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 Ghusuri 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 Ghusuri 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

[Shri V. S. Sarwate.]

in the Act of 1950 it was said that the Advisory Committee should be of Parliament. There was only one House then. Now Parliament consists of both Houses and they don't differ in respect of rights, privileges, etc. If the intention is that people who are likely to have any personal interest should not be on the Advisory Committee there—and this is the reason for which the Committee in the last Act of 1950 has now been substituted by Associate Members—if the reason is that the Members giving advice to the Election Commissioner should have no personal ends—then that is the exact reason why the Council Members should be there, because possibly those 5 or 7 Associate Members chosen from the House of People would be interested in some party, would be interested in some constituency. They may have to stand from certain constituencies and so their advice may possibly be—I don't say it would be—but may possibly be influenced by personal considerations, but here in the Council of States Members represent a whole State. For instance mine is a whole Madhya Bharat constituency. I had no personal interest absolutely as to which are the boundaries of any particular Legislative Assembly constituency and therefore, I am the least concerned as to how the boundary of a particular constituency would be defined. Therefore the Members of this House would be more suited and would give more impartial advice than those in the House of People. I would not have entered into this discussion which is not a very happy one but I don't understand why a distinction should have been in the Bill in respect of choice of Associate Members made between the House of People and the Council of States. The plausible reason given is, because the constituencies to be delimited are for the House of People, they should be there. My answer is,—the argument is that—the person who has no interest would be better qualified to be there. According to the argument I put forward, the Members of the Council of States should have been Associate Members and none else, but the second alternative is that both the Houses should be represented there. Because the Bill is to be passed today before 5 P.M. it may be argued that all amendments should be disallowed or that the hon. Members should not take them into consideration. I am sure the hon. Minister is as anxious as all of us that the dignity of this House should be maintained and if it is to be maintained they should have full liberty to make any amendments they choose.

SHRI C. C. BISWAS : That liberty is not being curbed by anybody.

SHRI V. S. SARWATE : I am happy to hear it.

SHRI R. U. AGNIBHOJ (Madhya Pradesh) : But the Bill itself curbs that.

SHRI V. S. SARWATE : I am sure the hon. Minister will not take it amiss. I am saying simply this that this House should not be made to look—which otherwise it would be—as if it only talks and that its talks have no effect on legislation. It should not be reduced to that ineffective state. I submit that no impression should be created in the minds of the people that will make them think that the original thing is done in the House of People and only as a matter of show or formality that these Bills are talked over here. This is the impression which would be created and the hon. mover should take care that this impression is not created in the minds of the people.

Now, one point more and I shall have done. I congratulate him on having introduced this Bill with the provision regarding single-member constituencies. I was on the Committee which sat on the delimitation of constituencies in the States and I have also been through the elections and I know that it was very difficult in two-member constituency for the candidate to cover the whole field. Therefore, I was much pleased to find that in clause 8(*b*) you have it stated :

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

My experience of course, is limited, but for my part, I have certainly found that there should not have been any double-member constituencies. Sub-clauses (*a*), (*b*), (*c*), (*d*) and (*e*) on page 4, which are now included in the Bill, in those days formed the subject of certain instructions or directions which had been issued by the Election Commission to all the Advisory Committees. It was stated therein that wherever such an occasion arises, there should be two-member constituency. However, I am glad to find here it has been stated that wherever practicable, seats should be reserved for scheduled castes in single member constituencies. This means that as a matter of course, there should be single-member constituencies, and if it is inevitable to delimit the constituency otherwise, then it would be a two-member constituency. I hope the hon. mover will correct me if I am wrong in this, and give the assurance that in the ordinary course, the constituency would be a single-member one, and if it is inevitable, it will be made a double-member constituency.

I do not know what is to happen to the amendments and to the observations that have been made to the effect that under clause 10, there should be no time-limit for removing the mistakes that had.....

MR. DEPUTY CHAIRMAN : That point has been suggested by many hon. Members.

SHRI V. S. SARWATE : If that is not admitted, I do not know what will be the fate of these amendments.

One important point on which I have some doubt and which I would request the hon. Minister to clear is this. In the original Act of 1950, section 13 says this :

"As soon as may be after the commencement of this Act, there shall be set up by the Speaker—

(a) in respect of each Part A State and Part B State other than Jammu and Kashmir, an Advisory Committee consisting of not less than three, and not more than seven, Members of Parliament representing that State; and

* * * * *

and submit proposals to the President for making the Orders under the said sections."

MR. DEPUTY CHAIRMAN : Now they become Associate Members.

SHRI V. S. SARWATE : Maybe. But that would not mean that it should be submitted to the President. Whether the present procedure is to submit it to the President or not, is what I want to be cleared by the hon. Minister. I do not think that this clause 8 of the Bill overrides all the provisions of the previous Act. The effect of this Bill, I take it, is not that. It cannot have the effect of overriding all that is said in the Act of 1950. This should be made clear for.....

MR. DEPUTY CHAIRMAN : That is only for the first election, Mr. Sarwate. This provision replaces those rules and that, the hon. Minister has made clear this morning.

SHRI H. N. KUNZRU : That is so stated in clause 9.

SHRI C. C. BISWAS : Yes. Clause 9 says : "and shall so apply in supersession of the provisions relating to such representation contained in the Representation of the People Act, 1950."

MR. DEPUTY CHAIRMAN : And so, has the hon. Member finished his speech ?

SHRI V. S. SARWATE : Yes, Sir, I have.

SHRI ONKAR NATH (Delhi):

श्री ओंकार नाथ (देहली) : उपाध्यक्ष महोदय, श्रीमान्, म आम तौर पर उस वक्त तक नहीं बोलता जब तक कि अन्तरात्मा की आवाज महसूस न करूं और बोलना बहुत जरूरी न हो। यों तो मैं खामोश रहना ही पसन्द करता हूं लेकिन आज मैं ने महसूस किया कि मेरा बोलना बहुत आवश्यक है। इस बड़े २१६ के परिषद् में इतनी बड़ी राजधानी दिल्ली का मैं ही एकमात्र प्रतिनिधि हूं इसलिये मैं अपना फ़र्ज़ समझता हूं कि एक छोटी सी बात पर आपका ध्यान दिलाऊं।

[Shri Onkar Nath.]

चीज़ तो वज़ाहिर छोटी सी मालूम होती है लेकिन उसका बहुत बड़ा असर पार्ट 'सी' स्टेट्स पर पड़ने वाला है। उसकी तरफ मैं निहायत अदब के साथ आपकी तवज्जह दिलाना चाहता हू। अगर हम सेक्शन ८, सब-क्लाज़ "बी" को देखते है तो उसमें यह लिखा है कि जिन "सी" स्टेट्स के प्रदेशों में असैम्बली मिल चुकी है उनकी वही हालत होगी जो कि "ए" स्टेट्स की है और इसका नतीजा यह होगा कि पार्ट "सी" स्टेट्स की चार सीटें कम हो जायेंगी और चार सीटें "ए" स्टेट्स की बढ़ जायेंगी। यानी मसल मशहूर है कि सागर में तो खूब पानी बरसे और भूमि बूंद को तरसे। "ए" स्टेट्स के पास तो पहले ही बहुत सारी सीटें ह तो वह और बढ जायेंगी और "सी" स्टेट्स के पास जो कम सीटें है वह और कम हो जायेंगी। अकेले सिर्फ़ देहली पर ही इसका इतना बड़ा असर पड़ता है कि चार सीटों की जगह सिर्फ़ दो सीटें रह जायेंगी। मुझे अफ़सोस है कि लोक सभा में जो हमारे दूसरे साथी हैं उन्होंने इस पर बहुत ध्यान नही किया, या शायद उनको ध्यान करने का अवसर नहीं मिला।

