of the population.”

We are not concerned here either with clause (2) of article 81 or with article 82 or with article 331.

This shows that in considering this matter it was possible for the Government to do two things, namely, either increase the size of the constituencies or increase the number of members to be elected to the House of the People. My hon. friend the Law Minister has given no cogent reasons to show that the amendment of clause (a) would not have been preferable to the amendment of clause (b). For a country of the size of India, the size of the House of the People cannot be considered too large.

(MR. DEPUTY CHAIRMAN in the Chair.)

The hon. Member who preceded me, referred to the case of England in this connection. But the Law Minister countered his argument by saying that a large House of Commons was needed in England because there were no subordinate legislative authorities there as there are in India. Sir, let us take the case of America.

not merely a Central Legislature, but there are also State Legislatures. What is the position there? For a population of 155 millions there are 435 members in the House of Representatives. Now, proportionately, Sir, the number of electors per member to be elected is much smaller than in India. I see, therefore, no reason why clause (a) could not have been so amended as to provide for an increase in the representation to the House of the People. Government could easily have provided that the number as to the strength of the House of the People may vary between 500 and 600 in accordance with, the population as determined by a census. This would not have made the House unwieldy and would have been in consonance with the democratic traditions.

Now, it may be said, Sir, that the increase in the number of members in a constituency need cause no serious inconvenience, because the area of the constituency will not be enlarged. So, this argument, I am sure, cannot be advanced by anybody who has any experience of the difficulties that are encountered in an election campaign. The size of the constituency, Sir, is much smaller now than it was before the Constitution was passed. In England, the constituencies are compact. Nevertheless, care has been taken not to increase the number of the electors in a constituency to such an extent as to make it virtually impossible for the candidate to come into touch with them. If the number of electors in a constituency is to be increased, it is obvious that it will be much more difficult for the candidate to come into contact with the electors than it is at the present time. It would, therefore, have been desirable to increase the size of the House of the People rather than the number of electors per person to be elected to the House of the People.

Again, Sir, it is obvious that if my suggestion were accepted, the size of the House of the People would not increase appreciably. The Law Minister himself has said that in all probability, the number of electors

per constituency on an average will not be more than the maximum prescribed in article 81. But in order to maintain this average, he contended, it might be necessary to have a constituency with a larger number of electors. Now, I submit, Sir, that the proper thing would have been to make an enquiry into the matter and find out what would be the increase required in the number of members, if the provisions of clause (b) of section (1) of article 81 were to be allowed to remain intact. He might have found that the number would have to be increased, say by a dozen. It would then have been apparent to everybody that an increase in the size of the House of the People would be preferable to an increase in the number of electors per constituency. But this course has not been followed and we are asked to consider what would happen, if the House of the People, which is supposed by some to be already unwieldy, were to become larger still. I submit, Sir, that this is a bogey which does not deserve the serious consideration of anybody. Even, Sir, if the number of members is to be appreciably enlarged, even if it would have been necessary to enlarge appreciably the number of members, it would not have been a calamity. If we had passed a flexible amendment of the kind suggested by me, which would have allowed variation in the number of members of the House of the People between 500 and 600, we would probably have been able to provide for all possible increases in the population. Our population is undoubtedly increasing. But if we were to ask a statistician, he would, in all probability, say that it was a mistake to suppose that population would grow indefinitely for this reason. A maximum would be reached in the course of a few years and if Government wanted really to have more information on the subject to deal with the matter when it had been fully considered, it could have had this matter statistically examined. It would probably have found then that if an increase of about 100 members in the strength of the House of

[Shri H. N. Kunzru.]
 the People were provided for, all possible contingencies would be met. This course, however, Sir, has not commended itself to Government and the Select Committee of the House of the People has altered the Bill as introduced in it in such a way as to make it unnecessary to amend the Constitution after every census.

Clause 2 of the Bill as introduced in the House of the People ran as follows :

“In sub-clause (b) of clause (1) of article 81 of the Constitution for the figures 750,000 the figures 850,000 and for the figures 500,000 the figures 650,000 shall be substituted.”

The Select Committee has substituted the following words for the operative part of the proposed amendment :

“Not less than one member for every 750,000 of the population shall be omitted.”

That is to say, it has allowed the number of electors in a constituency to increase indefinitely. Yet, the report of the Select Committee says at the same time :

“The Committee wish to record that the upper limit of one member for every 750,000 of the population should not, as far as practicable, be exceeded.”

Though the Committee made the change that I have acquainted the House with, yet it did not wish that the number of electors for a constituency should be increased beyond the maximum now fixed by the Constitution. I submit, Sir, that the Select Committee would have been better able to achieve its view had it amended sub-clause (a) of clause (1) of article 81 and thus allowed for variations in the strength of the House of the People. It is for this reason that I am not in favour of the Bill as placed before us. No harm will be done if the matter is further considered. No election is likely to take place in the course of the next six months or twelve months, and even if it is found necessary, arrangements for it can be made in other ways, as I have

already pointed out, than by changing the Constitution. The matter requires much more thought than has been given to it. We should not try to fit all our arrangements, so to say, into a procrustean mould. We should, instead of penalising prospective candidates at every census, try to make such arrangements as would enable different sections of the people to be better represented in what is our House of Commons.

SHRI H. P. SAKSENA : Mr. Deputy Chairman, I rise to support the amendment that has been moved by the hon. the Law Minister, as a democrat and as a person believing in and practising democracy. Sir, it does not lie in the mouth of those sitting on the front benches there, who subscribe to totalitarian methods, who believe in authoritarian ideology and who worship at the shrine of an individual to draw their political inspiration from him, to talk about democracy and democratic methods. If you want to have any indication of what democracy is, take the trouble of going through the Constitution that we have made, read it, understand it, digest it and then you will see how a democratic Constitution is prepared for a democratic country. Sir, when my hon. friend, Mr. Sundarayya, was speaking, I was inclined to agree with him when he pleaded that this House which has not got large powers should be endowed with more powers. I was inclined to agree with him there, but then after a little while, he recommended the abolition of this House. I submit that it will be a most undemocratic step if we were to abolish this Upper House, I mean the Council of States. It is an illustration of how the minds of those, who talk of democracy, work. In one breath, they talk of democracy and in the other breath, they recommend the abolition of this House. Maybe that this House does not wield very large powers, but it is up to us, including those who sit on the opposition benches, to put our shoulders together and force the Government to concede more powers and more rights to this House. If the House is to live, it

should live as an important and responsible House.

Another complaint made by Mr. Sundarayya was that this Government does not take this House seriously. I have never come across a single case in which this House has been unceremoniously neglected. If it were so, I would have been the first to lodge my emphatic protest against it.

SHRI B. RATH : It is ceremoniously neglected.

SHRI H. P. SAKSENA : Then, my friend and neighbour, in this House Mr. Rajagopal Naidu, suggested that this House was nothing more than a post office. If this House was a post office, the Chairman of the House would be the Postmaster-General. I would never agree to his being degraded from the high position of the Chairmanship of the U.N.E.S.C.O. to the position of the Postmaster-General of this House. I would be the first to safeguard the interests of our Chairman as well as of this House, including those of the Members sitting on the other side.

Mr. Naidu also complained that this was a blow to democracy. I claim, Sir, to understand a little about democracy, and yet I do not find.....

SHRI RAJAGOPAL NAIDU : You do not practise democracy.

SHRI H. P. SAKSENA : I believe in democracy, and as I said previously, I practise it. The amendment proposed was a very simple and small amendment. I wonder why we are having much ado about a very little thing, if not about nothing. Certainly it is much ado about a very small thing. A higher limit of 750,000 was to be omitted and the lower limit of 500,000 was to be retained. That was all. If the hon. law Minister would forgive me, the provocation was given by him. If he had in a very few chosen words just put the Resolution, I mean, the amending Resolution, before the House, there would not have been so much of fire and excitement and speech. Anyway it is not a blow

on democracy and it is exactly in conformity with democratic ideas and there is nothing wrong with omitting the upper-limit and retaining the lower limit. My hon. friend Dr. Kunzru with whom I agree very seldom.....

PROF. G. RANGA : Agree or disagree ?

SHRI H. P. SAKSENA : At the same time it is very difficult for me to comprehend his very learned treatises. He said that if his suggestion for fixing the number of the members of the House of the People between 500 and 600 had been accepted a long time before, no trouble would have arisen now, even if the maximum of the population had been reached. I wonder with what calculation and with what logic he claims that at any time the maximum of population could have been reached unless of course we have a legislation to have recourse to contraceptive methods. There is no other means by which the maximum of population can be fixed. With these words, I support the amendment and I think there is nothing wrong in accepting it.

