

## COUNCIL OF STATES

*Monday, 22nd December 1952*

The Council met at a quarter to eleven of the clock, MR. DEPUTY CHAIRMAN in the Chair.

### THE DELIMITATION COMMISSION BILL, 1952.

MR. DEPUTY CHAIRMAN: Hon. C. C. Biswas.

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

That the Bill to provide for the readjustment of the representation of territorial constituencies in the House of the People and in the State Legislative Assemblies and the delimitation of those constituencies and for matters connected therewith, as passed by the House of the People, be taken into consideration.

SHRI C. G. K. REDDY ( Mysore ) : Sir, may I interrupt him and make a submission ? The Parliament is in session and unfortunately—I do not know how it happens—the Union Flag has been pulled down from Parliament House. It is a rather serious matter which, I think, you should take note of. When the Parliament is in session, I do not know why this should have happened, and I think immediate steps should be taken to re-hoist it on Parliament House.

MR. DEPUTY CHAIRMAN : Is it not flying; what has happened ?

SHRI C. C. BISWAS : I had noticed. The Union Flag was not flying for three days on end when both the Houses were sitting.

SHRI C. G. K. REDDY : That is a serious matter.

MR. DEPUTY CHAIRMAN : It is floating in our sector.

SHRI C. G. K. REDDY : But the main flag is not flying.

61 P.S.D.

SHRI C. C. BISWAS : Sir, I shall be very brief. It is not necessary that I should refer once again to the matter which I have dealt with in connection with the other Bill for amendment of the Constitution. Questions regarding delimitation were discussed in that context. Sir, the necessity of delimitation need not be emphasized. By introducing this Bill, we are now discharging a statutory duty which has been laid on Parliament by article 81, clause (3) of the Constitution.

The object of the Bill is to set up a machinery to carry out that duty. Now, Sir, the machinery which has been provided here is different from that which was operating in connection with the last general elections. If you want to know what the machinery was for the last general elections, you will have to refer to the Representation of the People's Act, 1950. Section 13 is the most important section in that Act in this connection. I need not read that out, Sir. That is there, and I take it that the hon. Members are aware of its provisions.

Very briefly, Sir, the procedure was that the final say in the matter of delimitation rested with Parliament. Last time's experience was unfortunate. The President's orders, which embodied the conclusions which had been arrived at by the Election Commission acting in concurrence with the Advisory Committees and which were laid before the Parliament, were simply torn into pieces by Parliament whose decisions seemed to have been actuated more by the convenience of individual Members of the House rather than by considerations of general interest. So, in view of that fact, it is now proposed to set up a high powered and independent authority which will inspire public confidence and the decisions of this body—the Delimitation Commission, as it is called in the Bill—will be final. The Report of the Commission will no doubt be laid before the House of the People.

I notice, in this connection, that there is an amendment that this Bill should not be laid merely before the House

[Shri C. C. Biswas.]  
of the People, but before this House as well. Well, actually, an amendment has been moved for the purpose. I hope that the hon. Member will not press that amendment, because I say on behalf of Government, that the Report will be placed on the Table in this Chamber, whether there is or is not statutory provision for it.

SHRI RAJAGOPAL NAIDU (Madras). What is the harm in including it?

SHRI C. C. BISWAS : The object is this. It means that this Bill will then have to go to the other House for nothing and I have already said that it is very important that the Bill should be passed. Only for this little thing, we should not now hold up the passage of the Bill. The matter is urgent. Otherwise, this House should not be sitting today for an extra day. Therefore, I hope that hon. Members will not press their amendments. I have seen these amendments and I regret that on the merits, I am not in a position to accept any of them.

You find that the Commission which we propose to set up will have to deal with the question of delimitation on the basis of the population as ascertained in the last census. That is in accordance with the express provision in the Constitution—article 81 (3). The corresponding provision, as regards Legislative Assemblies, you will find in article 170, clause (4). Under the Constitution, the whole scheme of representation is based on population. Last time we had no reliable data, because the previous census had taken place as far back as 1941, and the general elections took place in 1951. Therefore, what was done was to have certain national estimates prepared under President's orders. The Constitution itself had anticipated that and therefore, made specific provision in this respect under article 387. Article 387 says :

"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

ing 1951, 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."

As a matter of fact, Sir, in pursuance of this provision, the President's order—The Constitution (Determination of Population) Order, 1950—was passed. I need not examine the provisions. An elaborate procedure was laid down there as to how to obtain an approximate idea of what the population was likely to be in 1951. The figures of 1941 census were adjusted by reference to population trends during the intervening period. That is how it was done. An average was struck and certain figures were taken. You find that in 1951 the population as actually disclosed at the census was about 14 per cent. higher than the President's estimates.

When I read out article 387, you must have noticed that the delimitation which was determined on the population estimates under the President's orders, was to remain in force only for three years since the commencement of the Constitution, so that if any general elections were now to be held after the 26th January 1953, it will not do to proceed on the basis of those population figures. We have to proceed on the basis of the population as ascertained in the 1951 census.

As regards delimitation of constituencies, as you know, the first step is to find out and to determine the number of seats to be allotted. Rather, I will say, the first step is to divide the States into constituencies ; then, to find out the number of seats to be allotted to each such constituency. This will involve the question of allocation of seats which are reserved under the Constitution for the scheduled castes and the scheduled tribes. It is set out in the draft Bill.

Now, I will refer to some of the salient features of the Bill. First, as regards the composition of the Delimitation Commission. You will find that the Bill seeks to set up a high powered and absolutely independent authority who may be depended upon

to act with the utmost fairness and impartiality, free from all political or other extraneous influences. It will consist of three Members; one of whom will be the Election Commissioner—an officer of very high standing, absolutely independent of Government, who enjoys a rank and status equivalent to that of a Judge, a person who is thoroughly conversant with the details of the whole scheme of representation and delimitation. There cannot be any possible objection to the inclusion of such an authority in the Delimitation Commission. The other two Members will be persons of judicial rank and status. They must be judges (serving or retired) of the Supreme Court or of a High Court.

Then Sir, the Commission will perform all the functions which the Constitution requires to be performed for the purpose of delimiting the constituencies.

Then, it may be argued that a Commission, consisting of these three Members only, will not be in a position to possess that amount of local knowledge which will be necessary for demarcating the constituencies. The Bill, therefore, provides for the association of Associate Members with local knowledge and experience, with the Commission, at every vital stage of its proceedings. You will find that in clause 5 these Members are called Associate Members. They will be drawn from persons belonging to the States. Some will be taken from among the representatives of the particular State in the House of the People. Others will be selected from among Members of the State Legislative Assembly. That is the idea.

Then, you find different categories of States have been specified because the number of Associate Members will naturally not be the same for all States. The object is to secure the benefit of local knowledge. It is obvious that the larger the constituency, or the population in a constituency, the greater the need of having a larger number of Members

who can contribute their local knowledge. Some States have big constituencies, and their representation will not be sufficient unless there is a sufficiently large number of representatives with local knowledge. That explains why the number varies according to the States. As amended by the House of the People, you will find the different categories have been now indicated on a population basis, rather than by reference to their being Part A States group or Part B States or Part C States with or without the Legislative Assemblies. On that basis four categories of States have been specified the details of which you will find in the amendment. If the population of the State is not less than 75 lakhs, the number of Associate Members will be 7. If it is less than 75 lakhs but not less than 20 lakhs, the number will be 5. If it is less than 20 lakhs and the State has a Legislative Assembly, the number will be 3. And, if it is less than 20 lakhs and the State has no Legislative Assembly, the number will be 2. Of these Associate Members, some will have to be taken from the House of the People and some will be taken from the State Legislative Assemblies.

Then, the next important provision Sir, to which I need draw attention, is that contained in clause 8 of the Bill. The number of seats to be allotted to each of the States will have to be first determined by the Commission; and also, the number of seats to be reserved for scheduled castes and scheduled tribes.

There is one proviso regarding Part C States. There are three Part C States which do not possess any Legislative Assembly now, namely, Manipur, Tripura and Cutch. On the last occasion Sir, none of the Part C States had any Legislative Assembly. Therefore weightage had to be given. That is to say, the representation was much greater, having regard to their population, as compared with Part A and Part B States. Now, when some of these States have got Legislative Assemblies of their own, there is no justification for giving them any weightage. But weightage is retained in respect of these

[Shri C. C. Biswas.]  
three—Manipur, Tripura and Cutch, which have got no legislatures. This will mean that while the total number of seats for Part C States was 25 on the last occasion, this time by reason of the weightage being taken away from the majority of these States, the total number is reduced by 4 and the benefit of these 4 seats goes to the Part A and Part B States.

Then Sir, clause 8 provides for another very important matter—as to whether the constituencies should be single-member constituencies, or constituencies with more than one member. What the Bill suggests is that, as a normal rule, the constituencies should be all single-member constituencies, but in some cases, they have to be two-member constituencies, specially for the purpose of maintaining wherever necessary, reservation of the seats allowed to scheduled castes and scheduled tribes. You will find in clause 8—it is stated there—that all constituencies shall be single-member constituencies, or two-member constituencies. As the clause stands at present, it rules out the possibility of three-member constituencies, but an exception has been made and that for this reason. There is one three-member constituency now in North Bengal. That comprises three districts of Darjeeling, Jalpaiguri and Cooch Behar.

SHRI T. R. DEOGIRIKAR (Bombay) : That is also the case in the Bombay State.