पेज चार पर लाइन १०, क्लाज़ "सी" में दिया हुआ है कि जहां दो सीटें होंगी वहां सिर्फ़ एक कांस्टीटुएंसी हो जायेगी और उसमें एक शड्यूल्ड कास्ट की सीट होगी और एक जनरल सीट होगी यानी देहली की जहां ३ जनरल और शेड्यूल्ड कास्ट की १ सीट हैं और तीन कांस्टीटुएसीज़ हैं वहां वह तीन जगह सिर्फ़ एक रह जायेगी। मैं समझता हूं कि यह बहुत ही अन्याय की बात है। और बहुत ही नामुनासिब बात है। इससे लोगों में बड़ी मायूसी होगी। आज देहली स्वर्गीय देशवन्धु गुप्त की मौत के आंसू भी नहीं पोंछ पायी है कि उसके ऊपर यह गहरा स्थायी सदमा पड़ने लगा है। आपको जैसा कि मालूम है कि देहली का एक ही नुमाइंदा था लेकिन देशबन्धु जी ने बहुत कोशिश की और चार के लिये कहा। किसी तरह बहुत मुश्किल से चार जगहें हुई लेकिन अब फिर उसको कम किया जा रहा है। मै फिर कहता हू कि इस पर दुबारा गौर किया जाना बहुत ज़रूरी है।

इसमें कोई शक नहीं कि देहली को असम्बली मिल गई लेकिन देहली कौन सी स्टेट है और देहली की असैम्बली की असल हकीकत सब समझते है। देहली पार्ट "सी" स्टेट् है और पार्ट "सी" स्टेट के अख्तियार बच्चों के से हैं। मै आज इस का स्वागत करता हूं कि देहली के लिये सेंटर के अन्दर चार की जगह दो सीटें कर दी जायें लेकिन साथ साथ यह भी कर दिया जाय कि "सी" स्टेट्स की असैम्बली के जो अख्तियार हैं वह एकदम "ए" स्टेट्स की असैम्बली के अख्तियार के बराबर है। "ए" स्टेट्स की असैम्बली की तरह इसके भी अख्तियार कर दिये जायें। लेकिन अख्तियार देते वक्त तो बच्चा और जब टिकट खरीदो तो बड़े के जैसा। यह मुनासिब नहीं है कि हमको यो तो बच्चा बना दिया जाय, खेलने के लिये खिलौने दे दिया जाय वह असैम्बली न दी जाये जो कि, "ए" स्टेट्स को दी जाती है लेकिन जब टिकट लेने का मौका आवे तो कहा जाय कि बड़ों की तरह टिकट लेना पड़ेगा और चार की जगह दो सीट मिलेगी।

आज हमारी देहली की हालत ठीक वैसी ही है जैसे कि ताश के पत्तों के घर (house of cards) की होती है कि ४८ पत्ते होते हैं और चार एक्के होते हैं। उसी तरह से आज देहली स्टेट असैम्बली में ४८ एम० एल० ए० हैं और चार एक्कों की तरह चार पार्लियामेंट के मेम्बर हैं और

ताश में ५२ पत्तों के बाद जो ५३ वां पत्ता होता है वह क्या होता है उसको आप सब जानते है। ठीक यही हमारी मिसाल बन गई है। मैं अपने ला मिनस्टर साहब से अर्ज़ करता हूं और अगर प्रधान मंत्री जी यहां होते तो उनसे भी बहुत गिड़गिड़ा कर और उनके सामने घुटने टेक कर अर्ज़ करता कि देहली के मामले पर दुबारा गौर करें। सबको मालूम है कि देहली के हाथ में कुछ नहीं है, बस नहीं है, बिजली नहीं है, इम्प्रूवमेंट, ट्रस्ट नही है, कोई भी अख्तियार नही है, लेकिन जब आज सीटों का बटवारा कर रहे है तो कहते है कि "ए" के बराबर रक्खेंगे। इसलिये जितनी मेरे में शक्ति है या हो सकती है उससे मै अर्ज़ करूंगा कि इस पर दुबारा गौर किया जाय।

आज इस चीज़ को हम किसी तरह से भी आसानी से और खामोशी से मंजूर नहीं कर सकते। मैं जानता हूं कि इसमें दिक्कतें होगी, इसमें लोग कोशिश करेंगे और उसका भी विरोध होगा कि चार की जगह दो सीट हो जायें और सिर्फ एक कांस्टीटूएंसी हो जाये।

दो एक बातें ऐसी है जिनमें कि हाउस आफ दी पीपुल्स और कौंसिल आफ़ स्टेट्स में डिस्टिंकशन किया गया है लेकिन वह प्वाइंट दूसरे साथियों ने कह दिया है इसलिये मै उसको दुहराना ज़रूरी नही समझता। मुझे सिर्फ बार बार यही अर्ज करना है कि देहली को या तो वही अख्तियार दीजिये जो कि "ए" क्लास स्टेट्स की असैम्बलियों को दिये हुए हैं वरना देहली की जो चार सीटें है उन को चार ही रहने दीजिये, उनको किसी तरह से भी कम करने की कोशिश न कीजिये। देहली का हिन्दुस्तान में बहुत बड़ा महत्व है, देहली हिन्दुस्तान की राजधानी है और उसकी १८ लाख आबादी है, तो १८ लाख आबादी के लिये सिर्फ एक कांस्टीटुएंसी करना मै समझता हूं कि निहायत नामुनासिब है, यह मुनासिब नहीं है और आज हर देहली वाले को और जो हमारे तमाम पार्ट "सी" स्टेट्स के नुमाइंदे है उनको यह आवाज़ उठानी चाहिये कि यह जो हमारी चार सीटें कम हो रही हैं वह अच्छा नहीं है। हम तो पिछड़े हुए प्रदेश हैं हमको तो और भी इंनकरेज करना चाहिये, हमको तो दो की जगह चार मिलना चाहिये, हमारे यहां तो डबल नुमाइंदगी करनी चाहिये, लेकिन अगर चार की जगह आठ जगह नहीं करते तो कम से कम चार जगहों को तो बरकरार रहने दीजिये। ये जो बहुत कोशिशों के बाद, बहुत वर्षों के बाद चार जगहें मिली है उनको तो कम से कम न तोड़िये। इसके लिये आवाज उठाना हमारा फ़र्ज है बल्कि यह तो मेरे दिल की बात है। इसको देख कर मेरे मन को बहुत दुःख होता है कि राजधानी का इतना महत्व होते हुये भी उसकी इतनी बेकदरी हो रही है। यह मै नहीं कहूंगा कि दिल्ली ने आज़ादी में बहुत हिस्सा लिया है। दिल्ली ने जो आज़ादी में हिस्सा लिया उसका तो मूल्य उसी दिन मिल गया जब कि लाल किले पर झंडा फहराया गया। उसका एवज़ तो मिल गया है। उसके एवज़ में मै कुछ नहीं मांगता। लेकिन चूंकि दिल्ली के बहुत सारे अधिकार सैंट्रल गवर्नमेंट के पास हैं इसलिये उसकी नुमाइंदिगी भी ज्यादा होनी चाहिये। इतना ही मै कहना चाहता हूं।

[For English translation, *see* Appendix III, Annexure No. 104.]

MR. DEPUTY CHAIRMAN : Mr. Rama Rao. Be very brief, Mr. Rama Rao.

SHRI RAMA RAO (Madras) : Mr. Deputy Chairman, Sir, I must be permitted to criticize the whole structure of electoral representation embodied in the present Bill. Are we attempting a progressive type of representative Government in the country ? I fear, not. I know mine will be a lone voice, but even if there is

[Shri Rama Rao.]

not one more person speaking on this issue, on my lines, I would not be unhappy.