MR. DEPUTY CHAIRMAN : Shri Mahanty.

SHRI S. MAHANTY : (Orissa) : Mr. Deputy Chairman, I rise to oppose this Bill. This Bill fits into a well-knit pattern of a plan to convert the Indian Parliament into a Chamber of Commerce or an association of mill-owners, may be a Chamber of Princes too. This Bill will certainly make this Government for the people but never of the people or by the people. At the very outset I may say that sub-clause (a) of clause (1) of article 81 limits the number of members of the House of the People to 500 but there is no immutability about this number. As has been said, in U. S. A. the total number of members of the House of Representatives is 535 which means one member for every 275,000 people. In England the House of Commons has 625 members which means one member representing about 75,000 people. In the Australian Constitution also we

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don't find such limitation imposed. In Australia the number of representatives are fixed by a formula which fixes the quota. The quota is fixed like this. The total population divided by twice the number of Senators and then dividing the population of a State by this number the quota is fixed. Even the Burmese Constitution which is so much influenced by the Indian Constitution never sets a limit. Therefore, I don't consider that there is any immutability about this number of 500. Then according to the Representation of People Act, 1950, in the last elections every 7·2 lakhs were able to return one member to the House of People. Now I have got practical experience because I was in charge of conducting the elections of 3 or 4 Parliamentary Constituencies. Some constituencies I found, though not bigger, were as big as any of the States like Switzerland or Holland or Belgium and now when you are going to reduce the representation of one member for every 7·2 lakhs to one member for every 8·5 lakhs, you can well imagine the size of a constituency. Then it will be left to the *baniyas*, to persons with big money bags to control such constituencies. Some time back we heard that there was a proposal to reduce the remuneration of allowances of Members of Parliament. There are gentlemen and not very few and they will be found mostly in plenty in the Congress benches, who will be even willing to pay the Indian Parliament daily Rs. 40 and become a Member of Parliament. And above all now we hear that the number of People's representatives will be limited. In autocracy you find the big boss is always visible. You can know always where the whip is because he is visible but in democracy the person is invisible.

SHRI H. P. SAKSENA : It means humbug.

SHRI S. MAHANTY : Plenty of them have been in evidence from that side. Therefore my humble suggestion would be, let us not penalise the

prospective candidates. It may be that when the population increases, more number of opposition voices may be heard in the House of the People but that should not unnerve the Ministers. I put here a frank and honest question. First, what immutability is there about this 500? Why can't you also alter that? There is nothing immutable about that number 500.

AN HON. MEMBER : There might not be room in the House of the People.

SHRI S. MAHANTY : A friend says there might not be room in the House of the People. The second thing is, by reducing the representation of one member for every 7·2 lakhs we are going to make elections more expensive, more unwieldy and then we will probably be throwing open the gates of the Indian Parliament to men in big business or industry, and that will certainly be, if not a blow to democracy a very uncourteous kick. With these words, I oppose this Bill.

PROF. G. RANGA : Mr. Deputy Chairman, my feelings in regard to this Bill are rather mixed for the simple reason that if only that Chamber could be conveniently enlarged, I would certainly like more people to come to be accommodated and as far as I can see, Government does not seem to have any more serious reason for this amendment at the back of their mind than the administrative and also accommodational considerations. Because that House could not conveniently accommodate more than 400 and now they have nearly 500, they seem to have thought of this—as they put it, a simple amendment. But when they were thinking of it, they did not think that they were putting their fingers into a hornets' nest, because they were liable to the criticisms that have been so far made against them. The history of the development of the political democracy in the country has been in the direction of reducing the number of people who have to be covered in any constituency

in order to elect people to the Central Legislature and also to the State Legislatures and we have gone on reducing and reducing until we have reached this figure. It reaches up to 7.5 lakhs. 7.5 lakhs of people have to be covered, 750 thousand voters. Am I correct? Now, you reach up to 5 lakhs of people.

SHRI C. C. BISWAS : Not the number of voters, but the population.

PROF. G. RANGA : Very well. That is the smallest number we have reached. My friend suggested that we should be able to reach hereafter, if need be, even a smaller number or at least this number should not be made bigger and bigger. Let us consider this. Is not a House of 500 big enough?

AN HON. MEMBER : In India, it is not.

PROF. G. RANGA : Then we can easily contemplate a Parliament of 2,000. But, no doubt, we have to think of the efficiency of the working of that Legislature. If you look at that in that way, you have got to draw a line somewhere, and you must say that beyond that you cannot go because efficiency will suffer.

SHRI B. GUPTA (West Bengal) : That depends upon the political character.

PROF. G. RANGA : Yes, it depends upon it. But in a country where thousands of people can be brought from the antipodes, from every part of the country into the Central Assembly where all of them need not take part in the discussions, it may be possible. They need not discuss things as we do here. Even a small Bill like this with one clause is being carefully and vigilantly scrutinised here. But where there are big Bills containing a hundred clauses, can it be passed in a jiffy after a hundred hours' speech is made by the member in charge of the Bill? That is a different matter. We are at a stage of deliberative assemblies where there are political parties, Party in Government and Party in Opposition, where we are

absolutely free to make our own criticism and some times even succeed in defeating the Government,—though not able to remove them, still we may defeat them in certain issues. In a Legislature of that kind, certainly, we should think of the maximum limit of the number of members that we should have. I thought that 500 was a good number. Otherwise, I would not have agreed to this when the Constitution Bill was on the anvil. Having agreed to this—so many of us having agreed to this—we are face to face with this predicament. Our population goes on increasing and we cannot allow a constituency of a larger number of people than can be accommodated in the first instance. I for one would not like to take any objection. Therefore, I would like to support this amendment Bill.

Then, I am face to face with the general approach of this Government. One point has already been made by the hon. Members. When an important Bill like this was under consideration, it was the duty of the Government to have thought of constituting a joint Select Committee. But, unfortunately, Government seem to be making this mistake not only in the case of this Bill, but in regard to other Bills too. First of all, when face to face with such an important Bill as this, this policy makes us to put our backs up. Secondly, if any Legislature is to become really efficient, it has to function more through Committees and at the Committee stage. I have already made that comment on a previous occasion.

MR. DEPUTY CHAIRMAN : That need not be repeated.

PROF. G. RANGA : That is what I said.

MR. DEPUTY CHAIRMAN : It is already stated.

PROF. G. RANGA : No, not "at the Committee stage". I said that through Committees we should be enabled to function more and more in which case it would be easy for us to do a great

[Prof. G. Ranga.]

deal, more work and quote facts and figures much more easily than we are able to do otherwise. In the past, there used to be committees associated with the various Ministries and Departments. But they have come to be abolished. I would like the Government to consider the desirability of reviving them. Having done that, the House of 500 could be made more strong, because you have to consider everything at the stage of "House discussions", not "Committee discussions". The strength of the House cannot afford to become bigger and bigger every day. Then, necessarily the House becomes less and less effective in its criticisms and its considerations and in the advice that it gives to the Government. That is why I am inclined to favour this upper limit.

Why should there be any upper limit? I have already given the reasons. Is there any sacredness about this 500? There is no sacredness about anything. Some time or other we have to stop. Is this 500 not good enough or big enough? It is a matter of opinion. I agree. The Government have thought that it is good enough. I am inclined to agree with them that it is good enough. There are other considerations with regard to the Constitution and about other things about which Mr. Naidu has already expressed an opinion. Therefore, I would like to support the Bill so far as this narrow point goes, but at the same time I would like to warn the Government of the country, why they cannot reconsider their attitude towards this House as well as the other House and devise ways and means of reviving some of the old practices by which they can help these two Houses to become even more effective than they are today, not only in controlling Government, but in advising and assisting the Government. Then, it will be possible for the Government to go on controlling the administrative machinery which is becoming more and more complex than it was previously. After all, the Prime Minister has repeatedly stated that this administrative machinery is so very complex

that one Ministry is not able to get a comprehensive view of the major activities of the officials of that Ministry. Therefore, these short-notice questions, these starred questions and all those things really serve a very useful purpose in that the Ministries get an opportunity of looking into the special purpose for which the questions are put, and naturally when you hear the questions and statements of the Members who are behind the back of these matters, the Ministers are in a position to see how their Administration is being carried on through their officers, how their officers are behaving, and in that way control their administration.

I appreciate that democratic approach of our Prime Minister. Looked at from that point of view, it is only reasonable to expect the Government to be enthusiastic in helping the Houses to become more effective than what they are, and invite the association of these Houses with their own activities so that the Members of the Houses also would be able to feel that they become important agents in the making of policies, as well as the larger administrative decisions of the country.