SHRI C. C. BISWAS : I am speaking of parliamentary constituencies, and I speak without fear of contradiction when I say that the North Bengal constituency is the only parliamentary constituency in the whole of India which has got three seats. Now, we have to consider this. As a matter of fact, we tried to find out some means of avoiding a three-member constituency in this area. I went very carefully into this matter; but could not evolve any satisfactory formula which would avoid it.

11 A.M.

SHRI RAJAGOPAL NAIDU : There is a contradiction, Sir.

SHRI C. C. BISWAS : As regards the other three-Member constituency, that is a Legislative Assembly and not a parliamentary constituency. What is its name ?

SHRI B. RATH (Orissa) : It is not a contradiction; it is supplementation.

MR. DEPUTY CHAIRMAN : 1, 2 or 3 is not of much sequence.

SHRI C. C. BISWAS : So far as this constituency is concerned, that is also provided for in the proviso which, on my motion, the other House accepted. The proviso is : "Provided that the Commission may, if it finds it necessary to do so, continue either or both of the existing three-member constituencies, whether with or without alterations in their boundaries, reserving therein one seat for the scheduled castes and another seat for the scheduled tribes." The reason why a three-member constituency was created in North Bengal is that there is a large concentration of scheduled tribes and scheduled castes in this area.

Further, the scheduled castes and the scheduled tribes of Darjeeling, Jalpaiguri and Cooch Behar form a special class, very different from the scheduled castes and the scheduled tribes elsewhere in West Bengal and have nothing in common with them. Therefore, it was not fair or possible to ignore this area for the purpose of reserving a seat for the scheduled castes or the scheduled tribes.

Then, you come to sub-clause (b), "wherever practicable, seats may be reserved for the scheduled castes or for the scheduled tribes in single-member constituencies". This will be done where the scheduled castes or the scheduled tribes constitute a majority.

Then, Sir, you will find that clause 9 is procedural and nothing more ;

there is provision for publication of the proposals regarding delimitation, so that an opportunity may be given to the public to make known their views; those views will be considered and there will be public hearings where those persons who have submitted their opinions will have a right to be present and argue these matters and so on.

Finally, after all this is done, the Delimitation Commission will consider the matter and publish their final orders. These orders will be final; they will be laid before Parliament, but Parliament will have no opportunity to tear them up as they did on the last occasion.

That is roughly the broad outline of this Bill.

I move, Sir, that the Bill be taken into consideration.

MR. DEPUTY CHAIRMAN :  
Motion moved :

That the Bill to provide for the readjustment of the representation of territorial constituencies in the House of the People and in the State Legislative Assemblies and the delimitation of these constituencies and for matters connected therewith, as passed by the House of the People be taken into consideration.

SHRI C. G. K. REDDY : Sir, I shall try to be as brief as possible because, all of us are anxious to break up. I would also bring to the attention of the House that, so far as I am concerned, I have not tabled any amendment although I should like this Bill to have been amended to a substantial extent.

Sir, as the hon. Minister who moved this Bill has told us, this Delimitation Bill is meant to establish an impartial body to see that no political influence is brought about in the delimitation of constituencies. But, on going through the clauses of the Bill, I do not find any provision which will not put into effect the same forces that were in play when the first delimitation took place. Sir, the Election Commission and all other bodies connected with the Election Commission, including the Government have, more

or less, accepted the principle that the delimitation of constituencies should be done in such a manner that existing administrative units should not be disturbed. That was a very sound principle which was designed to obviate any gerrymandering; but, so far as the country is aware and, so far as the Opposition is concerned, we do know that in the delimitation of constituencies on the basis of which the last election took place, there was a great deal of gerrymandering. The disturbance that was necessary, in so far as the administrative units were concerned, should have been made only if it could not be done otherwise. That is, if a taluka or district were to be taken more or less as the Legislative Assembly constituency or the Parliamentary constituency, no attempt should have been made to try to infer transfer from two adjacent districts or from two adjacent talukas to make it possible for a particular political party or a particular person to have a sort of a pocket borough. This in fact happened. I can quote any number of instances from the State of Mysore but, it would be sufficient if I were to give one particular instance. Sir, in the District of Hassan, there are two Assembly constituencies, Holarasipur and Arakalgud. Now, these two are talukas by themselves; but, when delimitation was made one hobli, or, as the hon. Members would call it, one circle of one taluka was taken to the constituency of the other taluka and another circle from the other taluka was transferred to the first. There was no reason why this should have been done; but, there was this political reason, community-wise and also politics-wise, that it benefited certain political parties and certain persons, to create these two constituencies as their own special pocket boroughs. Now, this happened in spite of the fact that we had a fairly impartial body which was responsible for the delimitation of the constituencies. I am sure it is not the contention of the hon. Minister that the Election Commission, whose responsibility it was to publish and to determine constituencies, was not impartial. It was impartial and I may take this occasion

[Shri C. G. K. Reddy.]

to pay a tribute to the Election Commission as such ; but, there are certain difficulties even in the way of the Election Commission discharging its responsibility in an impartial manner because, those Committees which advised the Election Commission were heavily weighed on the side of the political party in power today. -So, naturally, when these recommendations went to the Election Commission, the Election Commission could not go through the merits of each and every complaint or every suggestion that was made by bodies other than the Congress Party or the Delimitation Committee. Therefore, they had to accept more or less *in toto* the recommendations that were made. Not only that. So far as my State is concerned—and I understand in other States also this happened—there was a preliminary report published by the Delimitation Committee of the State. On the basis of that, political parties and individuals were invited to make their suggestions or criticisms on this report.

SHRI C. C. BISWAS : May I give one piece of information as regards the procedure which was followed on the last occasion in regard to matters like the one referred to ? The Election Commissioner—there was only one member constituting the Election Commission—could not find time to go and meet the Advisory Committees at every centre. He toured as much as possible and there the matter was thrashed out on the spot in collaboration with the Advisory Committees. In other cases, the recommendations of the Advisory Committees were submitted to him and he examined them. But in each case the Election Commissioner acted with the utmost impartiality and tried to avoid any delimitation that might savour of undesirable influence.

SHRI C. G. K. REDDY : The hon. Minister is merely repeating what I said. I paid a tribute to the impartiality of the Election Commissioner at the very beginning of my speech, and I also tried to explain the difficulties

that were in the way of the Election Commission which militated against proper delimitation. I agree with what he says : in fact I said that even before he said it.

As I said, the first preliminary report was published by the State Committee and on the basis of that, political parties and others were asked to offer criticisms and suggestions. These went to another body, another Delimitation Committee consisting of the Members of the Provisional Parliament. They submitted a report which had in some cases no relation to the State Committee's report whatever and that report was accepted *in toto* by the Election Commission. I do know that the Election Commission could not go into it deeply. It could not tour the constituencies and take their advice. But what I say is that the same thing is likely to happen this time also.

SHRI C. C. BISWAS : The matter was not left in the hands of the Election Commissioner. It was in the hands of Parliament. As I said—that is my complaint—they tore up the President's order which embodied the recommendations of the Election Commissioner.

SHRI C. G. K. REDDY : All right, I will accept it. But what I am trying to say is this, that it is not going to be any different this time also. The Election Commissioner can be trusted to be impartial. He has certain immunities which make it possible for him to be completely impartial. But in creating the Delimitation Commission we should have tried to include provisions which would make it possible for the Commission to follow a certain procedure in effecting a proper delimitation of constituencies. Apart from the constitution of the Delimitation Commission it is laid down in clause 7 that the Commission will have power to call for reports and suggestions and other information that any body or any individual may in their opinion be able to give, but there is no obligation on the Commission to receive and consider any suggestions that may be sent by any political party or even by any

individual. It looks to me rather one-sided that whereas the Commission has the powers of a civil court in calling witnesses, in calling for reports, in calling for records, in calling for suggestions, in calling for anything that they think is necessary, it is not obligatory on them to consider any suggestions or other things which are placed before them.

SHRI C. C. BISWAS : Will the hon. Member refer to clause 8, sub-clause (3) (c) ? It is obligatory on the Commission to consider all objections and suggestions which may be received by it.

SHRI C. G. K. REDDY : It skipped my memory. I am sorry. I looked only into the procedure.

SHRI C. C. BISWAS : Clause 7 merely invests the Commission with authority to call for papers, to call for evidence, and so on. That is about all. But the question of giving a hearing and considering objections and suggestions is dealt with in clause 8.

SHRI C. G. K. REDDY : I missed it because I went into the question of procedure and I looked for this there. It was not there. Even then, my point holds good. As far as I know from actual practice, once certain proposals are made and a certain fixation is made, it is rather difficult for the Commission to revise to any great extent any proposals that they have already made. Therefore, it would have been better if even before arriving at tentative decisions and then calling for objections and suggestions, it was made obligatory on the part of the Commission to call for suggestions for delimitation of constituencies on their present basis. As I have already said, there are very many instances in every State where delimitation was done in a most haphazard and most arbitrary manner to suit a particular party or individual. In fact the criticisms are there with the Election Commission already, but even if *de novo* they had invited suggestions and criticisms from political parties and individuals and asked them to submit their objections

to the constituencies as they are, it would have been better. The main function of the Delimitation Commission today is to readjust constituencies because of the increase in population, not because of any defects that have arisen already. Unless I am going to be corrected again—I hope I am correct in this—so far as the delimitation that is going to be made now is concerned, that is only a delimitation or adjustment that has to be made mainly because of an increase in population, and not because there were certain defects in the former delimitation. Therefore, taking this opportunity of creating a Delimitation Commission, if we had provided in the Bill that whatever objections that the public might have to the present delimitation should be considered by the Commission, it would have been far better and it would have been much more convenient for the Commission to go through those objections.