Sir, we have forgotten the lesson of the last elections and have not benefited by it while preparing this present Bill. I take my stand on the views expressed by Dr. Paranjpye which are to be found in the papers circulated to us. I shall read out what he says :

"As regards this Bill it is evidently necessary to readjust the territorial constituencies in the light of the latest census returns, and for that purpose a Delimitation Commission has to be appointed. I would like, however, to see included in the Bill a direction to the Commission to establish in select and compact areas, largely of an urban character, some multi-membered constituencies so far as the State Assemblies are concerned. The object is not only to carry out the constitutional safeguards for scheduled castes and tribes, but to give a chance of securing adequate representation to the larger political parties which are at present unable to secure reasonable representation under single-membered constituencies or double-membered constituencies with the distributive system of voting. To secure this object the Law of Elections has to be modified to allow of cumulative voting in constituencies returning more than one member, in default of the far fairer system of proportional representation with the single transferable vote, which, I admit, is for the present impracticable owing to the vast amount of illiteracy among the voters."

Now, Sir, Dr. Paranjpye goes on to mention Bombay, Poona and Ahmedabad, where the system may be experimented as he suggests.

It has been suggested by men like Stuart Mill that in order to obtain truer representation of all interests and opinions, constituencies should be formed by free combination, independent of locality. This would help the complete realisation of the fundamental principle of representative Government and provide security against the dangers of widely extended suffrage. Now, I find that the present Bill before us does nothing of this kind in spite of the lessons of the recent elections. What are those lessons ? India is going to be a multiple-party State and this would in logic require that, as far as possible, single-member seats must go and multi-member seats must be adopted. Minorities have been clamouring that they have not got adequate representation. Votes have been wasted. Some Governments have been formed by parties which have come in through split votes. Examples are PEPSU and Hyderabad.

Sir, after all, what is the primary principle of our representative system ? Adult franchise. It must be safeguarded and practiced. Delimitation can therefore be only a matter of convenience, that is to say, it is only secondary.

We should take a step forward and avoid the tyranny of the majority. We must see that our system improves, that no vote is wasted ; that votes are not split; that the highest total of votes of the electorate is recorded; that the independent candidate has a chance against the party machine ; that the intellectual and the independent has a chance against the party candidate that opinion prevails against interest and that the local candidate does not always defeat the national candidate. The result of the changed system I have suggested would be the introduction of better quality into our governmental system. We shall be making better laws ; there will be better candidates and there will be a better Government. You can do away also with the present reservation, which is a blot on our present style of representation. There will be this advantage, finally, that the first principle of representative Government—of "one man, one vote" would then be effectively carried out—Introduce along with this multiple seat, proportional representation. Our country is ready for it. I am surprised that having come out with the change that the Congress has gained success, on a minority vote, Mr. Sundarayya does not go a step further and say, that the single-member constituency should go if the minority is to be safe. And the Communist Party is bound to be a minority Party for a very very long time.

The further advantages of the changes I have suggested would be that minority Governments would be impossible. There would be strong opposition parties and national coalition Governments, as and when they become necessary, will be well founded. It is not necessary for India to follow the English system wholesale. It is not suited to this country—the system of single-member constituencies. What is happening in France and Italy today ? These countries, having adopted the single-member system, are finding that it is proving to be dangerous to conservative interests. The Communists are coming up and the non-Communist parties are trying to keep them out. For this purpose the constitution is being wangled and the constituencies are being gerrymandered.

Much has been made of the need of the candidate cultivating his constituency and therefore of the constituency being geographically of a limited character. But certain fundamental facts are being forgotten. It is not the individual candidate that counts today, but the party machine. If it works in one constituency of a district, it can work all over the district as well.

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What does the candidate stand for these days ? He stands for an idea, for a party, for a policy, for a programme, not for himself.

And then, they talk of contacts. What about the radio, what about the press ? What about the platform ? And all the various forms of carrying on propaganda ? Finally, we have safeguards in the Constitution—freedom of speech, adult franchise, etc., etc. Let me repeat : It is not the individual that counts ; it is the party machine.

It must not also be forgotten that our national deliberations are on certain levels—local, provincial and national. We should conduct our plans, and introduce our schemes, of representations, in a way to prevent all kinds of ungratified members coming in. There is need for greater and greater quality as we go up higher and higher. The fact is before us that we have not been able to return men of quality. I therefore strongly plead that we should see to it that there is larger and larger multiple-seat representation, so that intellectual interests and political opinions of a progressive character, have a greater chance of being represented. I am of opinion that unless that is done we shall not be able to bring out independents to be Charles Bradlaugh and other great men of that strain who spelt progress. The party machine is the enemy of democracy. It is necessary to ensure that the individual democracy is able to stand up against the big interests. For this purpose the machinery has to be so geared that, if not now, at least ten years hence, there is a change, a change for the better, and we get men who contribute to the progress of mankind, in thought and action.

JANAB M. MUHAMMAD ISMAIL SAHEB (Madras) : Sir, clause 8 (2) of the Bill says that the Commission shall have regard to certain provisions. One of those provisions is that all constituencies shall be either single-member constituencies or two-member constituencies. And then in (c) it says : that in every two-member constituency, one seat shall be reserved for the scheduled castes or for the scheduled tribes, and the other seat shall not be so reserved. According to this, there should be two-member constituency without reservation. Sir, according to the plan envisaged in the Bill, other minorities have no chance of getting adequate representation in the legislatures of the country. When the last general election was in progress, certain Congress leaders, important Congress leaders, who have been occupying ministerial positions in the pre-election days, declared, as a result of experience of the election that had taken place so far, that the minorities were not faring as they ought to, that justice was not being done to them under the system by which the election, the general election, took place. Therefore, these Congress leaders themselves declared that as

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soon as it was possible, the system of election must be revised. The results of the last general elections have justified the opinion expressed by such Congress leaders themselves. Of course, the leaders of the minorities have been expressing long before the general elections took place, that the present system of elections would not be able to secure justice and adequate representation for the minorities. Sir, I shall give you some figures of the representation, which minorities have got.

MR. DEPUTY CHAIRMAN : Sub-clause (c) refers only to scheduled castes and scheduled tribes.

JANAB M. MUHAMMAD ISMAIL SAHEB : I am coming to that.

MR. DEPUTY CHAIRMAN : Its scope is very limited.

JANAB M. MUHAMMAD ISMAIL SAHEB : This sub-clause speaks of only scheduled castes or scheduled tribes as there can be statutory reservation for these classes of people only. As it is, the other minorities are left adrift. That is my point. There is no reservation for the other minorities, and as a result of this, in the present system of election, which was in force during the last general elections, such unreserved minorities have been the worse for it. The position, Sir, has turned out to be very very unsatisfactory, and this was even foretold by Congress leaders. That is what I mean, Sir. The unreserved minorities are not getting what they ought to get. Their position is bad. That has been testified to by the results of the last general elections, Sir, I shall show you by certain figures.

SHRI J. R. KAPOOR (Uttar Pradesh) : Which Congress leader, Sir, said that they have not got due representation ?

JANAB M. MUHAMMAD ISMAIL SAHEB : I can even mention names, if it is necessary.

MR. DEPUTY CHAIRMAN : It is not necessary.

SHRI H. P. SAKSENA (Uttar Pradesh): That is not correct.

MR. DEPUTY CHAIRMAN : If the minorities have not got sufficient representation, you should get the Constitution amended. The scope of this Bill is limited. All these things are not relevant to the Bill.

JANAB M. MUHAMMAD ISMAIL SAHEB : Sir, I shall tell you how I am relevant. I am not proposing now any change in the Constitution at all. Even under the present Constitution, the constituencies can be so arranged as to secure justice for the minorities for whom no reservation is provided in the Constitution. Mr. Rama Rao, the previous speaker, has given certain suggestions. Even under the existing Constitution justice can be secured to the said minorities. The minorities have not, as a result of the general elections, secured adequate representation, that is, on the basis of the population, Sir. According to population they ought to have got better representation. I shall read out some figures. I take the State Assemblies. In Assam, they have reserved only 15 seats while they are entitled to 36 seats on the basis of population. I am speaking of the Muslims, one of the non-reserved minorities. The Muslims ought to get 36 seats in a House of 108 in Assam.