SHRI S. N. MAZUMDAR (West Bengal) : Sir, I oppose this Bill. It seems the guiding principle of the Government in bringing this Bill is to enforce their rigid insistence on keeping the number of 500. That means penalising not only prospective candidates but also certain important sections of electors. I shall not deal with the other aspects on which other Members have spoken before me, but I would draw the attention of the House to a special aspect of the clause, i.e., in certain cases, in certain constituencies, there may be cases, besides the Part C States, where a constituency should be formed even when the number is less than 500; otherwise it causes injustice to the electors of the particular area. India is a unity in diversity, and that diversity also should be represented here. I shall cite only one example. My hon. friend, the Law Minister will kindly make note of it. There is a 3-member constituency—North Bengal constituency, which

comprises of the districts of Darjeeling, Jalpaiguri and Cooch Behar. Out of the 3 seats, one is general, one is scheduled caste and one scheduled tribe. But in the constituency comprising the three districts, the composition of the 3 districts is different. In the three hill subdivisions of Darjeeling and two Thanas of Jalpaiguri district, the population is predominantly Nepali-speaking. They speak a different language from the other persons of the district. The others are Bengali-speaking, and the rest are tribal people. At the last elections among the candidates there was a Nepali-speaking gentleman and two Bengali-speaking gentlemen—one of them is an hon. Member of this House. What happened? The Bengali-speaking gentleman was elected for that area. The Nepali-speaking people feel, and rightly too, that they should have one representative in the Parliament of India, but they are not given any opportunity. If my hon. friend the Law Member takes account of the votes cast there, he will find that the Nepali-speaking population was in favour of the Nepali-speaking gentleman who stood as a candidate. But what happened is that due to the rigid insistence on the number, the Nepali-speaking people feel that in spite of their unanimous support, they have not been able to send a representative here.

Sir, I do not like to take much of the time of the House, but I would request my friend the hon. the Law Minister to take this matter also into consideration, that in bringing the amendment to the Constitution, he should have seen this side of the question also.

With these words I sit down.

SHRI B. RATH : Sir, the one line amendment is not an ordinary amendment. It is an amendment to the Constitution which changes the character of the House and as such, while discussing such an amending Bill on the Constitution, the Council of States has to be very cautious. Because, here the question does not concern the Parliament but the House of the People which is directly elected by the

People of India. Considering that aspect and considering the arguments that have so far been advanced, whether the representation should be diluted or not, I am strongly of the opinion that the amending Bill should not be accepted because, thereby we dilute the right of the electors to elect their representatives. We know, in spite of the provisions of the Constitution, the constituencies for the House of the People were so big that it was well nigh impossible for many of the members who have come to the other House to approach their constituencies, meet their electors, before the elections took place. Of course, there were very few favoured people, who had either money enough, or had other privileges or had the army or civil aviation planes at their command, to go from place to place, to hop over distances of thousands of miles, to address meetings, or reach places where it is impossible for others to reach, even within 3-4 days. For them, the enlargement of constituency does not affect. To them, the size of the constituency does not affect, because it is once in their life that they meet their electors, and after five years only, will they be required to meet their electors and to approach them again. But then, one has to represent one's constituency. I feel that the number of the representatives of the House of the People should be increased. If the accommodation in the other House is not sufficient it is better to have the Parliament, the House of the People, to sit at some other place.....

AN HON. MEMBER : Under a *shamiana* ?

SHRI B. RATH : Yes, even under a *shamiana*, near the India Gate ; or even in the National Stadium area, if possible, under a *shamiana*.

AN HON. MEMBER : Or the central hall.

SHRI B. RATH : Because, what have you given to the people of India through this Constitution? We, people of India, through this Constitution, have only one right, the right

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to elect our representatives, and nothing else. That is why we expect that the peoples' representatives should be such, so elected, that they may be approachable to the people. Their representatives should be such that at least it will be possible for the representatives to go through their constituencies and meet the people as often as possible. But the little right that has been given to the electors is being taken away, by this amendments to the Constitution, which is very small. Because, the electors of our country cannot meet the members of the Government, the Ministers, unless there are special occasions when the Ministers feel it necessary to go to their constituency to meet the people with some motive behind such visit. That is why by amending this section and diluting the representative character of the House of the People, I feel we are directly taking away the right that has been granted to the electors of this country.

Secondly, Sir, I submit that the argument that have been advanced by the Leader of the House, the Minister for Law, a great judge of the past, is not judicious in content. If only he had thought over it a little, he would, I think, not have said that if we reduce the strength of the House of the People—the size of the House of the People, then the representatives of the people who will come into that House would be able to conveniently voice their opinions, would have ample opportunities for debate. Sir, this is a fallacious argument. Taking it to its logical conclusion, I would request him to agree to an amendment to sub-clause (a) reducing the number of seats further by taking the number of persons who were members of the old Constituent Assembly and here also and who had spoken during all these days—the number may be only about 90 or 100—and have a house of 90 or 100. That would give you a very good debating society. That will give our hon. Minister a fine democracy, democracy of a particular type—the democracy of debate. So, let me come to the

logical conclusion of this argument and say that since it is impossible or difficult to carry on the business of the House of the People with its unwieldy number of 500 and since all these Members who come here do not find opportunities to speak and since it is all a waste of the tax payer's money, therefore, after careful consideration we have come to the conclusion, let him say, he has deliberately come to the conclusion and taken the action of proposing that the number may be reduced to 100. I think that will finish the whole matter. Sir, that is the argument that my old friend over there, Mr. Saksena perhaps.....

SHRI H. P. SAKSENA : Not perhaps but actually.

SHRI B. RATH : Thank you, Mr. Saksena. He opposed the hon. Member Mr. Sundarayya because he had suggested the abolition of this House. He had no other point for quarrelling with Mr. Sundarayya, or for not agreeing with him. But he does not seem to have understood what Mr. Sundarayya said. Mr. Sundarayya has suggested that if necessary the Upper House, the Council of States may be abolished. That was the quarrel. That is why he opposed Mr. Sundarayya, there was no other reason and he said that in so many words. But my hon. friend, if he had heard Mr. Sundarayya carefully, would have understood.....

MR. DEPUTY CHAIRMAN : Mr. Rath, please avoid repeating Mr. Sundarayya's arguments. Give your arguments.

SHRI B. RATH : What he said was that if you want to reduce expenditure, if you want to reduce the expenditure on Parliament, you can have this House abolished and increase the strength of the other House. In that case my hon friend Mr. Saksena would have been elected to the other House and there he would have ample opportunities for discussing all Money Bills and financial matters and also have a place on the Estimates Committee or on the Standing Committees the scope for activity which he does not get here, and also Prof. Ranga. That is why in.

their interest too Mr. Sundarayya had spoken. This amending Bill is directly against the interests of the electors. Secondly, it is also against the interests of those persons who want to get elected through elections, unless such candidates are persons capable of spending—the limit may be increased to Rs. 30,000—unless they are capable of spending Rs. 30,000 or are capable of making other people spend that much for them. By making the constituencies very big, you make arrangements for persons who can spend so much money, to become candidates for these elections. By this amending Bill we are making further provisions to convert the House of the People into an institution of such persons who are capable of spending over Rs. 25,000 to Rs. 30,000 or even more, or who are capable of getting money from others. There are, of course, such charitable persons, who can give some persons money. There are the sugar merchants of U.P. or the cloth merchants of Bombay.

KHWAJA INAIT ULLAH : There are States outside India also.

SHRI B. RATH : Or the Eastern Mercantile Corporation of Orissa.

SHRI T. S. PATTABIRAMAN (Madras) : The Communists also get funds. Do you take a challenge ?

MR. DEPUTY CHAIRMAN : Order, order.

SHRI GOVINDA REDDY : He knows all your tricks. He was a Communist before.

SHRI T. S. PATTABIRAMAN : Are you prepared to take a challenge ?

SHRI P. SUNDARAYYA : You get money from America.

SHRI B. RATH : I am very sorry, Sir. I did not say anything about any party, but my friend of the Congress Party has taken what I said to heart, as if I was referring to him.

MR. DEPUTY CHAIRMAN : If you have not mentioned parties, you have mentioned associations and it is

this sort of thing that provokes reactions on the other side.

SHRI B. RATH : But my hon. friend can understand.....

MR. DEPUTY CHAIRMAN : Mr. Rath, there is the simple law that action and reaction are equal and opposite.

SHRI B. RATH : But in the interest of the candidates who will contest seats in the House of the People, it is but necessary that the constituencies should not only be reduced in size, but the number of representatives in the House of the People must be increased..