But what would happen now is that the Commission will reconsider all the constituencies. Including the Associate Members, their thoughts will be directed only towards seeing to it that these constituencies do not represent population which could be readjusted. Supposing there had been a certain growth in population in a particular city, there only an adjustment will be made by the Commission before objections are received. Now even according to clause 8, what is the basis of these objections and suggestions that are to be received from the public? The terms of reference of the Delimitation Commission are that the adjustment should be made because of population, because of increases or decreases of population, because of the latest census figures. Now on the basis of that only would the Delimitation Commission consider certain objections and suggestions? My contention is that the Delimitation Commission, in spite of clause 8 (3) (c), would not be obliged to receive any complaints from the public or political parties on the basis of constituencies as they are. Now I quote one instance. Supposing there has been no disturbance or unbalanced growth

[Shri C. G. K. Reddy.] of population in these two constituencies, I have referred to these two constituencies will stay as they are. I have said that two talukas which could have been independent Assembly constituencies, there too, constituencies have been re-created, although it was not necessary to disturb that boundary. Now, sir .....

SHRI C. C. BISWAS : The Bill contemplates that the Commission will be free to re-draw the boundaries of these constituencies.

SHRI C. G. K. REDDY : I do not know—I wish he did not interrupt me so that I could save the time of the House and my breath also. I said, the main purpose of this Commission is to adjust. It has not been created because there have been public complaints of gerrymandering—as in fact it has been—but it has been constituted because of the increase in population. Now I want the hon. Minister if he can give me this assurance and if the Delimitation Commission will also.....

SHRI C. C. BISWAS : If you will look at clause 4, you will find that it shall be the duty of the Commission not merely to adjust the representation as contemplated in the Constitution according to latest census figures, but also to delimit the said constituencies. That was expressly inserted both in this clause and in the very title of the Bill to make it clear that the Commission will be free also to draw the boundaries if necessary. And my hon. friend might accept that assurance from me.

SHRI C. G. K. REDDY : Sir, we seem to be at cross-purposes with each other. We seem to be saying the same thing again and again. All that I want to say, I will say in two or three sentences. Sir, the Delimitation Commission is being instituted not because there have been public complaints of gerrymandering, but because there has been certain increase of population and on that basis certain readjustment will have to be made.

Therefore, the main function of the Delimitation Commission including receiving objections and suggestions from the public would be directed towards this limited purpose. If the hon. Minister will give me an assurance.....

SHRI C. C. BISWAS : Sir, I might.....

MR. DEPUTY CHAIRMAN : The hon. Minister may note these points and reply them at the end.

SHRI C. G. K. REDDY : So, all that I say is this that the Bill, as it is, in my opinion is being designed to ask the Delimitation Commission to readjust and re-delimit constituencies, so that any increase of population that has taken place on the basis of 1951 census will not make these constituencies too big or too small. I am also aware that nothing stops the Delimitation Commission from seizing this opportunity of setting right the gerrymandering that was resorted to. But all that I say is that it should have been also one of the primary responsibilities of the Delimitation Commission. But if the Law Minister gives me the assurance that the opinion expressed in the House will be duly taken note of by the Delimitation Commission and if the Delimitation Commission is really going to invite the public even before they tentatively fix the boundaries, then I have nothing to say.

MR. DEPUTY CHAIRMAN : Is there anything in this Bill which limits such power ?

SHRI C. G. K. REDDY : It does, Sir. It is not obligatory on the Commission to do so. I want that since there have been already complaints, even before they tentatively fix the constituencies, they should invite suggestions and complaints or look through the complaints and suggestions as have already been received by the Commission. The difference is only this. Why I ask for it is that once the tentative boundaries are fixed, it will be more difficult for the public to send their criticisms and suggestions. If the Delimitation Commission that



is to be instituted, takes note of this opinion and the hon. Law Minister agrees with me in this—as I think he is agreeing—then I have no objection whatever. But the Bill, as it is, does not provide for this. I want emphasis to be put on the complaints as they exist already—not because of the increased population but because of the gerrymandering that has been resorted to. If the Delimitation Commission is going to take into consideration that particular aspect, I have nothing else to say.

SHRI P. SUNDARAYYA (Madras) : I want to bring certain matters to the notice of Government with regard to the Delimitation Commission Bill. The Government should think over the whole system of representation itself and bring in a new Bill altogether because in the last elections 44 per cent. of the electorate had voted for the Congress and the rest of the voters had voted for different parties. If this will of the voters is to be reflected properly, then the House of the People or the Assemblies in different States would not be having the huge majority which the Congress today has got. Not that the Congress Government would not be formed either at the Centre or in the States because they would have made coalitions. The Government being far more responsible to the Opposition demands as well as to the electorate it could have been done only if the Government had adopted the system of proportional representation. But since we are not discussing here the question of Representation Act itself, I won't go into details. Since the Government has not adopted the most democratic method of representation, i.e., the proportional representation, and decided to have single-member constituencies and distributive vote as a method of elections, we must see that in this method itself, it will not be made difficult for the candidates to go and meet the voters and canvass their votes properly. When we were discussing the other day the Constitution (Amendment) Bill, we suggested that  $7\frac{1}{2}$  lakhs constituency itself is too big a constituency, and that it should be reduced. But, of course, the House did not agree.

Now this Delimitation Bill is brought and here double-member constituencies have been provided and only in one or two cases, single-member constituencies have been provided.

With regard to the double-member constituencies, the Government argument is that since the Constitution accepts reservation of seats for the scheduled castes as well as scheduled tribes, this could only be done through double-member constituencies. I tried my best to think over the argument of Government, but I could not see any reason why these double-member constituencies should be there. Even to give the reservation for scheduled castes or scheduled tribes, why can't there be single-member constituencies and no double-member constituencies whatsoever? And in particular for single-member constituencies themselves it could be provided that from such and such single-member constituencies only, scheduled caste candidates would be elected and nobody else.

If you are going to give reservation of seats, then I do not see why any objection should be raised. One argument that was adduced against having single-member constituencies, where seats are reserved for the scheduled castes, is that the non-scheduled castes people or the general voters will not have an opportunity of electing any other person apart from the scheduled caste candidate. If this is the logic behind this argument, it is bad logic, because there are a number of other constituencies where there is no reservation for scheduled castes as such and all the same in those constituencies there are scheduled castes people and they would be electing a non-scheduled caste candidate or a general voter.

PROF. G. RANGA (Madras) : They could elect one from any caste.

SHRI B. K. P. SINHA : There is nothing to prevent them from electing a scheduled caste man.

SHRI P. SUNDARAYYA : So, if these scheduled castes people are

[Shri P. Sundarayya.] allowed to elect a general candidate in constituencies where there is no reservation for them, then why not the general voter also be enabled in the constituencies where there is reservation for them, to elect a scheduled caste man as their representative? After all, it does not matter whether the representative comes from the scheduled castes or from the general voters so long as he gets elected by the general vote of the voters. Since the Constitution has guaranteed to the scheduled castes the right to be represented by a scheduled caste member at least for 10 years, we certainly accept that reservation, but then why make provision for double-member constituencies? They should all be made into single-member constituencies and thus reduce the size of the constituency. I have also given notice of an amendment to that effect. One of the reasons why we want abolition of double member or treble-member constituencies even where there is reservation of seats for the scheduled castes, is that the constituencies should not be too big for the candidates to cover. Now, in the East Godavari district, there is a double-member constituency, which stretches from the east coast to the border of Madhya Pradesh, a distance of nearly 200 miles in difficult terrain. There are forest areas, mountainous areas and agency areas. This kind of constituency has got to be covered by the candidates. This will be an extremely difficult job if any real canvassing has to be done. From other provinces also other examples will be given by hon. members, for instance, the Nalgonda district in Hyderabad. Here, the whole district is made into one constituency, because one seat has got to be reserved for the scheduled castes. This district is 10,000 sq. miles in area and extends to a length of nearly 100 to 150 miles along the Krishna river. Such huge constituencies are not conducive to proper electioneering. So, even if we do not accept proportional representation, then the next best thing is to make a constituency as small as possible and not to make it unwieldy. That is why we want Government to have only single-member constituencies and

not double-member constituencies. I can understand if the Government says that there will be double-member constituencies and cumulative voting. If cumulative voting is there, then the minorities, scheduled castes and others, can elect any person they want, whatever the general voters may think about him, because both the votes can be given for the same candidates and they can make certain that the men whom they want are elected. If the Government refuses to accept cumulative voting and a scheduled caste candidate has to be elected by the majority of the general voters, this reservation in is no reservation at all. A scheduled caste candidate may come, even though he will not be elected by the scheduled castes themselves. He may not get a majority of the votes of the scheduled castes. He may have got a minority of the scheduled caste votes but still he might come in by the votes of the general voters. Reservation is impinged here. If the Government refuses to accept cumulative voting and the democratic method of proportional representation in the name of reservation of seats for the scheduled castes, then they are only making it more difficult for the scheduled castes to send their real representatives in the elections.

As far as the question of gerrymandering of constituencies is concerned, the Law Minister has accepted that there has been some gerrymandering, that whatever the Election Commission did was changed by Parliament. In our own province, there is a constituency, the Krishna-cum-West Godavari constituency. The Kaikalur taluk was eliminated from this constituency and was put in one of the Krishna constituencies, whereas the Bandar and Divi taluks in Krishna district have been attached to the Bhimavaram taluk in West Godavari district, because, as everybody knows in Andhra, this seat was considered to be a save one for one representative of the Congress, an ex-President of the Pradesh Congress. He thought that since he is very influential in the Krishna Co-operative Bank which covered these taluks, the constituency

should be made up in this manner so that it would be a pocket borough for himself or his nominee. But unfortunately for him in spite of the gerrymandering, the people of that constituency voted against the Congress and elected a Member of the Communist Party. That is another matter but this kind of gerrymandering has been plenty. I gave only one instance and the Law Minister assured the House that the present Delimitation Commission will go into these gerrymandering also and see that wherever gerrymandering has been done, it will be set right, though there is no provision as such except that if objection is made, the Delimitation Commission will go into it. The Law Minister has however assured and we accept it that the Commission is going to set right the gerrymandering of the constituencies. With these remarks, I conclude.