SHRI J. R. KAPOOR : We do not go by religions.

MR. DEPUTY CHAIRMAN : Order, order.

JANAB M. MUHAMMAD ISMAIL SAHEB : In Bihar, on the basis of population, out of 45 seats which they ought to have obtained, they have got only 25 seats. Similarly, Sir, in Bombay instead of 23, they have got only 15 seats. In Madhya Pradesh.....

SHRI B. K. P. SINHA : (Bihar) I question your figures about Bihar.

SHRI J. R. KAPOOR : Sir, this is a serious matter and relates to a constitutional matter. So far as representation in the legislatures is concerned on the basis of religion of persons, this has been entirely done away with, and I respectfully submit that it is not open to any Member here to suggest that because a certain community, a certain religion has not been given representation in any house or legislature, in proportion to its number, he can have a grievance against the Constitution. The whole question cannot be reconsidered. It is not relevant to the Bill.

JANAB M. MUHAMMAD ISMAIL SAHEB : I am saying that under the Constitution better representation can be secured to all these minorities.

MR. DEPUTY CHAIRMAN : I am holding that it is not relevant to the Bill because, this Bill has limited scope.

JANAB M. MUHAMMAD ISMAIL SAHEB : I shall mention that even the Congress President has been urging during the general elections that the elections must be so conducted as to give proper representation to the Muslims. He was not acting against the Constitution. He felt that justice demanded that this minority as well as the other minorities should get their fair representation. Therefore, Sir, it is not against the Constitution at all.

SHRI T. PANDE (Uttar Pradesh) : This is a secular State ; there is no question of majority or minority.

MR. DEPUTY CHAIRMAN : Order, order.

(*Interruption by Shri H. P. Saksena.*)

Order, order, Mr. Saksena.

I want you to confine yourself entirely to the Bill and not bring in extraneous matters.

JANAB M. MUHAMMAD ISMAIL SAHEB : By these things, I am going to show.....

MR. DEPUTY CHAIRMAN : What you are talking is quite beyond the scope of the Bill.

JANAB M. MUHAMMAD ISMAIL SAHEB.....how the delimitation of constituencies have worked hardship and injustice to certain minorities in India. If it is only single-member constituencies, then, the minorities will not get adequate justice. Pandit Kunzru criticised the Member who made a suggestion that the reservation of seats for the scheduled castes may go by rotation. Sir, Panditji criticised that. But, the suggestion made by the other hon. Member has been based on sound experience. That is to say, it is based on the idea, that if all are single-member constituencies and if in certain constituencies scheduled castes have got their seats reserved, then the other people, particularly the majority community belonging to that constituency, will feel that they have no chance of sending their representatives to the legislature at all and that hon. Member, therefore, suggested that it may be by rotation. Therefore, that is the feeling that is existing in the country, whether it is majority or minority ; they would like to have their Members in the legislature. For example, the scheduled castes people also ought to have their own representatives in the legislature. Now, supposing a single-member constituency is reserved for the scheduled castes, then it is always a scheduled caste member that is going to be in the legislature representing that constituency. Again, supposing, there is a dispute : the scheduled caste people say that the measures meant for their amelioration are not being observed, but, the other people say that they are being observed. Then, the voice of the non-scheduled caste sectors of the electorate would not be heard in the legislature. But they want their views also to be heard in the legislature. If it is a multi-member constituency, one of them may be a minority member and one or two of them majority members and all of them can express their respective views in the legislature. But, as it is, if every constituency is a single-member constituency, then, the

[Janab M. Muhammad Ismail Saheb.] different view-points, political as well as religious communities, will have no chance of getting any representation in the legislature. Therefore, it is, I say pointing out these figures.....

MR. DEPUTY CHAIRMAN : It is not necessary ; you may give whatever suggestions you have to make.

JANAB M. MUHAMMAD ISMAIL SAHEB : My suggestion is that at the very least there should be additional double-member constituencies for the time being, apart from the constituencies wherein the scheduled castes and the scheduled tribes have got their seats reserved, so that the other minorities, the unreserved minorities may also get a chance of getting themselves elected along with a member belonging to the majority community. Then, the chances of the candidates of minority communities would be easier ; the majority community in a two-member constituency would feel that they have got one seat for themselves and the other seat might be given to the other.

SHRI C. C. BISWAS : Sir, on a point of order, again there is no provision for majority community as against the minority in the Constitution. Under the Constitution, the scheduled castes and scheduled tribes stand as a class apart for whom special provisions had been made. We are concerned with territorial representation and not with communal representation.

JANAB M. MUHAMMAD ISMAIL SAHEB : I know very well that there is no provision in the Constitution but, there is no provision in the Constitution, Sir, to prevent Parliament from having a large number of double-member constituencies. You need not speak of this community or that community but provide for a large number of double-member constituencies that is the feeling in the the country.

MR. DEPUTY CHAIRMAN : Order, order. The hon. Member is again talking of communities.

JANAB M. MUHAMMAD ISMAIL SAHEB : Therefore, my suggestion would be that a large number of at least double-member constituencies may be constituted in the country so that the other minorities, political as well as religious also might have their chance in coming up. One point that is urged against such multi-member constituency is that it will become too large and cumbersome and it will be difficult for Members to work the electorate. Nowadays, elections are being conducted more and more on party lines. The parties can very well tour these constituencies.....

(*Interruption by Dr. Shrimati Seeta Parmanand.*)

MR. DEPUTY CHAIRMAN : Order, order.

JANAB M. MUHAMMAD ISMAIL SAHEB: Previously, there were constituencies covering even a whole district and the people were going on. Now, when we are having more and more of party system obtaining in the country, these large constituencies would not be a matter of difficulty and that is what I want to argue.

MR. DEPUTY CHAIRMAN : Thank you.

JANAB M. MUHAMMAD ISMAIL SAHEB : In very many places my experience is that the areas where the minorities are concentrated,.....

MR. DEPUTY CHAIRMAN : Order, order. There is no question of majority or minority communities. The reservation, according to the Constitution, is only for scheduled castes and scheduled tribes and the delimitation is on territorial basis ; but, the hon. Member has been talking of minorities and majorities. That is thoroughly irrelevant.

JANAB M. MUHAMMAD ISMAIL SAHEB : I beg to submit, Sir, that the conditions in the country are what they are and if it is not so, if it is not to be taken into consideration, Sir, then I beg to submit, that the Congress President himself would not have advocated,

as he was doing, more than once, the necessity of securing representation for these unreserved minorities.

SHRI M. S. RANAWAT (Rajasthan): This House is not bound by what the Congress says.

MR. DEPUTY CHAIRMAN : Order, order. Hon. Minister for Law.

SHRI C. C. BISWAS : Sir, I will begin with the last speaker. I am not only surprised, but pained that he should have thought fit to raise, on the floor of this House which is completely secular in character, questions relating to minorities and majorities. My hon. friend forgets that the Constitution makes special provision in part XVI for reservation of seats for scheduled castes and scheduled tribes and the only minorities who are referred to in the same chapter are the Anglo-Indian community for whom it is provided that, if the President is of opinion that that community is not adequately represented in the House of the People, he may nominate not more than 2 Members of that community to the House. That is about all. There is similar provision for the same community in respect of representation in the Legislative Assemblies of States. Even as regards the scheduled castes and the scheduled tribes, for whom special representation is provided, that is only transitional. I would invite attention to article 334 which expressly says :

"Notwithstanding anything in the foregoing provisions of this Part, the provisions of this Constitution relating to—

(a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States; and

(b) the representation of the Anglo-Indian community in the House of the People and in the Legislative Assemblies of the States by nomination.

shall cease to have effect on the expiration of a period of ten years from the commencement of this Constitution.....".