We have also to take into consideration the fact that when one becomes a candidate, the candidate has got to tour round his constituency. We know the nature of our country. There are no good roads. There are no roads in some parts of the interior at all. There are places where one has to walk thirty and forty miles in order to approach the people. There are the aboriginal areas, the places where the scheduled tribes live. In their interest, how are you going to have this arrangement ? Even now it is very difficult for a person to reach them in their interior places. There are the hilly and jungle regions. We have to cross the rivers.

SHRI R. P. N. SINHA (Bihar) : By plane.

SHRI B. RATH : Planes, for people like you, army planes, if necessary. But what are we going to do with this amending Bill ? We are actually making the lot of the people more difficult, and that, I suppose, is democracy, democracy of those who can spend more, who can make others spend.

MR. DEPUTY CHAIRMAN : Order, order. You are repeating your arguments.

SHRI B. RATH : No, Sir. But those who want to get elected, in the present context of things, it is very difficult for them to stand for elections.

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and get elected. So I suggest that this amending Bill should not be pushed through, that the matter may be dropped, the House of the People should be consulted, the public opinion in the country should be taken again to see if it is possible to increase the size of the Lower House, and if it is not possible, to keep it at the present strength.

With these remarks, Sir, I oppose the Bill.

SHRI ABDUL RAZAK : Mr. Deputy Chairman, article 81 (1) (b).....

MR. DEPUTY CHAIRMAN : No repetitions.

SHRI ABDUL RAZAK : In article 81 (1) (b), this amending Bill would take away the upper limit prescribed by the Constitution. That means, as has been pointed out by my illustrious friend, Dr. Kunzru, vesting discretion in the executive for the prescription of the upper limit and, therefore it is a sinister move on the part of the executive today. In other words, it would be a culminating step ; it would be a deliberately culminating step on the road to fascism. There is one other very strong reason to hold this view. It would mean the suppression of political minorities particularly in areas where minor language groups are tagged on to other dominating language groups, as in the case of Travancore-Cochin, especially in the southern most part of it.

Sir, already, our Indian Parliamentary constituencies are the largest and, so far as my knowledge goes, they are the largest in the world. Democrats, I am told, are simply astonished to see the size of the Indian Parliamentary constituencies each almost extending to the size of a State. Therefore, Sir, any further extension of the existing limit of the Parliamentary constituency would make it absolutely impossible for any contact to exist between the elected and the electors. The argument advanced

by the learned Law Minister that all elected representatives are not all good legislators is simply silly ; it does not hold any water. The only question that should be considered in this context is whether there should or should not be representation for the people that are sought to be governed and, therefore, this amending Bill has to be viewed in this perspective. Of course, democracy, as somebody has said, is a luxury and, like all luxuries, democracy will also have to be paid for. If unfortunately, that comes to be grudged in India, as my hon. friend, Mr. Sundarayya has suggested, let this Upper House be done away with and, if that would offend my learned friend, Mr. Saksena, and, if the Government is particular in pleasing him, let it not abolish the Upper House, let us go into sub-federations. Sir, there is already a feeling in the South that we should go into sub-federations and there is very good justification for that also. Sir, there is already a very strong feeling in the South ; for example, mighty plans and mighty schemes are drawn up by the Centre and, beyond the river Krishna, they simply pale into insignificance.

MR. DEPUTY CHAIRMAN : Mr. Razak, all this is irrelevant. Please speak on the Bill. We have just finished a three day debate on Planning.

SHRI ABDUL RAZAK : Beyond the river.....

MR. DEPUTY CHAIRMAN : It is irrelevant. I am not going to allow it.

SHRI ABDUL RAZAK : Krishna, I repeat.....

MR. DEPUTY CHAIRMAN : Order, order.

SHRI ABDUL RAZAK : Therefore, Sir, this amendment, I repeat maintaining, if accepted, would further aggravate that feeling on the part of the Southerners to go into a separate sub-federation. Therefore,

Sir, with a view that India should be one and it should be well integrated, I say, with that end in view, this amendment should not be accepted.

SHRI C. C. BISWAS : Mr. Deputy Chairman, I shall be very brief in my reply.

First of all, I would refer to the point which was made by Prof. Ranga. He is not here. I fully appreciate his point of view and I think that, in regard to important Bills, it would be very reasonable to have Joint Select Committees of both Houses; not only from the psychological point of view as a gesture of co-operation, but, from the practical point of view it will facilitate the business.

SHRI ABDUL RAZAK : The view of the Joint Select Committee was that the upper limit should not be raised.

MR. DEPUTY CHAIRMAN : That point has been referred to by other speakers also. Please don't disturb.

SHRI C. C. BISWAS : I am one of those who believe that in a multitude of counsellors there is wisdom and, therefore, if we have Joint Committees to consider important Bills it will be to the benefit of both the Houses and it will improve the character of the legislation to a great extent. The Select Committees are not committed to any particular views and, from my limited experience, I can say that the different views expressed round the table receive due consideration and Government do not oppose any reasonable amendment. On the other hand, there are numerous instances where Government have accepted suggestions made by Select Committees, even suggestions made by Members of the Opposition.

I fully support the point of view which was expressed by Prof. Ranga, whom I am glad to find here now.

Then, Sir, a point was raised regarding the urgency of this measure. I had anticipated this objection and explained why it was that Government was bringing forward this

Bill. It is said that general elections are so remote a contingency that we need not worry about it. But, let me ask, what is the harm if we set about this business from now? After all, the census is over; we have got the figures of the population of India. The Constitution requires that upon the completion of each census we should take up the question of readjustment of representation. That is what is being done. Sir, this Bill was brought forward far as as May. It was introduced in the other House. My first motion was that it should be passed; but, then as soon as it was suggested that it should be circulated, I accepted that motion for circulation. It was circulated and opinions have been received. I had tabulated the opinions and I find all opinions, except about four, were in support of the Bill, which had suggested that the upper limit should be 850,000 and, now

SHRI B. RATH : What was the opinion of Orissa State?

SHRI C. C. BISWAS : You will find that in the papers which have been circulated but, the opinion of Orissa is not decisive of every matter. As a matter of fact, out of the large number of opinions, only 4, if I am correct, were against the proposals contained in the Bill.

Now, Sir, that is about the urgency of the measure and about the suggestion that Government were acting hastily without due consideration of all the points involved. Government did not think, Sir, that the changes made were so material that it would excite so much of controversy. As a matter of fact, this question of increase in the number of members of the House was adequately considered. It was considered by Government, it was considered by the Select Committee, and it was agreed that the limit of 500 ought not to be interfered with. So we proceeded on that basis. On a question like this you can have any number of opinions. You can move an amendment that it

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should be, not 500 but 510; another amendment that it should be 550; and so on. You can go up to 10,000. You can have so many opinions. But that is not the way to deal with these matters. It is always possible to suggest alternatives to any figure which may be mentioned. We have got to look at things from a proper angle, in a proper perspective.

It has been said that the number of members ought to have been increased, as otherwise the constituencies would get very unwieldy and it would be very difficult for candidates to canvass their voters effectively. Even under the existing delimitation of constituencies, you find that in several places the number of voters is very small as compared with the number of voters in other constituencies. You have got to have smaller and larger constituencies. You cannot have constituencies all cast in the same mould, with the same number of voters, with the same population, everywhere. So you have got to play within certain limits. Now, it is possible that a candidate may be returned by 5 lakhs or 6 lakhs or 7 lakhs or 7 1/2 lakhs of voters. But no complaint is made because one man is returned by 5 lakhs and the other man is returned by 7 1/2 lakhs. It is bound to be so. Here, I do not think that in actually working out the scheme of delimitation, there will be many constituencies where the population will exceed 750,000. There may be one or two cases. Now, if you can successfully canvass an area containing a population of 7 1/2 lakhs, will the addition of a few thousands make so much difference that in one case it will be a democratic election and in the other case it will be an undemocratic election? In these days you do not go and contact every one of your voters. You cannot do so.

SHRI S. MAHANTY : Why not ?

SHRI C. C. BISWAS : Has the hon. Member tried it? In fact a complaint was made by some hon.

friends here about elections being an expensive business, involving a lot of going about, and so on. If one takes it into one's head to approach every individual, one is welcome to do so, but then one cannot avoid expense. It would not do to say that democracy is so expensive, and so on. What I say is, that is not the way elections are fought these days. You call meetings, you have associations, organisations, and so on. A reference was made to America. There are organisations there. There are parties functioning all the time—not coming into existence only on the eve of elections—and one nurses one's constituency throughout the term of one's office. What is there to prevent members who are elected adopting the same course of action? Why do they not maintain touch with their constituencies after their election? That is more important. Let them get in in that indirect way by approaching, not individual voters, but collective groups of voters through associations, through public meetings, through radio, by issuing literature, and so on. It is not very difficult. I could appreciate it if you had to dance attendance on 7 lakhs of people for the purpose of contacting your voters; that would be an almost impossible task. So, I do not think that is a very formidable obstacle. (Interruptions.)