SHRI RAJAGOPAL NAIDU : Sir, I am glad that the hon. Minister had accepted that there was some kind of gerrymandering last time and that with a view to obviating all these things he wants to see a Delimitation Commission constituted which would be very powerful. I am also glad that the Chief Election Commissioner of India is the *ex-officio* Member and also it proposes to include 2 members either Judges or ex-Judges of the Supreme Court or Judges or ex-Judges of the High Court. I will also agree with Mr. Sundarayya that there are some difficulties with regard to double-member Constituencies. As the delimitation stood before the elections, we had in our country 401 constituencies of which 314 were single-member constituencies and the rest double or treble-member constituencies. The total strength of the House was 497 of which 490 had to be elected and 7 had to be nominated from the tribal areas in Assam, Jammu and Kashmir and the Andaman and Nicobar islands. With regard to the scheduled tribes, of course, they are living in certain concentrated areas in overwhelming majority and they were therefore given special constituencies. With regard to the scheduled castes because they are

found everywhere, uniformly distributed,—certain areas where these people were heavily concentrated,—they were demarcated and formed into a particular constituency and this constituency has been joined to the adjacent general constituency to produce a unit with twice the normal number of votes and it was called “pairing off” of the general seat with the reserved seat. As Members are aware, some of us who had the experience of standing in double-member constituencies in the elections, experienced all sorts of insurmountable difficulties in this regard. Two votes were given to each other and it was not specified that one vote should be cast to the reserved seat candidate. The instructions were that the two votes may be put into any two boxes and not necessarily one in the box of the reserved seat candidate. So much so the votes that were meant for the reserved seat candidates naturally in most of the cases, went to the general seat and in the alternative the ballot papers that were meant for the general seat went to the reserved seat. The persons who wanted really to elect a scheduled caste candidate could not do so and the votes were uniformly distributed to all kinds of boxes that were kept in the booth.

SHRI H. N. KUNZRU : It did.

SHRI RAJAGOPAL NAIDU : Some of these boxes were not even identifiable. Because, the box meant for the scheduled caste candidate was having an emblem—a sort of circle over it—and most of the illiterate voters were not able to choose which was the box meant for the scheduled caste candidate.

SHRI C. C. BISWAS : This has nothing to do with the delimitation question.

SHRI RAJAGOPAL NAIDU : I am talking of double-member constituency and the amount of difficulties we had to experience. So my suggestion is going to be that there should be no double-member constituency. Let a constituency be picked up where the scheduled castes live in a majority and

[Shri Rajagopal Naidu.]

let a separate constituency be given to them. There should have been at least some separate booths for them and the ballot boxes meant for them should have been kept in that separate booth but it was not so and all the boxes were kept in a row in the same booth according to the alphabetical order, the only differentiation being that the boxes meant for the scheduled caste were simply encircled with a black circle. Many voters were not able to distinguish whether they were really voting for the general seat or for the reserved seat candidate.

Then, we have been seeing the decisions of the various tribunals after the elections were over. If the election of a general seat candidate was questioned and the election tribunal held, that either a nomination paper was improperly rejected or accepted,—because there is a provision in the Representation of Peoples Act—if I remember aright, Section 100 clause 1, sub-clause (c)—the entire election has been declared as void for no fault of the reserved seat candidate. He had to suffer because the entire election has been declared void. There are a number of such cases and there is one in my own district in Madras where the nomination paper of the general seat candidate was improperly accepted because he happened to be a Government contractor and thereafter there was an election petition filed and it so happened that because there was a provision in the Representation of Peoples Act that in the case of an improper acceptance of a nominated paper, the entire election has to be declared void even though there is no prayer in the petition for declaration of the reserved seat election to be held void, unfortunately his election also has been held void.

MR. DEPUTY CHAIRMAN : The hon. Member forgets that if the next candidate is the scheduled caste candidate, he can be elected to the general seat. There is a special provision giving that right to the scheduled caste candidate.

SHRI RAJAGOPAL NAIDU :

I am not on that point. I quite agree with the hon. Deputy Chairman on his point. I am only on the other point that because there is a provision in the Act that if the nomination paper of either the general seat candidate or the reserved seat candidate is improperly received or rejected according to the tribunal, the entire election has to be declared void; all these difficulties arise in the double-member constituencies. I would suggest that where the scheduled castes are in great majority as compared to other areas, that area should be declared a reserved area for the scheduled castes. Let it not be tacked on to a general seat and let there be no double-member constituencies.

Coming to the merits of the Bill, I would make a few suggestions. With regard to clause 5, the general complaint is that the Members of the Council of States are not represented in this Commission and I find there is an amendment tabled and I am sure the hon. Member who tabled the amendment on that point will speak on that and so I will not deal with it. Coming to clause 6—casual vacancies—I find that owing to the death or resignation, when the office of the Chairman or Member or associate Member falls vacant, it shall be filled as soon as practicable by the Central Government. I have suggested an amendment to insert after “death or resignation” the words “or for any other reason”. For instance, if the election of a Member who has been taken as an Associate Member, is declared void, that seat will fall vacant, and it has to be filled up. As at present, only for two reasons, i.e., for death or for resignation alone you can fill up that particular seat that has fallen vacant and not for any other reason. If the hon. Minister thinks that my amendment is a reasonable one, he may accept it, otherwise the House may reject it.

With regard to the powers of the Associate Members, I find that they are there merely as dummy Members with no powers at all. I would suggest that

they should at least be given some power to give written opinions so that Parliament may get to know what their opinions are.

With reference to the final power to readjust the constituencies, I would like to submit that this power should remain with Parliament ; but according to clause 9, I find that it is only the Commission which has got the final power, and after it has decided, the matter is simply submitted to the House of the People for the purpose of recording. I submit that Parliament should have the powers to override or abrogate any of the recommendations of the Delimitation Commission. Of course, there may be difficulties, there may be gerrymandering and all that ; but I think we must have learnt some lessons from the last elections and I feel that this Commission should not be all-powerful, that some kind of power should be given to Parliament and Parliament should have the absolute authority to finally deal with these matters.

Further, I also feel that the Council of States should also be brought into the picture. Of course, the hon. Minister has admitted that the report will be submitted before the Council of States also though it is not so provided now in clause 9. I do not know how it was overlooked. I am glad that he has given the assurance that it will be placed before the Council of States also.

I wonder whether in a period of six months this small Commission will be able to go round the whole of our country and submit its proposals. On the other hand, I would suggest that there should be a sort of regional commission also appointed with one of the officers of the State Government as member of the Delimitation Commission. As it is, we find no officer of the Government of any particular State has been appointed a member of the Delimitation Commission. It is only an officer of the particular State concerned who will have the peculiar knowledge about this State and that will be of great use to the Commission.

Coming next to the last clause, Sir, I find that if there is any clerical mistake or error, only six months' time is given for the correction of that error that has crept in. Suppose some ignorant person had not taken note of it, he would certainly be deprived of his votable right and all that. I cannot understand why only six months' time has been given. I would suggest that the words "six months" should be deleted and it should be open to the Commission to accept any such clerical or arithmetical errors at any time—errors that have crept in due to accidental slip or omission. There should be no time limit fixed. We have seen just before the elections people rushing to the Election Commission and getting their names included. Otherwise it would cause great hardship.

I have a little to say about clause 7 where I find the powers of the Commission being referred to. I do not know whether the Commission has only the powers as provided in clause 7, namely the summoning and enforcing the witness to attend, production of documents and requesting the production of records from any court or office or whether they have all the powers provided for the trial of suits in the Civil Procedure Code. I have this doubt, because in one or two judgments of the tribunals on these election disputes, I find this question arose, viz., whether the Commission has all the powers of the Civil Procedure Code or whether it has only the limited powers to deal with those provisions that are found here. If the power is limited to these three provisions, I will have no grievance. Otherwise I submit that special permission should be made for this Commission to have all the powers as founded for a Civil Procedure Code in trying suits.

MR. DEPUTY CHAIRMAN : There is clause 6.

SHRI RAJAGOPAL NAIDU : Clause 6 deals with casual vacancies, Sir.

PROF. G. RANGA : Yes, it deals with casual vacancies.

MR. DEPUTY CHAIRMAN : I mean sub-clause (6) of clause 7.

PROF. G. RANGA : Yes, there it is.

SHRI RAJAGOPAL NAIDU : That sub-clause is with regard to the Code of Criminal Procedure, sections 418 and 482. I am here talking about the powers of the Election Commission in the matter of trials, whether it has all the powers of a civil court in trying suits or it has only these limited powers ; whether these powers are analogous to sections 90 and 92 of the Representation of the Peoples Act or whether they are limited to these powers only. I have a doubt and I hope the hon. Minister will clear that doubt.

I have expressed my opinions with regard to the splitting up of double-member constituencies and having only single-member constituencies. If that is not possible, let no particular area be always fixed a double-member constituency. Let the scheduled caste seats be fixed as a sort of rotating business. Let no particular area be called always a double-member constituency. Otherwise it is unfortunate to have a particular area always designated as a double-member constituency and the persons standing for election from that area suffer from a lot of handicaps. Also the scheduled castes living in other areas get no chance of electing their representative, for that happens to be the privilege always of a particular area. Therefore, I suggest keeping this as a sort of a rotating thing. Let one area be selected in a district for the election of a scheduled caste candidate in one election and for the next election let another area be selected.