That shows the spirit of the Constitution. So you see this is only a stop-gap arrangement. In spite of all this, my hon. friend now solemnly suggests that we should recognise the right of representation of communities on the basis that they belong to particular religious groups. Sir, the Constitution contemplates only territorial representation, not communal representation. Therefore, when in spite of your calling the hon. Member to order he did not give in but went on repeating the same thing, it caused me both pain and surprise; surprise because he introduced a question which I thought had long been dead in this country.....

AN HON. MEMBER : Not dead.

SHRI C. C. BISWAS : Dead in the sense that so far as the State is concerned, the State refuses to recognise this : in that sense it was dead ; and pain because he did not obey the Chair's ruling.

JANAB M. MUHAMMAD ISMAIL SAHEB : No, Sir.

SHRI H. P. SAKSENA : The hon. Member did not obey.

SHRI C. C. BISWAS : Sir, I need not say anything more ; I have said enough to show that the country to a man is opposed to the point of view which was voiced by my friend over there.

The trouble arose possibly over the speech which my friend Mr. Rama Rao chose to make, based on the opinion which had been given by Dr. Paranjpye. If he were to look at the opinion, he would find what the learned Doctor said. He himself was doubtful if this was within the scope of the Bill. This is what he says :

"I do not know whether the above suggestion comes within the range of the Bill or not, but I hope it will be considered worthy at least of examination, and then, if it is accepted, an amendment of the law of elections may be found necessary."

So, that was a question which had to be considered on its merits on a later occasion. Certainly if what my hon. friend over there, the Leader of the Communist Party said is the object,

[Shri C. C. Biswas.]

if that object is to be secured, proportional representation by means of the single transferable vote would be the most effective solution. There is no doubt about that.

SHRI B. GUPTA : That is obvious.

SHRI C. C. BISWAS : Unfortunately that is more or less an academic question. The point is this : whether you can have proportional representation when you have got to deal with large masses of the electorate and when a majority of them are illiterate. That is the point to be considered. Theoretically no doubt proportional representation is very good.

SHRI B. GUPTA : But they are politically conscious.

SHRI C. C. BISWAS : However, that is an experiment. First of all it has got to be tried to see how far it will succeed under present conditions.

SHRI B. K. P. SINHA : May I seek some information from the hon. Minister ? What is the experience of other countries which have tried proportional representation ? Is it not a fact that proportional representation wherever it has been tried has resulted in notoriously unstable and inefficient governments ? Does not proportional representation dilate irresponsibility ?

SHRI C. C. BISWAS : I have no knowledge of the results of proportional representation in various parts of the world. I will take that information from my friend. I have not made a study of that question and I am not familiar with the actual results of this experiment.

SHRI B. GUPTA : The hon. Minister has "horse-sense" to understand it.

MR. DEPUTY CHAIRMAN : Order, order.

SHRI C. C. BISWAS: As I said, it is not a question of "horse-sense". It is a question of political understanding. If you want to secure representation of minorities or of a group, then proportional representation secures that result most effectively. Whether that is good or whether that is bad, is a different question which I have not entered into, for the simple reason that I cannot dogmatise on that subject. That is how the matter stands.

I was pointing out that even as regards the suggestion which was made by Dr. Paranjpye, he himself said it was an experiment worth trying, to begin with, in a few five-member constituencies and then it could be extended if that worked successfully. We have not arrived at that stage. The experiment has not been tried. And I believe no hon. Member here will suggest that we should at once start the experiment now for the purpose of delimiting constituencies for the next elections. The next elections may come much earlier....

SHRI RAMA RAO : That experiment has already been started just now on a small scale in Bombay, in Sholapur, in Madras, in Ahmedabad, and in Calcutta. This experiment is bound to succeed and do justice to the minorities. If there had been no proportional representation, Mr. Sundarayya and other Communists would not have been in this House.

AN HON. MEMBER : Why ?

SHRI C. C. BISWAS : Certain arrangements have no doubt been made in certain States which might give the appearance that this experiment was being tried. It was not done for the purpose of seeing how such an experiment works. It so happened that in a particular urban area you had different constituencies. Not that it was a five-member constituency. Nothing of the kind. Take Calcutta, for instance. There are four or five seats for the House of the People there, but that does not mean that Calcutta is a four or five member constituency. Calcutta was split up into a number of constituencies. Each one was a separate constituency altogether.

SHRI RAMA RAO : That is the cardinal point. I want it to be one.

SHRI C. C. BISWAS : I was answering the hon. Member's statement that this had already been tried. That has not been tried. Those constituencies, in Calcutta were different constituencies, although no doubt they happened to be located within the city of Calcutta. That is why I say that the experiment has still got to be tried, and if that has got to be done, I do not think we should be justified in the present Bill in talking about anything on those lines. That is what I wanted to point out.

I shall now briefly deal with the other point which was made. In the first place, I must express my disappointment in so far as certain insinuations, at least veiled insinuations, were made to the effect that the Speaker of the House of the People or the Speakers of the Legislative Assemblies could not be trusted to act impartially.

SHRI B. GUPTA : In that case it would not be an insinuation; it would be a suggestion. Nobody said all that.

SHRI C. C. BISWAS : Very well, a suggestion. It is more than an insinuation. I was trying to put it mildly.

SHRI B. GUPTA : The hon. Minister is putting it boldly, but wrongly.

SHRI C. C. BISWAS : "Insinuation" is not bold, but "suggestion" is. Whatever it is, I regret that such a suggestion or such an insinuation should have been made. A Speaker is supposed to be above party. And our experience is that the Speaker in every State Assembly and the Speaker in Parliament have always proved themselves in the manner in which they have carried on their duties, that they can be trusted to act with the utmost impartiality, uninfluenced by any party considerations. The Speaker may still belong to the Congress Party, but that does not mean that as the Speaker he will allow himself to be influenced by the Congress Party's decisions, or that his sympathies will lean towards them.

SHRI B. GUPTA : What will happen if the Opposition parties are not represented ?

SHRI C. C. BISWAS : If Opposition parties are not represented ? I will just deal with that point. I was rather surprised at the point which was made in the course of the debate. My friend. Mr. Akhtar Husain has pointed out how those who are very anxious to keep out Government from the electoral picture altogether could be still so anxious that the party in power should be given a dominant voice in the matter of the Delimitation Commission. They said that Parliament should have overriding authority, that Parliament should be in a position to set aside any orders for delimitation which might be made by the Delimitation Commission.

SHRI B. GUPTA : Nobody has demanded. I do not know how it comes in. My point is.....

MR. DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, you have had your say. Please don't disturb him.

SHRI C. C. BISWAS : I am not referring to what he said. But there have been speeches here in which it was suggested that the overriding authority should still be left in the hands of Parliament. I can only say that the two arguments cancel each other. If you say, on the one hand, that Parliament should have the final authority, in these matters, it means that you give the party-in-power the final authority. In the same breath you cannot say that the Government or anybody else should have nothing to do with the matter. So, I say, Sir, that there is a contradiction and I was surprised that that point should have been made.

Sir, dealing now with the other objections that were raised, I will first take up the question of the composition of the Delimitation Commission. Sir, I am glad to find that general satisfaction has been expressed in the way in which it is proposed to constitute the Commission. Still there were some doubts expressed by some of my hon.

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friends. The fear was that even Judges might not be above human failings. Well, Sir, that may be so. It all depends upon the person concerned. The personal equation cannot be eliminated altogether. Now, Sir, what could Government do ? They tried to find out the best men who could be depended upon to act as an independent authority. They suggested that the Commission should consist of Judges either of the Supreme Court or of the High Court. They also suggested that the Election Commissioner should be an ex-officio member, from the same point of view. Well, that is all that we can say about it. We have done our best and we have tried to set up a machinery which, according to accepted canons, ought to produce the best results. That is all, I can say and I claim nothing more than that on behalf of Government.