MR. DEPUTY CHAIRMAN : Order, order. Let there be no disturbance.

PROF. G. RANGA : Is the Chief Whip supplying any legal points, or is he doing any other service ?

SHRI B. RATH : Prompting from behind.

MR. DEPUTY CHAIRMAN : Order, order. Members will kindly restrain themselves a little. Nothing is gained by these exhibitions. The hon. Member will please withdraw the words. He said "Prompting from behind". It is a most undignified expression.

SHRI B. RATH : I said "prompting".

SHRI C. C. BISWAS : Sir, I have not had the experience of theatrical shows which other Members might have, and I do not know much about prompting.

Then it was suggested that by doing away with the upper limit we were leaving the matter in the hands of the Executive. Sir, the Delimitation Commission will have to demarcate these constituencies, and that will be a thoroughly independent, high-powered body according to the provisions of the Delimitation Bill. It will be a high-powered, independent commission consisting of two Judges of the Supreme Court or of High Courts and the Election Commissioner, who under the Constitution is an independent person. Therefore, you need not fear that they will be guided by the wishes of the Executive. Nothing of the kind. And on behalf of the Executive I may say that they do not desire that the constituencies should be made unwieldy in order that any class of persons may not find it easy to come in. Nothing of the kind.

AN HON. MEMBER : Question.

SHRI C. C. BISWAS : The last elections must have shown that the Government acted with the utmost impartiality and left everything to the voters. That attitude will always be maintained. There need be no fear about it. Therefore, the Executive do not enter into it at all.

After all, the changes will not be very material. Only in a few cases a few thousands may be added—not even half a lakh—in any constituency. We have worked it out. Therefore there need not be any apprehension. The upper limit is sought to be removed because the Select Committee felt that instead of having to change the figure every ten years, it would be much better to do away with the upper limit, owing to the fact that the upper limit will not exceed 8 lakhs in any case so far as the next elections on the 1951 figures are concerned.

PRINCIPAL DEVAPRASAD GHOSH (West Bengal) : The point on which I want clarification from the hon. Minister is more or less a technical point. In sub-clause (3) of article 81 it is laid down ; as the Law Minister has reminded us :

“Upon the completion of each census, the representation of the several territorial constituencies in the House of the People shall be readjusted by such authority, in such manner and with effect from such date as Parliament may by law determine :”

and in sub-clause (c) of clause (1) :

“The ratio between the number of members allotted to each territorial constituency and the population of that constituency as ascertained at the last preceding census of which the relevant figures have been published shall, so far as practicable, be the same throughout the territory of India.”

The point on which I should like to have some clarification is this. Unless one has got some maximum number as a definite basis, on what basis will this calculation be made ? That is to say, the minimum number you have got is 5 lakhs, and the maximum now is 7 1/2 lakhs. Now, when this readjustment is to be made, on what basis will the proportion be fixed by Parliament for every election in the light of the figures revealed by each census ? That is the point on which I seek clarification. Unless some definite figure—7 1/2 lakhs, 8 lakhs, 9 lakhs—is taken as a definite basis on which the calculation for adjustments is to be made, I fail to see how the adjustments will be made in future.

SHRI C. C. BISWAS : There is not much difficulty. Sub-clause (c) of clause (1) sets the limiting factor. You need not have any limits at all which you find in sub-clause (b). Provided the maximum number of members and the minimum number of members in the House were laid down, clause (b) might have been deleted altogether, because clause (c) would be sufficient to limit the number of seats. That is the limiting provision. If hon. Members would look at article 170 which deals

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with State Legislatures. there is a proviso to clause (2) which says :

“Provided that the total number of members in the Legislative Assembly of a State shall in no case be more than five hundred or less than sixty.”

If you add a similar provision fixing the maximum number and the minimum number of the House of the People, then you would not require this sub-clause (b) at all. You do not find anything corresponding to sub-clause (b) in relation to Legislative Assemblies of States.

PRINCIPAL DEVAPRASAD GHOSH : But on what basis are the numbers to be fixed ?

SHRI C. C. BISWAS : As a matter of fact, you have got to readjust the proportion of representation on the basis of the population, as ascertained at the census. There is no difficulty there. The number of members in the House is laid down as 500. You must divide the population by 500 and you get the average number in each constituency. That is how it is worked out. There is no difficulty.

MR. DEPUTY CHAIRMAN: The question is :

That the Bill further to amend the Constitution of India, as passed by the House of the People, be taken into consideration.

There is to be a division. This is to be passed by a two-thirds majority.

The House divided:

AYES—125

Abdul Shakoor, Molana
Abid Ali, Shri
Agnibhoj, Shri R. U.
Agrawal, Shri A. N.
Agrawal, Shri J. P.
Ahmad Hussain, Kazi
Ahmed, Shri Gulsher
Aizaz Rasul, Begam
Akhtar Husain, Shri
Alva, Shrimati Violet
Amolakh Chand, Shri

Anant Ram, Pandit
Barlingay, Dr. W. S.
Beed, Shri I. B.
Bhuyan, Dr. S. K.
Bisht, Shri J. S.
Biswas, Shri C. C.
Biswasroy, Shri R.
Budh Singh, Sardar
Chandravati Lakhanpal, Shrimati
Chaturvedi, Shri B. D.
Chauhan, Shri N. S.
Das, Shri Jagannath
Dave, Shri S. P.
Deogirikar, Shri T. R.
Deshmukh, Shri R. M.
Dharam Das, Shri.
Dinkar, Prof. R. D. Sinha
Doogar, Shri R. S.
Doshi, Shri L. H.
Dube, Shri B. R.
Dube, Pandit S.
Faruqi, Moulana M.
Gupta, Shri R. C.
Gupte, Shri B. M.
Guruswami, Shri S.
Hardiker, Shri N. S.
Hathi, Shri J. S. L.
Hemrom, Shri S. M.
Hensman, Shrimati Mona
Inait Ullah, Khwaja
Indra Vidyavachaspati, Shri
Italia, Shri D. D.
Jafar Imam, Shri
Jain, Shri Shriyans Prasad
Jalali, Aga S. M.
Kalelkar, Kakasaheb
Kapoor, Shri J. R.
Karayalar, Shri S. C.
Kaushal, Shri J. N.
Khan, Shri A. S.
Khan, Shri P. M.
Khan, Shri Samiullah
Kishori Ram, Shri
Lahoti, Shri P. S.
Lakshmi, Shri Lavji
Lal Bahadur, Shri
Leuva, Shri P. T.
Lilavati Munshi, Shrimati
Madhavan Nair, Shri K. P.
Mahtha, Shri S. N.
Maithilisharan Gupta, Shri
Majumdar, Shri S. C.
Malkani, Prof. N. R.

Mathur, Shri H. C.
 Mazhar Imam, Syed
 Misra, Shri S. D.
 Mitra, Dr. P. C.
 Mookerji, Dr. Radha Kumud
 Mujumdar, Shri M. R.
 Mukerjee, Shri B. K.
 Nagoke, Jathedar U. S.
 Narayan, Shri D.
 Narayanappa, Shri K.
 Nausher All, Syed
 Nihal Singh, Shri
 Onkar Nath, Shri
 Pande, Shri T.
 Parikh, Shri C. P.
 Pattabiraman, Shri T. S.
 Pawar, Shri D. Y.
 Pheruman, Sardar D. S.
 Pillai, Shri C. N.
 Prasad, Shri Bheron
 Puri, Shri M. L.
 Pushpalata Das, Shrimati
 Pustake, Shri T. D.
 Raghbir Singh, Dr.
 Rahamath-Ullah, Shri
 Rajagopalan, Shri G.
 Ranawat, Shri M. S.
 Ranga, Prof. G.
 Rao, Shri Rama
 Ray, Shri S. P.
 Reddy, Shri Channa
 Reddy, Shri Govinda
 Reddy, Shri K. C.
 Reddy, Shri N. Sanjiva
 Roufique, Shri M.
 Saksena, Shri H. P.
 Sarwate, Shri V. S.
 Savitry Nigam, Shrimati
 Seeta Parmanand, Dr. Shrimati
 Shah, Shri B. M.
 Shah, Shri M. C.
 Sharda Bhargava, Shrimati
 Sharma, Shri B. B.
 Shoila Bala Das, Shrimati
 Singh, Capt. A. P.
 Singh, Shri Kartar
 Singh, Shri R. K.
 Sinha, Shri B. K. P.
 Sinha, Shri R. B.
 Sinha, Shri R. P. N.
 Sobhani, Shri O.
 Sumat Prasad, Shri
 Surendra Ram, Shri V. M.