SHRI GOVINDA REDDY (My-sore) : Where the scheduled castes are in a majority, that area will be taken as the double-member constituency.

SHRI RAJAGOPAL NAIDU : Where they are concentrated, that area will be fixed as double-member constituency. But we know the scheduled castes are spread everywhere and in some areas they form, say 20 per cent. and in other areas 25 per cent. The difference is not much ; still one area always has the privilege of electing the scheduled caste candidate, though the

difference in the percentage of scheduled caste voters may be only one or two. This is working hardship on both those who stand for the general seat and on those who stand for the reserved seat in that particular area.

MR. DEPUTY CHAIRMAN : That point has already been sufficiently stressed by other hon. Members.

SHRI RAJAGOPAL NAIDU : I thought that I may also say that so that it will go a long way. That is why I repeated.

12 NOON

DR. W. S. BARLINGAY (Madhya Pradesh) : Mr. Deputy Chairman, there was just one thing which I wanted to stress. But I find that Shri Rajagopal Naidu has almost anticipated what I wanted to say.

MR. DEPUTY CHAIRMAN : You can save the time of the House.

DR. W. S. BARLINGAY : I may say just one or two things. I do not want to say much. I was referring to clause 10 of the Bill. I find there, Sir, that the clause says :

"At any time within six months of the date of publication in the Gazette of India of any order of the Commission under sub-section (1) of section 9, any clerical or arithmetical mistake in the order and any error arising therein from an accidental slip or omission."  
.....etc.

My point is that if this clause had reference to any substantial error, the matter would have been different. But, I submit that when the question is merely one of clerical error or non-substantial error or merely accidental slip, then the question of time limit should not come at all. As a matter of fact, on account of this limitation, the inherent powers which are vested in the authority which issues the order are virtually taken away. Therefore, I submit that, at any rate, we want some sort of clarification from the hon. Minister in this respect. I respectfully suggest that the words "six months" be substituted by "at any time" or the whole clause may be omitted. One or the other of these things may be done.

There is just one more point which I wanted to refer to. That is in answer to what was contended by Mr. Sundarayya. Of course, I am not agreeing with Mr. Sundarayya. I want to controvert what he wanted to say. He suggested that because less than 50 per cent. votes were cast in favour of the Congress candidates in many of the constituencies, it follows that people were not in favour of the Congress.

SHRI C. G. K. REDDY : Naturally.

DR. W. S. BARLINGAY : No, what I want to point out is that there is a subtle fallacy in that. If in anyone constituency there are only two candidates and if there is a straight fight between those two and if more than 50 per cent. is cast for the person opposing the Congress candidate, then the conclusion would be correct that there, the people are not for the Congress. This would be a correct proposition to lay down. But if there are more than two, then, what happens is that there may be several ties, personal attachments and so on, which have to be considered, and there is no guarantee, that those people who have not voted for the Congress candidates when there were three candidates, would not have voted for the Congress candidate even if only two candidates had stood there for election. That is a relevant consideration when you consider all the points raised by the opposition.

SHRI R. P. TAMTA (Uttar Pradesh) :

श्री आर० पी० टाम्टा (उत्तर प्रदेश): उपाध्यक्ष महोदय, मौजूदा बिल जो भवन के सामने है वह संविधान के अन्दर एक आवश्यक बिल है। संविधान की धारा ८१ और १७० में यह कहा गया है कि हर एक जनगणना के बाद पार्लियामेंट द्वारा एक कमीशन की नियुक्ति होगी और वह कमीशन उस जनगणना के अनुसार या अनुपात से देश के विभिन्न राज्यों में जो सुरक्षित सीटें और जनरल साधारण सीटें होंगी, उनके निर्वाचन क्षेत्रों को

निर्धारित करेगा और इस बात का निर्णय करेगा कि किन क्षेत्रों में स्थानों में यह सीटें होनी चाहियें। इस प्रकार कमीशन के दो काम होंगे।

कमीशन का पहला काम यह होगा कि पिछली जनगणना के अनुसार जो सन् १९५१ में हुई थी उसके आंकड़े देखते हुये इस बात का निर्णय दे कि किस राज्य में कितनी सीटें विधान सभा के लिये होंगी और कितनी सीटें लोकसभा के लिये होंगी। यह निर्णय देने के बाद कमीशन के सामने दूसरा प्रश्न यह होगा कि इन सीटों में कितनी सीटें परिगणित जाति के लिये, अनुसूचित कबीलों के लिये, शिड्यूल्ड कास्ट और शिड्यूल्ड ट्राइब्स के लिये सूचित किया जाय। देश में सीटों की संख्या को नियुक्त करने के बाद कमीशन को यह तै करना होगा कि इन जातियों को कितनी सीटें दी जायें। इन जातियों की संख्या के अनुसार इन सीटों की संख्या का निर्णय होगा कि किस राज्य में कितनी सीटें इन समुदाय के लोगों को मिलनी चाहियें। जहां तक संख्या निर्धारित करने का प्रश्न है इस में किसी प्रकार की दिक्कत नहीं होगी, क्योंकि जनगणना के आधार पर इन सीटों की संख्या नियत कर दी जायेंगी। और यह कोई ऐसा कार्य नहीं है जिसमें मतभेद की गुन्जाइश हो।

अब जो कठिन प्रश्न कमीशन के सामने आवेगा वह यह है कि राज्यों में कहां कहां यह सुरक्षित सीटें रखी जायें और किन किन स्थानों में से ये सीटें शिड्यूल्ड व्यक्ति और शिड्यूल्ड ट्राइब्स के लिये रखी जायें। इसके विषय में इस बिल की धारा ८ के अनुसार इस बात की व्यवस्था की गई है और यह बताया गया है कि किस तरह से निर्वाचन क्षेत्र इस देश के अन्दर होंगे। इसमें यह कहा गया है कि कुछ निर्वाचन क्षेत्र ऐसे होंगे जिनमें एक मेम्बर छाटा जायेगा और कुछ

[Shri R. P. Tamta]

ऐसे होंगे जिन में एक से अधिक दो मेम्बर छाटे जायेंगे। मुझे इस बात की खुशी है कि इस बिल में इस तरह की व्यवस्था की गई है कि एक सदस्य वाले क्षेत्र होंगे। जहाँ तक सुरक्षित सीटों का सवाल है वह इस बिल की धारा ८, हिस्सा बी, में दिया गया है और वह इस प्रकार से है :—

Wherever practical, seats may be reserved for the scheduled castes or for the scheduled tribes in single member constituencies.

यह एक ऐसी धारा है जिस का हम स्वागत करते हैं। संविधान के अनुसार हरिजनों के लिये कबालियों के लिये, परिगणित जातियों के लिये, अनुसूचित कबीलों के लिये सीटें सुरक्षित हैं। इन सीटों को विधान के अनुसार सुरक्षित करने का यह उद्देश्य है कि इन समुदाय के सदस्य विधान सभाओं और लोक सभा में जा कर अपनी स्थिति के विषय में जो उनके कष्ट और दिक्कतें हैं वह विधान सभा और लोकसभा और सरकार के सामने रख सकें। इस के लिये यहां आवश्यक है कि जहाँ तक मुमकिन हो ये सीटें अधिक से अधिक स्थानों में होनी चाहियें और विभिन्न विभिन्न क्षेत्रों में होनी चाहियें जिससे देश के विभिन्न इलाकों में रहने वाले लोग अपनी समस्या को विधान सभाओं और लोक सभा के सामने रख सकें। पिछले चुनाव में यह देखा गया है और अनुभव किया गया है कि जो सुरक्षित सीटें थी वह उन क्षेत्रों में थी जहाँ डबल-मेम्बर कांस्टीट्यून्सी (double-member constituency) भी थी दो सदस्यों वाले क्षेत्र थे। इसका नतीजा यह हुआ कि वह कांस्टीट्यून्सी (क्षेत्र) इतनी बड़ी हो जाती है कि परिगणित जाति के लोगों के लिये उसमें चुनाव लड़ना बड़ा ही दूभर हो जाता है। कहीं पर यातायात के किसी प्रकार के भी साधन न होने की

वजह से और भी कठिनाई का सामना करना पड़ता है। एक जगह दूसरी जगह से इतनी दूर होती है कि वहां पर जाना ही कठिन नहीं हो जाता है बल्कि जो खर्चा चुनाव लड़ने में होता है वह इस समुदाय के व्यक्तियों के वरदाशन में बाहर हो जाता है। इसलिये मैं समझता हूं कि अगर दरअसल इन लोगों को रिप्रेजेंटेशन (प्रतिनिधित्व) देना है तो इसके लिये आवश्यक है कि सुरक्षित सीटें एक सदस्य वाले क्षेत्र में हों ताकि इस वर्ग के लोगों को भी चुनाव में दोहरा खर्च न करना पड़े और आसानी से चुनाव लड़ सकें।