Then, Sir, coming back for one moment to the question of Parliament's authority, I would say that the Parliament's authority is there. This very Bill is the offspring of Parliament. Parliament is making the delimitation of constituencies. Therefore, there is no derogation from the authority of Parliament. You might say this is delegated legislation. Of course, I do not wish to go into that question. But still the fact remains that it is the Parliament which is vesting authority in the Delimitation Commission, not the Government. Therefore, the voice of Parliament is still as supreme as before.

As regards the powers of the Delimitation Commission, in fact, if you will read article 81 of the Constitution.....

MR. DEPUTY CHAIRMAN : I think all this reference is unnecessary. Article 81 (3) gives all the powers to an authority to be appointed by Parliament. So, all this reference will be unnecessary.

SHRI C. C. BISWAS : I was going to refer to the statement contained in the Select Committee's report.

The other question is whether constituencies should be single-member constituencies or double-member constituencies, what kind of provision should be made for the scheduled castes and scheduled tribes, and so on. This matter has been considered very carefully. Sir, it is not possible to have all constituencies as single-member constituencies, although this is what is being aimed at and this is what was being aimed at last time also. So far as the scheduled tribes are concerned, there is a heavy concentration of these tribes in particular defined areas. Then you can reserve the seat for them and make it a single-member constituency but as regards the scheduled castes, they are scattered all over the country and the concentration in population in some areas is very small, in other areas it is a little large and in some areas like Jalpaiguri it is preponderatingly large where it is more than 50%. There, we suggest that there should be a special seat reserved for the scheduled castes but lest it might do injustice to the general population we say that the constituency, should be a double-member constituency—one seat will be reserved for the scheduled castes and the other will be a general seat for which the scheduled and non-scheduled persons may equally compete. That places the scheduled castes in a position of some advantage. All that we have said is wherever practicable, where, in fact, this will not do any injustice to the general population, a seat will be reserved for the scheduled castes and only that one seat will constitute the constituency. That is what we have suggested. So, from a practical point of view, it is not possible to create only single-member constituencies. As regards a three-member constituency, there is only one case so far as Parliamentary constituencies are concerned and that is in North Bengal. The alternative to a three-member constituency here is a four-member constituency i.e., two general seats, a seat for scheduled tribes, a general seat and a seat for s cheduled castes. Then again the difficulty arises so far as scheduled castes are concerned. The scheduled

castes within this area are quite distinct from the scheduled castes in other parts of Bengal and that would be giving them undue weightage as compared with the scheduled castes elsewhere. So from all points of view this is the only solitary case and Members belonging to this area in the House of the People have also pressed very strongly for the retention of this three-member constituency and this question was also raised in the Select Committee. There is a Minute of Dissent in the Select Committee Report which says 'Why don't you leave this to the Delimitation Commission ?' I have tried to find a *via media*. I have left it to the Delimitation Commission and have not taken this out of their jurisdiction. I have left it to them to decide whether a three-member constituency will be necessary or not. They will decide it and it is open to them to decide it any way they take. I have not been able to evolve any way out, but if they can, so much the better. Nothing will please us more than to have a single-member constituency as a rule, a two-member constituency only where we have to secure reservation for the special classes and no three-member constituency at all.

As regards Associate Members a point was made that they should be drawn not merely from among Members of Parliament belonging to a particular State or from Members of the Legislative Assembly in that State, but that Members from outside might be taken. I don't know, sometimes Members of Parliament claim that they are the elected representatives of the people and if they are taken into any Committee, that means you secure the representation of the whole electorate whom they represent. Again when you withdraw any Member from any Committee, it is said, "Why not take men from outside as well ?" As a matter of fact we followed what was done on the last occasion. The Advisory Committee had Members of this House or of the State Legislative Assembly and we have followed that practically in the present Bill. Our experience in that regard was not disappointing at all so far as the Advisory Committees were concerned. They were not responsible for the unfortunate results which came into existence later on.

Then lastly I shall deal with the point raised by Mr. Kunzru. He said that there was no fairness in placing this Bill before the House at this stage as if all amendments were shut out. Nothing of the kind. The amendments have not been shut out. I can see from the amendments that have been tabled that two days interval was given so far as this Bill was concerned. The amendments will be examined on their merits ; they will not be shut out because the other House is not sitting. I will ask the hon. Members to banish that idea from their minds. If they think the amendment is worthy of acceptance, let them support it but let it not be said that this was shut out because the other House was not sitting and we must somehow get away with the Bill here today.

I will only end by saying that we have tried to present before this House a Bill in the best form which was humanly possible. Of course it is not possible to satisfy all.

MR. DEPUTY CHAIRMAN : The question is :

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.

The motion was adopted.

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

The question is :

That clauses 2 to 4 stand part of the Bill.

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

MR. DEPUTY CHAIRMAN : The question is :

That clause 5 stand part of the Bill.

Mr. Sarwate, are you moving your amendment ?

SHRI V. S. SARWATE : It is not necessary, but I would like to speak.

MR. DEPUTY CHAIRMAN : It is not necessary when the hon. Member is not moving his amendment.

SHRI V. S. SARWATE : Though I am not moving my amendment, I would like to make a statement. I am not moving this amendment because an assurance has been given by the mover that he would also put on the Table the report made by the Commission and the subsequent steps taken thereon. At the same time I would appeal to the hon. mover that since he has requested the Chair to expunge certain other matters from the proceedings, he should also request to expunge the aspersions against the last Parliament. It was an unnecessary aspersion on the previous Parliament and so I would appeal to him that he should also ask the Chair to expunge those aspersions too.

MR. DEPUTY CHAIRMAN : All that is beyond the point.

4 P.M.

MR. DEPUTY CHAIRMAN : The question is :

That clause 5 stand part of the Bill.

The motion was adopted.

Clause 5 was added to the Bill.

MR. DEPUTY CHAIRMAN : The question is :

That clause 6 stand part of the Bill.

There is one amendment that is given notice of by Shri Rajagopal Naidu. Does he want to move it ?

SHRI C. C. BISWAS : I may explain the point and the hon. Member may not then press his amendment. The members are High Court Judges, Supreme Court Judges and of the Election Commission. If they are not able to perform their duties for any reason, they will resign, and in that case a vacancy arises, and in the case of temporary vacancy due to resignation, the work of the Commission will not be affected, it will go on, for that we have provided.

SHRI RAJAGOPAL NAIDU : The hon. Minister has not correctly foreseen the purport of my amendment.

MR. DEPUTY CHAIRMAN : And so you want to move it ?

SHRI RAJAGOPAL NAIDU : Yes, Sir, I move :

At page 2, line 35, after the word "resignation" the words "or for any other reason" be inserted.

The purpose of my amendment is this. Clause 6 deals with casual vacancies of the Chairman, a Member or an Associate Member. If the words "Associate Member" had not found a place in this clause, then the clause as it stands would certainly be readable. The words "death or resignation" must certainly apply to the Chairman or Member. But when the question of an Associate Member comes, I feel that if these words, "death or resignation" are there, then the words that I have suggested also have to be there.

MR. DEPUTY CHAIRMAN : But he is there only because he is a Member of Parliament and when he ceases to be a Member of Parliament, he ceases to be a Member of the Commission also. Automatically he ceases to be a Member of the Commission.

SHRI RAJAGOPAL NAIDU : That is why I suggest that the provision should be a comprehensive one. As it is, the provision speaks only of death or resignation.

MR. DEPUTY CHAIRMAN : But he is an Associate Member by virtue of his being a Member of Parliament ;

and when he ceases to be a Member of Parliament, he automatically ceases to be a Member of the Commission.