Tajamul Husain, Shri
 Tamta, Shri R. P.
 Tankha, Pandit S. S. N.
 Tayyebulla, Maulana M.
 Thakur Das, Shri
 Vaidya, Shri Kanhaiyalal D.
 Valiulla, Shri M.
 Varma, Shri C. L.

NOES—12

Abdul Razak, Shri
 Deshmukh, Shri N. B.
 Ghosh, Principal Devaprasad
 Gour, Dr. R. B.
 Gupta, Shri B.
 Kunzru, Shri H. N.
 Mahanty, Shri S.
 Mazumdar, Shri S. N.
 Naidu, Shri Rajagopal
 Narasimham, Shri K. L.
 Rath, Shri B.
 Sundarayya, Shri P.

MR. DEPUTY CHAIRMAN :
 The Ayes are 125, Noes 12. The
 motion is carried by a majority of the
 total membership of the Council and
 by a majority of not less than two-
 thirds of the Members present and
 voting.

Now, we will take up the clause
 by clause consideration of the Bill.
 There are no amendments.

SHRI H. N. KUNZRU : Sir, I
 would like to speak on clause 2.

MR. DEPUTY CHAIRMAN :
 But there are no amendments.

SHRI H. N. KUNZRU : May be,
 but I want to oppose it. I have got
 a right under the Rules.

MR. DEPUTY CHAIRMAN :
 The hon. Member may speak at 2.30
 P.M.

The Council then adjourn-
 ed for lunch till half past
 two of the clock.

The Council re-assembled after lunch at half past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

MR. DEPUTY CHAIRMAN :
Dr. Kunzru.

SHRI B. K. P. SINHA (Bihar) :
Mr. Deputy Chairman, before the discussion begins I would like to know from you what is the scope of this debate?

MR. DEPUTY CHAIRMAN :
I have already asked Dr. Kunzru to speak. He is opposing clause 2.

SHRI H. N. KUNZRU : Sir, I shall be very brief in opposing this clause. I want to reply only to one or two points raised by the Law Minister. He was in an excited spirit. He wondered where those who were asking for an increase in the number of representatives would stop. They might ask for 550 members or even 10,000 members. May I say that we have a little more, though we have not the responsibility for carrying on the Government, sense of responsibility than those who sit on the Benches to your right?

● SHRI C. C. BISWAS : On a point of personal explanation, Sir. When I said that what I meant was that when it is a question of figure, any number of amendments may be moved, and not quite seriously. I said any figure in any connection, if somebody says 2, another might say 5 and yet another might say 10 and so on. It is not for the purpose of ridiculing those who were asking for a larger number that I said that, and if I gave that impression I am exceedingly sorry and I hope Dr. Kunzru will kindly excuse me.

SHRI H. N. KUNZRU : I shall not dwell on this point therefore any more. But it is obvious that all of us who were asking for an increase in the number of representatives are not asking for anything unreasonable, are not asking for anything that is not supported by the examples of several countries. The size of the con-

stituencies is a matter of some concern to those who take part in parliamentary elections and it is likely that the size of a large number of constituencies may remain what it is now and the size of some of them may be unduly increased. Apart from this the constitutional position is deserving of some consideration. Article 81 requires a readjustment of the representation after every census but it does not prescribe any particular method by which this readjustment is to be made. It may be made either by increasing the number or by increasing the size of the constituencies. When this matter was discussed in the Constituent Assembly, the Constituent Assembly did not rule out any change in either respect. Of course, any change needed change of the Constitution but neither method was ruled out. Now, if the amendment proposed by the Select Committee is accepted, then the possibility of increasing the number of members is ruled out for ever. Surely whatever changes may be made to meet the present situation, the amendment should not go so far as to make an increase in the number of members impossible. If a readjustment can always be made by increasing the size of the constituency, nobody will ever consider the need for a change in the Constitution so as to increase the size of the House of the Representatives. I think that one has to state the proposition in that manner in order to make many more members realize than what some seem to do, how serious this simple looking amendment is. The Bill consists of two clauses and the Law Minister said that the Bill puts forward a very simple proposition. I venture to think that the matter is not so simple as he considers it to be. We are making an important change in the Constitution. We are introducing a provision which had not been introduced by the Constituent Assembly. The Constituent Assembly could have laid down that the size of the House shall not be increased beyond 500 representatives but it did not do so. It left it to the future Parliament to consider this matter from time to

time and I think that it is not in accordance with the spirit of the Constitution that an amendment should be accepted which would for ever bar any increase in the number of representatives.

Lastly, my hon. friend the Law Minister seems to be perturbed by the idea of an increase in the number of members. We always like what we are used to, but the great need these days is to prepare ourselves mentally for change. This is not a static age. A man whose ideas don't move at the present time is doomed to be left behind, and if we want our country to make rapid progress, we must prepare to make changes in our ideas in consonance with the situation. What is there in the idea of increasing the number of members from 500 to 512 or 525 or to any number upto 600? They should not frighten or perturb anybody here.

I referred, Sir, to the case of the American House of Representatives. But I may refer to the Lower Houses in other countries also. There is France, Sir, where the National Assembly consists of 627 members and the Council of the Republic, that is, the Upper House, of 320. These are the numbers fixed by the Constitution passed very recently. If the Law Minister does not mind a reference to the U. S. S. R., I may point out that the number of representatives in the Soviet Union is 682 and in the Soviet National Assembly, 652. In England, the number of members in the House of Commons is 625. It is true that no other Legislature, except the central Legislature in England carries on with the business, with such a large number. What we are now concerned with is the practicability of co-ordination of business with a large number of membership. Is there any complaint that the House of Commons, in spite of its size, is not suited to its work—that the work there is impeded because of its size? Everyone knows that members of the House of Commons take part in those debates in which

they are particularly interested. I have no doubts that even if the number of members here increases the number of members attending the meetings of the House will not rise in the same proportion. I therefore, think, Sir, as I have already said more than once that in place of increasing the size of the constituencies, the size of the House of the People should be increased. That would enable us to reduce our representation from time to time in a democratic manner without impeding the transactions of the growing business of the Parliament.

SHRI B. GUPTA : Mr. Deputy Chairman, Sir, certain points have been raised in the course of the discussion which compel me to answer them. For, the amendment of a Constitution is not an unimportant or insignificant matter. The Constitution is amended with a view to broadening the field of democracy or widening the scope of democratic process. Fortunately, in every progressive country, the Constitution is sought to be amended with a view to increasing the possibility of democratic advance. But here is a case in which, Sir, the amendment has been proposed with a view to investing the powers that be with the power to enlarge the constituencies whenever they like. Sir, for everything, there should be a limit. If experience gained in the last elections have taught anything, it is this, that the constituencies should be sizeable so that the democratic process may become really workable. Big constituencies may suit rich people who can go round the constituency and run the show of elections. It may suit the big people who take the constituencies as something which are to be made use of by them for raising themselves into positions of power. But if you look at it from the point of view of contact with the people or from the point of view of serving the people or getting their confidence, or if you look at it from the point of view of getting public opinion represented in Legislatures,

[Shri B. Gupta.]

Sir, the constituencies should be such as will serve all these purposes possible. Unfortunately, I find that huge constituencies are there. The argument has been advanced by the hon. the Law Minister that all the constituencies cannot be cast in the same way. Nobody has suggested that. But a limit should be there. As far as possible there should not be any room for gerrymandering by the party in power. When you go to delimit, you must have certain guiding rules which may be agreeable to all. This is a factor which has to be taken into account. Smaller constituencies make it possible for better elections. Somebody from that side was telling that it does not lie in the mouth of the people who believe in totalitarianism to raise the question of Parliamentary democracy. These words should have been addressed to some other quarters, the quarter from which the hon. Member springs. Sir, the amendment has totalitarian proclivities. The amendment seeks to enlarge the constituencies so that they become more difficult for democracy to function. Therefore, it is no use saying that it does not lie in the mouth of somebody to criticise it. It lies in anybody's mouth to get up from any side of the House. We are asked to express our opinion without getting prior opportunity of consulting the people outside. Naturally, it relates to the constituencies and therefore to the people and it is a matter of public interest and public importance. That is why, I say, the discussion should have been held on the Bill here after some amount of discussion outside. It has not been so. Knowing that whenever they want to amend the Constitution they can do so, the Congress wants to amend the Constitution for their benefit and they do so in the twinkling of an eye. But whenever you find the cry for amending the Constitution for the good of the people in the interests of the general public for stopping payments of compensation to Zamindars, you always get the excuse of some section of the Constitution.