मैं यह चाहता हूं कि प्रत्येक जिले में एक सुरक्षित सीट हो। उसके विरोध में यह कहा जाता है कि आबादी के लिहाज से सीटें सुरक्षित की जाती हैं, मगर परिगणित जाति की आबादी इतनी ज्यादा जिले में नहीं है कि जिस को देखते हुये सीट दी जाये। मैं आपसे निवेदन करूंगा कि संविधान में परिगणित जातियों के लिये, ट्राइब्स के लिये, जो स्थान सुरक्षित किये जाने की व्यवस्था है वह किसी जिले की आबादी के अनुपात से नहीं किया गया है बल्कि जो सीटें रिजर्व होंगी वह उस राज्य में उन जातियों की आबादी के लिहाज से की जायेंगी। इसलिये मेरा आपसे यह मुझाव है कि सारे भारतवर्ष में इन सीटों को इस तरह से बांट दिया जाये कि भारतवर्ष के प्रत्येक जिले में कम से कम एक सीट हरिजनों के लिये सुरक्षित हो जाये। इस तरह की व्यवस्था करना कोई मुश्किल बात नहीं है क्योंकि सारे भारतवर्ष में जो जिले हैं उनकी संख्या ४७४ है। अगर यह बात मान ली जाती है तो देश में कम से कम एक सीट परिगणित जाति के लिये सुरक्षित रहेगी। इस तरह से यह सम्भव हो सकता है कि प्रत्येक जिले में उनके लिये एक स्थान सुरक्षित कर दिया जाये और यह सीटें सिंगल मेम्बर कांस्टीट्यून्सी



(single-member constituency) में एक सदस्य वाले क्षेत्र में होनी चाहिये ।

इसके बाद जो बाक़ी सीटें रह जाती हैं वह उन स्थानों में जानी चाहियें जहां इस जाति के लोगों की आबादी सब से ज्यादा हो । इसी तरह से लोक सभा में जो उनके लिये सीटें हैं उनके लिये भी यही होना चाहिये कि वह मिगल-मेम्बर कान्स्टीटुएन्सी में, एक सदस्यों वाले निर्वाचन क्षेत्र में, सुरक्षित होनी चाहिये । लोक सभा में परिगणित जाति के लोगों के वास्ते व्यवस्था होनी चाहिये कि हर एक राज्य के हर डिवीजन में कम से कम एक सीट इन लोगों को मिल जानी चाहिये । अगर कमीशन इस बात को सिद्धांत रूप से मान ले तो सारे देश का इस तरह से बटवारा किया जा सकता है कि हर डिवीजन में कम से कम एक सीट मिल जाय । इसका नतीजा यह होगा कि इन जानियों के लोग जो अलग-अलग स्थानों में रहते हैं वह विधान सभाओं और लोक सभा में जा कर अपनी बातों को और कष्टों को सरकार के सामने अच्छी तरह से रख सकेंगे । असल बात यह है कि हर एक राज्य के हर ज़िले में इन जाति के लोगों की अपनी अपनी, अलग अलग परेशानियां और समस्यायें हैं । इनको जो दिक्कतें हैं, परेशानियां हैं, जो परिगणित जाति के लोग आज तक बरदाश्त करते आये हैं और अभी भी बरदाश्त करते चले जा रहे हैं वही अनुभव कर सकते हैं और जान सकते हैं जो उन स्थानों में रहते हैं । इसलिये मैं गवर्नमेंट से निवेदन करूंगा कि वह कमीशन के सामने इस सुझाव को लाने की कृपा करें । अगर इस सुझाव को सिद्धान्त रूप में मान लिया जाता है तो इसका कार्यरूप में परिणत करने में किसी प्रकार की दिक्कत नहीं पड़ेगी ।

SHRI J. R. KAPOOR (Uttar-Pradesh) :

श्री जे० आर० कपूर (उत्तर प्रदेश): क्या माननीय सदस्य बतलाने की कृपा करेंगे कि यदि सारी सीटों में शिङ्गुड कास्ट की उतनी जगहें न हों जितने कि उस स्टेट में जिले होंगे, तो प्रत्येक ज़िले में शिङ्गुड कास्ट का रिप्रेजेंटेटिव कैसे चुना जा सकता है ।

SHRI R. P. TAMTA :

श्री आर० पी० टाम्टा : जैसा कि मैंने अभी बतलाया कि शिङ्गुड कास्टों के लिये ४७७ स्थान नियत हैं और इस भारतवर्ष में जो ज़िले हैं उनकी संख्या करीब ३०४ या ३०५ तक है । मेरे काबिल दोस्त ने यह पूछा कि जहां सुरक्षित सीटों की संख्या ज़िलों से कम है वहां क्या होगा ? मैं निवेदन करूंगा कि उन राज्यों में जहां पर सुरक्षित सीटों की संख्या उस राज्य के ज़िलों से अधिक है वहां एक ज़िले में अवश्य एक सीट सुरक्षित कर दी जावे । जैसा कि उत्तर प्रदेश में परिगणित जातियों के लिये ८३ जगहें सुरक्षित रखी गई हैं और वहां पर ज़िलों की तादाद ५१ है उसी तरह से बम्बई, मद्रास, मध्य भारत, पंजाब, बिहार और दूसरे राज्यों में जो सुरक्षित सीटें हैं उनकी तादाद उस राज्य के ज़िलों से अधिक है । अगर इस सिद्धान्त को मान लिया जाता है तो केवल आसाम को छोड़कर जहां सुरक्षित सीटों की संख्या उस राज्य के ज़िलों से कम है इसके अनुसार हरिजनों के लिये चुनाव के क्षेत्र आसानी से नियत किये जा सकते हैं ।

अब यह प्रश्न आयेगा कि ज़िले में कौन से स्थान पर सुरक्षित सीट रखी जाय ? मैं समझता हूं कि जहां तक सुरक्षित सीट का प्रश्न है, हर एक ज़िले में एक बात की कोशिश की जाती है कि सुरक्षित सीट का एक क्षेत्र दूसरे क्षेत्र में चला जाय क्योंकि अक्सर लोग यह नहीं चाहते कि सुरक्षित सीट उनके क्षेत्र में

[Shri R. P. Tanta.]

रखी जाये। मैं इसके लिये यह निवेदन करूंगा कि एक सिद्धान्त इसके लिये हो सकता है। अगर गवर्नमेंट मान ले कि ज़िले के हैडक्वार्टर का क्षेत्र है, उसमें सुरक्षित सीट रखी जायेगी तो यह दिक्कतें भी जाती रहेंगी और इसमें किसी को ज्यादा आपत्ति नहीं होगी। ज़िले के हैडक्वार्टर के क्षेत्र में सुरक्षित सीट रखने से इन जातियों के लोगों को अधिक लाभ होगा और उनके सदस्य को अधिक कार्य करने का अवसर मिल सकेगा।

मिस्टर नायडू ने अभी कहा था कि सुरक्षित सीटें रोटेशन (rotation) से रखी जायें। मैं समझता हूँ कि सुरक्षित सीटें रोटेशन से रखना सम्भव नहीं होगा क्योंकि सुरक्षित सीटों की जो व्यवस्था विधान में है वह केवल १० वर्ष के लिये है और १९६० के बाद यह सुरक्षित सीटें समाप्त हो जायेंगी। इस तरह पर केवल एक चुनाव होगा। मैं आशा करता हूँ कि गवर्नमेंट इस पर विचार करेगी कि ज्यादा से ज्यादा सिंगल-मेम्बर कांस्टीट्यूंसी जो बने वह छोटी से छोटी हो जिनमें चुनाव लड़ने की सहूलियत हो और हरिजनों के लिये उन्हीं क्षेत्रों में सीटें सुरक्षित रखी जावें जहाँ उनकी संख्या सबसे अधिक हो। इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

[For English translation, see Appendix III, Annexure No. 103.]

SHRI B. GUPTA (West Bengal) :  
Sir, .....

MR. DEPUTY CHAIRMAN :  
Please be brief and short.

SHRI B. GUPTA : Sir, I would like to draw your attention to one or two matters only. I need not say how a vast constituency along

with the absence of proportional representation comes in the way of free and fair elections. Here a provision has been made for the appointment of a Delimitation Commission. It is good that a provision has been made for the appointment of judges, but I would say that the mere appointment of judges of a High Court or of the Supreme Court does not give the fullest measure of guarantee that there will not be any unfairness. Without reflecting anything on anybody I would like to say only this, Sir, that it very much depends on the party in power as to what extent the delimitation committees, in the future, will have fulfilled their functions. Sir, before the last elections, we brought certain matters to the notice of the Election Commissioner. The Election Commissioner tried to be fair but he was somewhat helpless in the matter. We sent a number of letters from jail pointing out cases of gerrymandering and other things. In reply we only got a kind of acknowledgement from him, with the information that the letters and certain other matters had been forwarded to the Government of West Bengal. That, of course, related to the release of our people, particularly of the people who came from the constituencies about which we became a little suspicious. Therefore, Sir, I would like to say that it very much depends on the party in power.

Second thing, Sir, is that certain constituencies were created in disregard of the natural geographical lay out. These things were done with a view to ensuring certain, what they call, safe seats for some ministers.

Then again, Sir, certain working class areas were broken up, and the parts of those areas were attached to rural areas, with the same expectations. Sir, Budge-budge is one such case, where a minister was put up, though that minister lost his seat to us in spite of that. Baranagore was yet another place where this kind of thing was sought to be done. But the Education Minister too lost his seat to us. I am mentioning all these only to

point out the principle—the methods that were followed were not at all satisfactory and were by no means above board. Sir, it will create a lot of difficulties. Sometimes it so happens that one part of the constituency was divided from the other part, through an intermediate and different constituency, with the result that election campaigning became difficult, and it became also difficult for setting up the electoral machinery even for the Government. That way you may be helping particular candidates, but it will come in the way of free and fair elections, or even efficient elections. Now, these things happen. In some cases certain constituencies were created. They were so big that it was impossible to cover it—almost a whole, an entire sub-division, was turned into a constituency. I say, Sir, all these things are in the way of even elementary fairness that we expect from such elections. I hope that these things will be looked into with great care and impartiality.