SHRI J. R. KAPOOR : In that way a Member when he dies, ceases to be even more effectively a Member of the Commission. But the question raised by my hon. friend here is about filling that vacancy. How is that seat to be filled up ? It is true an Associate Member is there on the Commission by virtue of his being a Member of Parliament. When he ceases to be a Member of Parliament, when he loses that privilege, he ceases to be a Member of the Commission also. But the question is about filling up the vacancy caused neither by death nor by resignation and that is what my hon. friend has raised by his amendment. He says the amendment would help in filling up the vacancy arising by reasons other than death or resignation.

SHRI C. C. BISWAS : All I need say is, if the words "or for any other reason" are not there, there will be no practical difficulty.

SHRI RAJAGOPAL NAIDU : I feel that I am more convinced by what the Deputy Chairman said than by the hon. Minister's explanation. So I withdraw my amendment.

MR. DEPUTY CHAIRMAN : Very well. The question is :

SHRI B. K. P. SINHA : The amendment has to be formally withdrawn with the permission of the House.

MR. DEPUTY CHAIRMAN : I believe the House has given the permission for the withdrawal of the amendment.

The amendment was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN : The question is:

That clause 6 stand part of the Bill.

The motion was adopted.

Clause 6 was added to the Bill.

MR. DEPUTY CHAIRMAN : The question is:

That clause 7 stand part of the Bill.

The motion was adopted.

Clause 7 was added to the Bill.

MR. DEPUTY CHAIRMAN : The question is:

That clause 8 stand part of the Bill.

There are two amendments..

SHRI P. SUNDARAYYA : Sir, I move:

That at page 4, lines 6 and 7, the words "either" and "or two-member constituencies" be deleted.

This means that all constituencies will be single-member constituencies.

And then I further move:

That at page 4, lines 10 to 12 be deleted.

That the proviso at the end of sub-clause (2) be omitted.

Sir, my amendment points out the necessity of making all constituencies single-member constituencies, even where the reservation for scheduled castes and scheduled tribes has to be given. It is true that the most democratic form of representation is the multi-member constituencies with proportional representation. But since this Bill is not intended to change the Representation of the People Act, naturally I cannot move an amendment or bring in a clause to bring about that most desirable objective. But I would like to answer the question of the hon. Minister. He also agrees that proportional representation with the single transferable vote is the most democratic method of representation. But he said that in a country where such great illiteracy prevails you cannot work out proportional representation. But I would like to point out that proportional representation need not mean always 'by the single transferable vote'. Proportional representation can be on the basis of the parties, and on non-transferable vote. Suppose

[Shri P. Sundarayya.]

there is a multi-member constituency of five. Different individuals may be contesting the seat. Let each individual be given or each party be given a colour or a symbol. The people will vote to that symbol. It is just a question of counting the votes. When the votes are counted, they need not be transferred to another person. The number of votes gained by each party can be ascertained and according to the number of votes obtained by each party or the member concerned the election decided. So there are varieties of this proportional representation. They need not all be on the basis of single transferable voting. Similar things are there in the continental countries, and provided the Government accepts the principle, even in our country in spite of great illiteracy, proportional representation could easily be worked, as we have been working with ballot boxes and with differently coloured boxes or with symbols. When this most democratic method of representation—the system of multi-member constituencies with proportional representation—is not accepted, then the question arises as to what is the next alternative. Government says that in certain cases you can have single-member constituencies and where there is reservation to be made for scheduled castes or scheduled tribes, in order to enable the scheduled caste or scheduled tribe voters to elect a member of their own community, they propose double-member constituencies. If they are to be logical, then Government must give cumulative voting at least, so that the members of the scheduled tribes or scheduled castes may solidly vote for the person whom they want to see elected. But Government also says that it is not prepared to give cumulative voting. In such a case the very argument that we provide double-member constituencies so that the scheduled castes or scheduled tribes could elect by this method one of their own persons in whom they have got confidence falls through. And when that reason is not there, I do not see why the double-member constituencies should be there. Naturally, we are forced to fall back on the single-member constituencies. When that is the charge, naturally, we will prefer and we will fall back on the distributive voting. The only alternative left is to see that the constituency is made possible and that is why we oppose the constituency even in those places where reservation is to be given. With the scheduled castes or tribes, as the Bill explains, there is nothing political, nothing impossible to reserve particular seats where there are considerable sections of the scheduled castes or the scheduled tribes in a single-member constituency. In fact, in this double-member constituency, with the two votes, the distributive vote and making the voters to distribute their votes—one for the scheduled castes and another for the general seat, or both to two scheduled castes or general candidates—when such provision is there, we know what happens. For instance, in a particular taluk, in the last general elections the general candidate who polled most of the votes —out of the one lakh votes polled, —the scheduled castes' vote was reduced to 20,000 whereas 60 to 80 thousand went to the other. The other votes have been manipulated by the general candidates.

Of course, I know the Government is not going to accept this, I am afraid, not because they are very much against the principle, but mostly because the other House is not there and the hon. Minister has stated in the beginning of his speech that this Bill is urgent and the other House is not sitting, therefore, he is not prepared to accept any amendment with regard to the Commission. He was prepared to place the Report or Orders before the House yet he said that he was not prepared to accept the amendment. "I will certainly place the Report even before the Council, but I would not accept the amendment." It is because, by that the Bill has to go to the other House. So, I know the fate of the amendment. The Government majority is there. But it is our job to protest. It is a Bill affecting the whole principle of representation. The method of elections and our structure of representa-

tive institutions are being discussed. The Government did not take any one of the Members of this House to the Joint Select Committee. And when if we come with any amendment, they say, "We cannot accept it". There is the other amendment regarding the time-limit of six months. Why should you limit the time to six months ?

SHRI RAJAGOPAL NAIDU : There is no reply either to that.

SHRI P. SUNDARAYYA : It is a very reasonable one. But to accept that amendment means that the Bill will have to go to the other House. Sir, we know that the Government has a majority. They will pass the Bill without changing a comma or fullstop. But I want the Government, hereafter at least, when these kinds of Bills are brought forward, to treat this House more seriously so that some suggestions which are reasonable could be forwarded first in the Parliamentary debates and then in the Joint Select Committee. After that, when it comes to the House, they could be discussed and the salient points brought to the notice of the Government. The Government could then see whether they cannot accept them. Sir, otherwise, there is no sense in this House functioning. If you do not want to have this House, better bring an amendment to the Constitution to abolish this House instead of treating this House like this. It is an important thing. I do know the fate of the amendment, but I do want to see that the responsibility for not accepting it is on the Government.

SHRI C. C. BISWAS : Sir, I will only deal with the last point. It is not correct to say that amendments are being shut out because the other House is not sitting and that.....

SHRI P. SUNDARAYYA : I did not say that amendments are being shut out.

MR. DEPUTY CHAIRMAN : He says that the amendments are not accepted because the other House is not sitting.

SHRI C. C. BISWAS : Sir, after lunch, I was asked : "What about the Cantonment Bill ?" I said, "If you go on talking like this, then we shall drop it ." That was not to be taken seriously. My friend seems to take a serious view of every word I say. It seems as though I said I would refuse any amendment although good on merits, merely because the other House is not here. It is doing me an injustice.

SHRI RAJAGOPAL NAIDU : Are we to take it for granted that whatever he says need not be taken in a serious way ?

SHRI P. SUNDARAYYA : What I have quoted is what he has stated in his speech in the morning.

SHRI C. C. BISWAS : I have not stated on the floor of the House that no amendment will be accepted merely because the other House is not sitting. Even if the amendment is moved with ten days for the other House to run.....

SHRI B. GUPTA : Does it mean that the hon. Minister is coming here with the determination that no amendment will be ever accepted ?

SHRI C. C. BISWAS : I did not say that I am unable to accept any amendment which was suggested by my hon. friends.

MR. DEPUTY CHAIRMAN : Let us come to the motion in question.