The Constitution is amended not for doing something good but for doing something worse.

Then, the hon. the Law Minister was saying that he felt a little scandalized about the size of the number of the Members in the House of the People. That is the impression I got. He felt a little scandalized. Sir, I may say that he should have also felt a little scandalized over the size of the Ministry. Taking into account the Members of both the Houses together, every fifteenth member of the Congress Party is either a Minister or a Deputy Minister or a Parliamentary Secretary. The size of the Ministry is big enough to scandalize our tender feelings. You cannot have one way traffic. If you feel that you are scandalized, by all means entertain that feeling. But have that both ways.

Sir, Prof. Ranga was thinking in terms of efficiency. He said that it should be small, sizeable and a limit should be therefor efficient functioning and all sorts of things. Now, what I want to submit is that efficiency of the Parliament does not depend upon the size or on the show of hands or on the manner in which we shout "Yes" or "No". It all depends upon the political character of the Parliament. It depends in particular on the party in power. It is for the leading party inside the Parliament to run it in a manner which would make it much more efficient and much more useful and agreeable to the people. Efficiency is an abstract phrase. There was a time when the British Government was ruling the country. We did not have big Legislatures because we were told that efficient functioning of the Government would not be ensured thereby. They had a small council of some gentlemen. Their elegant photographs are hung in the walls of this building. You see there some people in ties and all sorts of things. These people were supposed to be the custodians of the country; they were supposed to be running the

entire show. I think we have passed that stage.

A big Parliament, a much bigger Parliament, for a big country like ours, would be an asset if it is founded on the solid foundations of democracy. You should not fight shy of Parliament. Then, after all, Parliament means a lot to many of us, in so many ways—I mean for some of us. Then why should you stifle it? Therefore, this view is entirely wrong. What I would like to emphasise is that in a country like ours, it may be necessary to enlarge Parliament. I think it will be necessary, to increase the size of the Parliament. The constitutional limitations are not unchangeable. When the people want to change it, we must bow and submit. My hon. friend, Pandit Kunzru, has very well put it. It was not even the intention of the Constitution to limit the size of the Parliament. Sir, it will not be the monopoly of one party, the party in power, to decide things once for all. You must take the wisdom of the people here, the thoughts of our people here. "The size of the Parliament should be reduced, and therefore efforts should be made to reduce it"—that kind of speech should not be made. You talk about democracy. At the same time, you try to restrict and limit the Parliament. Has the Government consulted the voters? Does the Government not care for them? Then Sir, the question of the other House, of both the Houses, has been raised. I wish to go into this point. This is a country where so many nationalities live within the common framework that is India, and the full expression of national interests should find a place here. We find that the other House—let alone this House, which has been treated in a somewhat step-motherly manner—is sought to be a little stifled, restricted,—and operated upon. I think, if the Ministers go about in this way, a time will come when nothing will be left. After all, not even a year has passed since we have got this Parliament, and now you want to restrict its power by all sorts of wrong political approach,

abandoning elementary principles and commonsense of democracy. Therefore this Bill should be abandoned. When we got this Bill we were perturbed about it. Our anxieties after hearing the hon. Member's speech, I may say with due respect, have been increased. Therefore, I want to say a few things. Sir, what is essential today is that you have to reconcile to the idea of expanding things. What is essential today is to make the constituencies smaller and linked very closely with the Members of the Parliament. It is necessary that all the Members of Parliament should speak every day.

MR. DEPUTY CHAIRMAN : You are repeating Mr. Gupta. Too many repetitions.

SHRI B. GUPTA : Yes Sir, I am very mindful of that—3-15. That is much more important, because we want to get that thing done. The question is not that the Members do not speak. The Congress Members are not speaking perhaps because they find themselves out of tune with the Congress Ministers. That is why they do not speak. There was a time in the AICC, when we found a huge section, a large number of Congress members speaking violently. It is because of the political whips and artificial loyalty, that they are not speaking. If the country becomes really democratic so many members will be there to speak and express their opinion openly. The hon. Member in the other House—Mr. Tandon—yesterday spoke—I wish him to speak in this House also and tell the truth. That would make the Congress think a little better.

MR. DEPUTY CHAIRMAN : Mr. Gupta, all that is irrelevant to the Bill.

SHRI B. GUPTA : Relevance—yes. I can quite understand your point. But the question is, if the party in power is not relevant, then, we of necessity must be irrelevant to become relevant to their arguments.

[Shri B. Gupta]

Therefore, all that I have to say here is that the arguments the hon. Minister has advanced have only confirmed our fears, and we feel that the whole thing will be used to cripple whatever democratic possibilities there still exist, with a view to gerrymandering the constituencies. Whenever the Congress fears defeat, it wants to get out of the difficulties by changing the constituencies. However, before enlarging the constituencies this matter should be placed before the Parliament and the State Legislatures, so that these things are discussed by all parties concerned before any practical steps are taken. These things should not be left to the bureaucrats, because they live in a world of their own, without any connection whatsoever with the people. They cannot know what the people really want. Therefore, I say, all the parties should meet and consider whatever steps are proposed to be taken. I do not know if we shall ever have this kind of chance. That is all I can say in justification of the stand of our party, of the people who sit here, in justification of democracy, and indeed of this House, of this Parliament, which is sought to be made a useless show. This Bill seeks to jeopardise the powers and possibilities of Parliament.

PRINCIPAL DEVAPRASAD GHOSH: I just want to draw attention to a small matter.

MR. DEPUTY CHAIRMAN: You want to speak?

PRINCIPAL DEVAPRASAD GHOSH: Yes, will you please let me? I should like to speak for 2-3 minutes.

SHRI C. C. BISWAS: We are hard pressed for time.

SHRI C. G. K. REDDY (Mysore): The Council is a deliberating body. Let it take its own time.

(MR. CHAIRMAN in the Chair.)

MR. CHAIRMAN: What is the position now?

PRINCIPAL DEVAPRASAD GHOSH: I want to speak only for one or two minutes Sir; it will help the hon. Minister. Just before dispersing for lunch today I had asked the hon. the Law Minister for clarification, as to how the readjustment of the number of population for one Member of the House of the People was going to be made. The hon. the Law Minister was kind enough to say that that could be done by calculating the average, you divide the entire population of India by 500 and that will be the average, which will be taken into consideration by the officials when they fix the number for each constituency. I have taken some little trouble since then of going into the figures. The figures according to the census of 1951—the latest available figures—of the population of India is 36 crores and odd lakhs. If you divide that by 500, it comes to about 7,20,000. So that it seems to me—I am speaking purely from the arithmetical point of view—it seems to me that the present maximum limit of 7,50,000 has yet to be reached.

3 P.M. And as the article in the Constitution says, in assessing the number to be fixed for each constituency, the figures in the last available census have got to be taken into account. And the last available census is the census of 1951, and the next census is not likely to take place before 1961. So I do not see any reason why we should be in such a desperate hurry to amend the Constitution on this point, because as a matter of fact, it will take a number of years—at least ten years—for the present census figures to be replaced by new figures. So I say, apart from other considerations, this matter need not be taken up in such great hurry, for there is ample time to discuss all the bearings of the matter from all sides before a decision is taken.

Sir, I shall not say anything more on the merits of the question, except to express my strong support to what fell from the lips of Dr. Kunzru, on the undesirability of fixing an absolute, definite limit to the size of the House of the People, even at

the cost of increasing the size of constituencies in such a manner as to render them almost unwieldy.

MR. CHAIRMAN : Shri Biswas.

SHRI C. C. BISWAS : Sir, all these points to which my hon. friend Principal Ghosh referred had been considered, not merely by the Government, but also by the other House and the Select Committee as well. They have been gone into very thoroughly. As a matter of fact, there is no difficulty—and we reached the conclusion that it should be possible, as I said in the opening remarks that I made, even on the basis of the increase in the census figures of 1951, to keep within the existing limits. There is no doubt about that. But that would have meant in some cases disturbing the administrative units. As a matter of fact, theoretically it should be possible to keep within the maximum limit of 7,50,000 and to create constituencies containing a population of not more than 7,50,000. But in that case the constituency might have to be carved out in such a way as to involve overlapping of boundaries of districts or of sub-divisions and so on.