In this Bill, Sir, there is the provision for an associate membership. It appears that the Associate Member will be nominated by the speaker of the Assembly from among the Members of the State Assemblies and from the Members of the House of the People representing the States. Now, Sir, you will accept that it is necessary when you associate these people with the Delimitation Commission, that the major opposition parties should be given proper representation. Since you have got associate membership, it is particularly necessary that the membership should be so created that the major opposition parties get proper representation. Now, according to this provision, it seems to me, you can only get them from those people who are sitting in the State Legislative Assemblies or in the House of the People. What I beg to suggest is this, that there are a number of States in which the major opposition parties are not well represented or represented at all in such Legislatures. It does not mean that tomorrow they will

not have become a strong force thereby justifying representation.....

KHWAJA INAIT ULLAH (Bihar) :  
Now that is a majority party.

MR. DEPUTY CHAIRMAN :  
Order, order.

SHRI B. GUPTA :.....you have in mind the next delimitation. By the time you come for the next delimitation, it may be that the correlation of the parties will have changed and my hon. friend from Bihar will be confronted with a much powerful opposition there than he has got today. I think, if fairness has not departed from his heart, he will realise that it would be necessary under such conditions to associate such parties with the task of the Delimitation Commission. Unfortunately, the provision here debars that kind of thing being put into effect. Therefore, I think, that here is a provision which is good, in so far as it goes, but, it does not go far. You must make a provision for a dynamic sort of situation and, quite apart from that, Sir, it may be that the Communist Party or the Praja Socialist Party may not be associated at all in particular States simply because they are not in the State Assemblies. It does not mean that when you are dealing with such matters of great importance on a national scale, such parties in the State should be ignored just because their representatives do not happen to be, at a given point of time, present in the State Legislature or represented in the Parliament.

Sir, it is no use dilating on these points. What I say is that it is not provided for properly ; secondly, it is said that the Speaker will nominate. I understand the election may not be there. If it had been a question of election, it would take place in the same way as election to the Courts of the Aligarh University and the Banaras University have gone, that is to say the party in power will see to it that the Opposition will not be given some representation. After all,

[Shri B. Gupta.]

we, on this side of the House, can do a bit of representing the House in the Aligarh or in the other University Court. We cannot enter the temple of learning because of the blockaded votes on the other side. Therefore, it is.....

SHRI H. P. SAKSENA (Uttar Pradesh): You are given representation on each Select Committee and.....

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

SHRI B. GUPTA :.....said that the Speaker of the Legislative Assembly will nominate. Now, Sir, the Chair is a very respectable position and I do not wish at all to reflect anything on it but, I want an assurance from the Party in power that it will refrain from exercising any influence whatsoever round the Parliament House or, in the State Assemblies, so that the Speaker's judgment is not vitiated. What we feel, is, Sir, that in some cases may be that the Speaker will nominate, in the State Assemblies, people belonging to the Congress Party only; the other parties will not have the chance of representation even when they happen to be present inside the State Assembly. All these factors are very important; they will determine to what extent we can succeed in taking things a little better.

The hon. Minister would not accept any such amendment by way of enacting here; but, still an assurance from him,—an assurance from a hon. Minister of the Cabinet,—would do well to allay fears and misgivings and I hope that when he gets up to reply to my speech and other speeches that will follow, he will give an assurance that the major parties in the country will give satisfaction in the matter and will have some scope for representation even when they do not happen to be there.

SHRI RAJAGOPAL NAIDU : May I inform the hon. Member that there is a provision here already?

SHRI B. GUPTA : That, of course, cannot happen where they do not happen to be in the State Assembly. That is very important; otherwise, I feel, Sir, that there may be misdirection of judgment and once there is misdirection in matters like this, there is also misdirection of votes.

Now, Sir, an hon. Member said more people would vote for Congress if it was straight fight between two parties. That is not so. I would only tell him that those who do not want the Congress rule will vote against the Congress; and, if there is no other party in the field, of their own choice, they will just not go to the polling booths.

MR. DEPUTY CHAIRMAN : It is all a matter of opinion.

SHRI B. GUPTA : Nothing beyond that.

MR. DEPUTY CHAIRMAN : It is all a matter of opinion.

SHRI B. GUPTA : I hope the hon. Minister, in the course of his reply will answer some of the points that I have raised.

MR. DEPUTY CHAIRMAN : Dr. Kunzru.

SHRI H. N. KUNZRU : Mr. Deputy Chairman, we are considering a matter of great importance. Suggestions have been made, some of which at least require serious consideration and it is quite possible that the Law Minister may feel that one or two of them can be accepted with advantage. Yet, because the other House has risen, I am sure that the Government will not be disposed to accept any amendment however advantageous it may be. It is most unfair, Sir, to this House that a matter of such importance should have been placed before it after the other House had adjourned *sine die*.

It was for the Government to arrange their business in such a way as to enable them to place this Bill before the Council much earlier. If they could not do that, they should have, at any rate, asked the other House to remain in session till the matter was disposed of by the Council. But, by agreeing to the adjournment of the other House, they have virtually debarred themselves from accepting any amendment whatsoever.

**SHRI C. G. K. REDDY :** They could postpone it.

**SHRI H. N. KUNZRU :** The heavens will not fall if this matter is considered in the next session. I suggest, Sir, that this matter may be considered in the winter session of Parliament. I know what my hon. friend, the Law Minister, said the other day with regard to the absence of any provisions under which any election could be held in the future. But, the Ordinance making power of the President could be used to get over that difficulty.

Sir, I am glad that the constituencies will be delimited by a Commission consisting of 3 persons, 2 of whom are or have been Judges of the Supreme Court or of a High Court. I am glad also, Sir, that it is only one of these persons who will be the Chairman of the Commission. The inclusion of 2 persons with high judicial experience will invest the Commission with authority and dignity and will enable it to win the confidence of the public. It has been suggested, Sir, that the decisions of this Commission, that is, the actual demarcation of the constituencies, when it is completed, should be placed before Parliament and Parliament should have an opportunity of altering the decisions of the Delimitation Commission. Much has been said, Sir, about the manner in which constituencies were framed before the last general election. Some of those difficulties were due to the fact that the recommendations of the delimitation committees or, rather the recommendations made by the Election Commissioner after considering

the views of the State Election Committees should be subject to alteration by the President after considering the view expressed in regard to them by Parliament. This enabled the Executive or rather the majority party, to have the ultimate power of deciding what the constituencies should be. I think, therefore, that such a power should not be placed again in the hands of the Executive. Parliament, will certainly, under the Bill before us, have an opportunity of discussing the Delimitation Commission's report but however aggrieved some people may feel themselves to be by its decisions, Parliament should not be allowed to alter it, for in that case decisions would be arrived at entirely on political grounds. Indeed, I am anxious to secure that the composition of the Delimitation Commission is such as to inspire public confidence, that I would do whatever I could to strengthen the position of the Election Commissioner. Notwithstanding the powers that the Constitution confers on him, it is obvious that he would be more than human if while performing his duties he forgot that his future preferment was dependent on the Government whom he was serving. I can make no definite suggestion on this subject, but I wish that the Election Commissioner should be a man whose future preferment would not depend upon the Government. I know that even judges these days after retirement can expect favours at the hands of Government. The system that prevails at the present time is, I regret to say, exceedingly unfortunate. For this reason we should try to prevent as far as it lies in our power the dependence of judges either before or after retirement on executive favours.

I am very glad that it has been laid down that wherever practicable seats may be reserved for the scheduled castes or for the scheduled tribes in single-member constituencies. I pleaded in the Provisional Parliament for the acceptance of the principle of proportional representation, and when that was not accepted,

[Shri H. N. Kunzru.]

I ventured to point out that the formation of multi-member constituencies served no useful purpose. It was claimed by those who disagreed with me that two-member or three-member constituencies would enable people who did not want to vote for a candidate of any particular community to choose somebody whom they regarded as fit to be their representative. I think that this argument has no substance in it. In a two-member constituency or in a multi-member constituency a candidate would require only a certain number of votes to get elected. If he got more votes than he needed for his election, then it is obvious that the surplus would be wasted. People may have theoretically the freedom of heaping their votes on him, but of what use would it be? As their votes will not be needed to secure the election of the man of their choice, they might as well refrain from voting. This is the only kind of freedom they enjoyed while the seats were reserved in multi-member constituencies. If a man is prepared to go so far as to refrain from voting rather than vote in favour of a member standing for a reserved seat, that privilege will be open to him even in a single member constituency. But, Sir, the language of clause 8, sub-clause (2), item (b), it seems to me, is not satisfactory. It says :

"Wherever practicable, seats may be reserved for the scheduled castes or for the scheduled tribes in single-member constituencies ;".

I should like to know why it should not be practicable to have in all cases single-member constituencies for the scheduled castes or the scheduled tribes. I can think of only one reason and that too in the case of scheduled tribes. They may be so scattered that it may not be possible to give a fair number of them a chance of choosing their representatives unless there was a multi-member constituency. But I do not know whether Government have such cases actually in mind. So far as the scheduled castes are concerned, I do not think that

there is any reason why they should not be elected from single-member constituencies. Districts where the scheduled castes are concentrated, can be easily chosen and constituencies can be formed in them without any difficulty, which would enable a fair number of scheduled caste voters to exercise the franchise.