PRINCIPAL DEVAPRASAD GHOSH : That is bound to happen.

SHRI C. C. BISWAS : But we want to do it in such a way as to cause the minimum disturbance to administrative units.

PRINCIPAL DEVAPRASAD GHOSH : But that is bound to happen in any case. That has actually happened.

SHRI C. C. BISWAS : But we want to reduce such cases to a minimum. That is the object. That was the direction which was given on the last occasion, and that direction was consistently applied in demarcating constituencies, and it is not proposed to depart from that. The result of last year's experience was that in some cases the maximum limit of 7,50,000 was exceeded, and therefore revised President's Order had to be issued in order to reduce

the number. That is why when the Bill was introduced originally the upper figure was 8,50,000, and working on the upper limit, it was possible to provide even for the next two censuses. We worked it out and found that it was possible, but then these other practical difficulties arise. For the purpose of avoiding these difficulties, this amendment was accepted by the Select Committee, doing away with the upper limit. But they added that in actually working out the proposals, care should be taken not to exceed 7,50,000—the present maximum limit. That was the idea. And I can assure my hon. friends here who are in a doubting state of mind, that that figure will not be exceeded, except in a very very limited number of cases, except where it is really unavoidable.

SHRI C. G. K. REDDY : But, Sir, the hon. Minister is creating more doubts than there were.

SHRI RAJAGOPAL NAIDU : Sir, I just want a point to be clarified. By this amending Bill you are trying to take away the upper limit, at the same time retaining the lower limit. The original difference between the lower and upper limits was 2,50,000 and as a result of this Bill the difference between the upper limit and the lower limit will always be increasing, and there will be no limit at all, it will be illimitable.

DR. R. B. GOUR (Hyderabad) : Just as the Ministry.

SHRI C. C. BISWAS : The lower limit might have been done away with, if we had fixed the minimum and maximum number of members in the House itself.

MR. CHAIRMAN : The question is :

That clause 2 stand part of the Bill.

The House divided :

AYES—124

Abdul Shakoor, Molana
Abid Ali, Shri

Agnibhoj, Shri R. U.	Lakhamshi, Shri Lavji
Agrawal, Shri A. N.	Lal Bahadur, Shri
Agrawal, Shri J. P.	Lall, Shri K. B.
Ahmad Hussain, Kazi	Leuva, Shri P. T.
Ahmed, Shri Gulsher	Madhavan Nair, Shri K. P.
Aizaz Rasul, Begam	Mahtha, Shri S. N.
Akhtar Husain, Shri	Maithilisharan Gupta, Shri
Alva, Shrimati Violet	Majumdar, Shri S. C.
Amolakh Chand, Shri	Malkani, Prof. N. R.
Anant Ram, Pandit	Mathur, Shri H. C.
Barlingay, Dr. W. S.	Mazhar Imam, Syed
Beed, Shri I. B.	Misra, Shri S. D.
Bhuyan, Dr. S. K.	Mitra, Dr. P. C.
Bisht, Shri J. S.	Mookerjee, Dr. Radha Kumud
Biswas, Shri C. C.	Mujumdar, Shri M. R.
Biswasroy, Shri R.	Mukerjee, Shri B. K.
Budh Singh, Sardar	Nagoke, Jathedar U. S.
Chandravati Lakhnapal, Shrimati	Narayan, Shri D.
Chaturvedi, Shri B. D.	Narayanappa, Shri K.
Chauhan, Shri N. S.	Nausher Ali, Syed
Das, Shri Jagannath	Nihal Singh, Shri
Dave, Shri S. P.	Onkar Nath, Shri
Deogirikar, Shri T. R.	Pande, Shri T.
Deshmukh, Shri R. M.	Parikh, Shri C. P.
Dharam Das, Shri	Pattabiraman, Shri T. S.
Dinkar, Prof. R. D. Sinha	Pawar, Shri D. Y.
Doogar, Shri R. S.	Pheruman, Sardar D. S.
Doshi, Shri L. H.	Pillai, Shri C. N.
Dube, Shri B. R.	Puri, Shri M. L.
Dube, Pandit S.	Pushpalata Das, Shrimati
Faruqi, Moulana M.	Pustake, Shri T. D.
Gupta, Shri R. C.	Raghu Vira, Dr.
Gupte, Shri B. M.	Raghubir Sinh, Dr.
Guruswami, Shri S.	Rahamath-Ullah, Shri
Hathi, Shri J. S. L.	Rajagopalan, Shri G.
Hemrom, Shri S. M.	Ranawat, Shri M. S.
Hensman, Shrimati Mona	Ranga, Prof. G.
Inait Ullah, Khwaja	Rao, Shri Krishna Moorthy
Italia, Shri D. D.	Rao, Shri Rama
Jafar Imam, Shri	Ray, Shri S. P.
Jain, Shri Shriyans Prasad	Reddy, Shri Channa
Jalali, Aga S. M.	Reddy, Shri Govinda
Kalelkar, Kakasaheb.	Reddy, Shri K. C.
Kapoor, Shri J. R.	Reddy, Shri N. Sanjiva
Karayalar, Shri S. C.	Saksena, Shri H. P.
Kaushal, Shri J. N.	Sarwate, Shri V. S.
Khan, Shri A. S.	Savitry Nigam, Shrimati
Khan, Shri P. M.	Secta Parmanand, Dr. Shrimati
Khan, Shri Samiullah	Shah, Shri B. M.
Kishori Ram, Shri	Shah, Shri M. C.
Lahoti, Shri P. S.	Sharda Bhargava, Shrimati

Sharma, Shri B. B.
 Shoila Bala Das, Shrimati
 Singh, Capt. A. P.
 Singh, Shri Kartar
 Singh, Shri R. K.
 Sinha, Shri B. K. P.
 Sinha, Shri R. B.
 Sinha, Shri R. P. N.
 Sobhani, Shri O.
 Sumat Prasad, Shri
 Surendra Ram, Shri V. M.
 Tajamul Husain, Shri
 Tamta, Shri R. P.
 Tankha, Pandit S. S. N.
 Tayyebulla, Maulana M.
 Thakur Das, Shri
 Thanhlira, Shri R.
 Vaidya, Shri Kanhaiyalal D.
 Valiulla, Shri M.
 Varma, Shri C. L.

NOES—13

Abdul Razak, Shri
 Deshmukh, Shri N. B.
 Ghosh, Principal Devaprasad
 Gour, Dr. R. B.
 Gupta, Shri B.
 Imbichubava, Shri E. K.
 Kakkilaya, Shri B. V.
 Kunzru, Shri H. N.
 Mahanty, Shri S.
 Mazumdar, Shri S. N.
 Narasimham, Shri K. L.
 Rath, Shri B.
 Sundarayya, Shri P.

MR. CHAIRMAN : The result of the division is :

Ayes 124
 Noes 13

The motion is carried by a majority of the total membership of the Council and by a majority of not less than two-thirds of the Members present and voting.

Clause 2 was added to the Bill.

SHORT NOTICE QUESTIONS AND ANSWERS

MR. CHAIRMAN : I shall just interrupt the proceedings for a little to have the short notice questions answered. Mr. Sundarayya.

FORMATION OF ANDHRA STATE

17. SHRI P. SUNDARAYYA : Will the Prime Minister be pleased to state :

(a) what steps have already been taken by Government in pursuance of his statement in the Council for the formation of Andhra State ;

(b) what further steps Government propose to take in the matter ; and

(c) by what time the Andhra State will be formed ?

MR. CHAIRMAN : Prof. Ranga.

18. PROF. G. RANGA : Will the Prime Minister be pleased to state what action has so far been taken by Government in pursuance of his statement in the House during the last week regarding the formation of Andhra State ?

MR. CHAIRMAN : Dr Katju.

THE MINISTER FOR HOME AFFAIRS (DR. K. N. KATJU) : Sir, in furtherance of the statement the Prime Minister made in this House on the 9th December, 1952 and, in terms of that statement, the Government of India have decided to establish an Andhra State consisting of the Telugu speaking areas of the Present Madras State but, not including the City of Madras and, intend to take early steps to this end in accordance with article 3 of the Constitution.

Government are appointing Mr. Justice K. N. Wanchoo, Chief Justice of the Rajasthan High Court to consider and report on the financial and other implications of this decision and the questions to be considered in implementing it. Mr. Justice Wanchoo will report by the end of January 1953. On receipt of this report, Government will take other necessary steps.

They are anxious to avoid all possible delay in establishing the new State. They hope that the establishment of this State will be brought about with the friendly co-operation of all the people concerned.