It has been said by a previous speaker that seats should be reserved for scheduled castes by rotation. I doubt, Sir, whether such a suggestion will be practicable. I am thinking for the time being only of my State, Uttar Pradesh. The members of the scheduled castes are not evenly distributed throughout all the districts. Indeed it is well-known that there is a large concentration of them in a few districts. Now, if we choose the constituencies for scheduled castes by rotation, then a time will come when these districts, where a large proportion of the scheduled castes is living, will be ignored and the scheduled castes' representatives will be elected from districts where the scheduled caste population is very small. It seems to me therefore that the scheduled castes constituencies cannot be fixed by rotation.

Lastly, Sir, I should like, in common with several other Members, to ask why the Commission should be debarred from correcting arithmetical or clerical errors after six months of the presentation of its Report. I can think of one reason only and that is that after the Report of the Commission is presented, the Judges, the serving or retired Judges, who are members of the Commission, will cease to have anything to do with it. But that difficulty will arise even if amendments are to be made within the period of six months referred to in clause 10. Suppose the need for corrections is felt within the period of six months. Then, who will make the corrections? Will all the members of the Commission sit down and consider the matter, or will it be disposed of entirely by the Election Commission? If all those persons who were members of the Commission

are requested to meet to consider any errors that are pointed out, then this procedure can be followed even after the period of six months mentioned in clause 10. I see, therefore, no difficulty in the acceptance of the suggestion that the Commission should be allowed to correct pure arithmetical and clerical errors even after the period of six months has expired.

SHRI AKHTAR HUSAIN (Uttar Pradesh): Mr. Deputy Chairman, to me it appears that this Bill is a very simple one. All that it aims at is to make provision for readjustments and modifications of the delimitation of constituencies which had to be done before the elections and if subsequent events show that there are any mistakes, let those mistakes be corrected, let them be properly corrected and let an impartial body of officials decide what adjustments should be made. Now, if a person has been a Judge of a High Court or a Judge of the Supreme Court, any decisions or recommendations that he makes would be at least absolutely free from bias and be given by persons with judicial minds on the merits.

Now the complaint has been made by the other side that some constituencies were framed and constituted in such a manner that they were for the benefit of a certain political party. In order to remove those doubts, in order to prevent such idle criticism without any justification, this body of impartial members is being constituted to act as a tribunal, as a Commission, for the purposes of making the adjustments, removing any defects and delimiting the constituencies in such a way that it may be absolutely above suspicion. Now, an effort was made by the Government to do this before the elections. A tentative list of the constituencies was framed, the draft proposals were substituted to the bodies concerned and objections were invited from the public and after the consideration of those objections, the orders were issued and the delimitation constituencies was determined. In spite of that pre-

caution, idle criticism has not been wanting. Now, those people who were unsuccessful at the elections say that the reasons for their defeat was that the constituencies were arranged in such a manner—politically influenced—that they could not possibly succeed. Whereas the other version is that although the constituencies may have been framed in any manner, there were no valid objections raised to the framing of those constituencies. Therefore, any criticism that is now made, may be deemed to be an after thought—wiser after the event or assignment of a reason for the defect in the elections. The real reason is that the people who failed to win the approval of the electorate were those who did not represent the aspirations of the electorate and therefore the electorate discarded them, rejected them, refused to elect them as the representatives, because they did not represent the views of the electorate. Now, having failed there, they want to attribute all sorts of motives to the people who have succeeded, who actually and in fact did represent the real aspirations and the views of the people. Now, in order to put a stop to this unjustified impositions of motives, it is proposed to entrust the work of readjustments to an impartial body consisting of persons who will be above criticism. A person who has been a Judge of the High Court or a Judge of the Supreme Court is expected to inspire confidence. They are the people of the highest character and integrity. Then, one hon. Member from the other side said that they did not want the recommendations of the Commission to be final until they have been discussed in Parliament. On the one hand, they say that the sinister hands of the politicians should be removed from this business; and on the other hand, they say that the recommendations of a body of impartial judges should not be made final until they have been modified or duly amended by Parliament. On the one hand, they say that Parliament should have the dominant voice in the readjustment of constituencies and be placed

[Shri Akhtar Husain.]

in a position to exercise political influence to modify the recommendations of the Delimitation Commission and on the other hand they say that it is the dominant party in Parliament which is responsible for all the ills alleged by them which are unfounded and without any justification. Therefore, Sir, the criticisms of hon. Members opposite are destructive of each other. One says that there should be no political influence in this while the other says that it is the politicians in the Parliament who should have the final say. If the politicians have the final say in the matter, of course, they will do what they consider to be right. The majority party in the Parliament would naturally know what the people want and they will decide things in a manner they consider most conducive to the well-being of the State. They will have constituencies in such a manner as, according to their judgment, would truly reflect the views of particular localities. If the Commission has the final say, maybe they will arrive at exactly the same conclusions as the dominant party in Parliament but to the conclusions of the commission, no bias can be attributed. The matter has been left here to the Delimitation Commission only with this reservation that the Parliament will certainly have a say before the matter becomes final. I do not therefore think that any valid criticism has been made against the acceptance of the principles laid down in the Bill. I hope therefore that the House would see its way to accepting the Bill for consideration.

There is one more point which I would like to touch upon, and it is with respect to the demand for an assurance from the Law Minister on the powers of the Commission. Now, would an assurance given by the Law Minister be binding on the members of the Delimitation Commission with their judicial training? The Commission is likely to rely more on its interpretation of the words used in the Statute than on any statements made in Parliament by the Minister concerned. If the

words of the Statute are quite clear and they do not admit of any doubt, then any assurance given here will not be binding, because it is the words of the Statute which will determine the powers and authority of the Delimitation Commission. Therefore I think it is not a valid demand to ask for an assurance to be given by the Law Minister. Of course, clarifications may be made by the Law Minister, and if there is any doubt in the interpretation of any provision of the Act, then the surrounding circumstances will be taken into consideration, but normally if the words of the Statute are clear in themselves, they would be interpreted in accordance with judicial practices according to the words used in the Statute. It is not right to look at the proceedings in the legislature for an interpretation of the words of a Statute. I am not unaware of cases where this has been done, but normally the practice is that what happens in the legislature does not determine the interpretation of any words of the Statute. I submit, therefore, that it is not right to ask for an assurance from the Law Minister for every matter. The words of the Statute are there, and if the other side is of the opinion that there is some doubt arising out of the words used, then amendments may be moved to remove any alleged ambiguity or infer any new power and it is for the House to consider whether they are valid amendments and deserving of acceptance. If any clarification is necessary by means of an amendment, it would be made by the House, but it would not be right to ask for an assurance on every matter on which it strikes the other side that Government is seeking a political advantage.

SHRI RAJAGOPAL NAIDU : An assurance has been given by the hon. Minister.

MR. DEPUTY CHAIRMAN : The House stands adjourned till 2.30 P.M.

The Council then adjourned for lunch till half past two of the clock.



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

### REFUGEES IN WEST BENGAL

SHRI B. GUPTA (West Bengal) : With your kind permission, may I draw attention to the painful reports that are coming from West Bengal about the food supplied to the refugees in Ghosuri and Cossipore camps? These refugees are being supplied with inedible wheat and rice as a result of which about 8 to 10 persons are dying every day. I have the Congress paper and also the paper of the Communist Party in which the reports have been appearing and no steps have been taken.....

MR. DEPUTY CHAIRMAN : Please address a letter to the Rehabilitation Minister.

SHRI B. GUPTA : This is the only occasion left. I want to draw the attention of the hon. Minister and Leader of the House. For the last few days reports are coming to the effect that the refugees in Ghosuri and Cossipore camps are being supplied with certain foodgrains which are not fit for human consumption as a result of which about 10 people are dying every day.

THE LEADER OF THE COUNCIL (SHRI C. C. BISWAS) : I would be glad if the hon. Member can give me a copy of the newspaper report. I am going to Calcutta tomorrow and I shall take necessary steps to look into these, first thing I reach Calcutta.

SHRI B. GUPTA : I am glad to hear the reply of the hon. Minister. I will give the copy of the report.

### THE DELIMITATION COMMISSION BILL, 1952—continued

SHRI V. S. SARWATE : (Madhya Bharat) : Mr. Deputy Chairman, I welcome the Bill but I am pained to find that one of the reasons given for introducing the Bill was that last time in the Provisional Parliament the reports made by the Election Commissioner

were almost torn to pieces and that to serve personal ends. There were changes made no doubt. I don't know whether the hon. mover was present on that day when the changes were made. On that day a Committee was appointed by the Parliament which went through all the motions made by anyone. In respect of those reports, the Committee heard the objectives in the presence of the Election Commissioner and then a unanimous report was made which was accepted by the Parliament. So, whether the changes made amounted to tearing away the report is a matter of opinion on which I will not speak. But as regards the charge that changes were made to suit personal interests, I am very sorry to say that it is a charge against the whole of the Parliament and I would have been happier had it not been made at all.

SHRI C. C. BISWAS : Everyone would have been happy.

SHRI V. S. SARWATE : What I mean to say is that it is not a fact.

SHRI C. C. BISWAS : Everyone would have been happy if there was no complaint.

SHRI V. S. SARWATE : There was nothing wrong and nothing was done to serve personal ends at that time. I was a Member of the Advisory Committee and I know what happened from first to last. I was there during the course of the whole proceedings in the House and in that Committee appointed by the Parliament and I know how things happened there but, it is very painful to proceed further on this matter and so I stop speaking further on this point. I will say something on the general Bill so that I may not take much time of the House.

I had proposed an amendment amounting to this that in the present Bill, in a certain clause, the House of the People had been allowed to select certain Members as Associate Members to represent on the Commission proposed to be appointed by this Bill. Last time when similar provision was made