SHRI C. C. BISWAS : Sir, it is doing me injustice personally. That is what I feel. I do feel for reasons I have given that I am unable to accept any suggestion made by the hon. the mover of the amendment. That is a matter which may have to be considered at a later stage, but not in connection with this Bill.

MR. DEPUTY CHAIRMAN : The question is :

(1) At page 4, lines 6 and 7, the words "either" and "or two-member constituencies" be deleted.

(2) At page 4, lines 10 to 12 be deleted.

(3) That the proviso at the end of sub-clause (2) be omitted.

The hon. Minister has stated that he is not accepting the amendment.

The motion was negatived.

MR. DEPUTY CHAIRMAN : The question is :

That clause 8 stand part of the Bill.

SHRI RAJAGOPAL NAIDU : There is some amendment.

MR. DEPUTY CHAIRMAN : Mr. Sarwate is not here.

MR. DEPUTY CHAIRMAN: The question is :

That clause 8 stand part of the Bill.

The motion was adopted.

Clause 8 was added to the Bill.

MR. DEPUTY CHAIRMAN: The question is :

That clause 9 stand part of the Bill.

Mr. Rajagopal Naidu.

SHRI RAJAGOPAL NAIDU : Sir, I move my amendment :

At page 4, line 43, for the words "the House of the People" the words both the Houses of Parliament be substituted.

The hon. Minister has certainly accepted the principle of my amendment this morning. But the only difficulty is he says, the other House is not sitting, and hence it cannot be accepted, and he has given an assurance that it will certainly be placed before this House. But I would like very much to have his assurance—to bring an amending Bill, at least in the next session introducing, instead of the words "the House of the People", "both the Houses of Parliament". If that assurance at least is given, I shall withdraw my amendment. But that assurance should not be merely in words, because, I find the hon. Minister is approbating and reprobating. When he is cornered he reprobates. I would request the hon. Minister, therefore, to bring in this amending Bill in the next session at least. It has now become difficult, because this House has not been taken into confidence in connection with the Constitution Bill of the Joint Select Committee. When the Select Committee was constituted there was no one to look after the interests of this particular House, although our Leader was there on the Committee. I am surprised that this House has been overlooked. I, therefore want that we should be given an assurance that the amending Bill would be brought, introducing these words and deleting the words now there, namely, "the House of the People". If this is done I would be satisfied and I shall be withdrawing the amendment.

MR. DEPUTY CHAIRMAN : Amendment moved :

At page 4, line 43, for the words "the House of the People" the words "both the Houses of Parliament" be substituted.

The amendment and clause are open for discussion.

SHRI AKHTAR HUSAIN : Sir, I will just say a few words. I am unable to agree with the arguments advanced by my learned friend, the mover of the amendment, for this reason that we as Members of the House are not primarily interested in the constituencies that elect the Members of the House of the People. We are elected by an indirect system of election. We represent the States. We do not represent any particular constituency. Our constituencies are entirely the States. This Bill is to provide for the readjustment of the representation of the territorial constituencies in the House of the People. So, if membership of the Associate Members

of the professed Commission is confined to the Members of the House of the People, there is no cause for grievance for the Members of this House. There can be no cause to feel that we have been ignored, that we have been belittled. It does not primarily affect this House. We should not therefore make any grievances. Our interests are in no way affected. I therefore oppose the amendment put forward to this Bill.

SHRI C. C. BISWAS : All that I say is this, that on all important matters there should be a Joint Select Committee to consider them. If you so suggest, I can place a copy of the report before both the Houses.

(*Shri Rajagopal Naidu rose.*)

MR. DEPUTY CHAIRMAN : There is no right of reply. I am putting the question. Do you press your present amendment or do you withdraw?

SHRI RAJAGOPAL NAIDU : I withdraw.

*The amendment was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN : The question is:

That clause 9 stand part of the Bill.

The motion was adopted.

Clause 9 was added to the Bill.

MR. DEPUTY CHAIRMAN : The question is:

That clause 10 stand part of the Bill.

The motion was adopted.

Clause 10 was added to the Bill.

MR. DEPUTY CHAIRMAN : The question is :

That clause 1, the Title and the Enacting Formula stand part of the Bill.

The motion was adopted.

*For text of amendment, *vide* column 87 *supra*

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

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

That the Bill be passed.

SHRI J. R. KAPOOR : Sir, I believe that we have no other business now. There is only a little thing to which I would draw attention. It is for this reason I crave your indulgence for a couple of minutes to bear with me. The question is, Sir, with regard to the provision that has been made in the Bill directing the Delimitation Commission, that wherever practicable, reservations be made for the scheduled castes and scheduled tribes in the single-member constituency. We have agreed to adopt this, but in view of the very serious opposition that has been voiced against the double-member constituency, I do wish to say something. The House has accepted this clause. All that I want to say is that the impression should not be allowed to be created by the discussions in this House, in the minds of Members of the Commission, that what we intend is that as many single-member constituencies as possible be made even in the case of scheduled castes and scheduled tribes reserved seats. Because, Sir, the interpretation of this direction for the Commission is that only where it is possible for the Commission to find that about 50 per cent. or more than 50 per cent. of the voters or at least about 40 to 45 per cent. of the voters therein belong to the scheduled castes or scheduled tribes, single-member constituencies for the reserved seats are to be made and not that the Members of the Commission should take particular pains to see and somehow manage to create a single-member constituency even in such cases. Because Sir, I feel in spite of what has been said in this House against the double-member constituencies, that it will be highly undemocratic to do so.

MR. DEPUTY CHAIRMAN : Is the hon. Member opposing the Bill?

SHRI J. R. KAPOOR : I have already accepted the clause. Now it is only a question of interpretation. The impression should not go out that what this House wants is a larger number of single-member constituencies in the case of reserved seats. That is my point. Having accepted it we have got to see that it is properly interpreted by all concerned including the Members of the Commission. After all, these proceedings will be read by Members of the Commission, and I am suggesting, I do very much wish, that this point of view must also be there, before them, and they should not be led to believe that what we wanted, what has been expressed by some hon. Members on that side of the House, is the opposite thing. My submission is that it would be very very undemocratic if a large number of single-member constituencies are created for reserved seats. In that case, what would happen is that it would be limiting the choice of the electorate in the matter of electing their representative. If there is only one member to be elected and that one member is to be selected only out of the scheduled castes, then, the choice of the electorate at large, both of the scheduled castes as also of the non-scheduled castes will be limited to scheduled castes only. Non-scheduled caste electors may like to elect a non-scheduled caste member and even scheduled caste members perhaps may like to elect one who does not belong to scheduled castes. Therefore, it is an infringement of the right of the electors and it is certainly undemocratic but, in order to satisfy the wishes of some section of the population belonging to the scheduled castes, a provision like this has been incorporated. But my submission is that this provision should be resorted to only in very rare cases and it should not be too liberally interpreted. That is all my submission.

SHRI R. U. AGNIBHOJ : Sir, I oppose what my hon. friend just now told you.

MR. DEPUTY CHAIRMAN : Order, order.

SHRI R. U. AGNIBHOJ : He said that our people won't like to vote for the scheduled caste man.

SHRI J. R. KAPOOR : Not at all; I said that the scheduled castes people may like to elect.

MR. DEPUTY CHAIRMAN : Order, order, you have had your say.

SHRI R.U. AGNIBHOJ : Therefore I say that all these questions should not be raised at all. Whatever the Bill stands for is rightly passed by this House and I support it and whatever my friend said just now carries no meaning.

SHRI RAJAGOPAL NAIDU : In the first reading speech of mine I invited the attention of the hon. Minister to the fact that only 6 months time has been given to correct arithmetical and clerical errors. I expected the hon. Minister to say a few words about that and I did not get any reply from him.

MR. DEPUTY CHAIRMAN : Obviously, six months is a sufficiently long period to correct clerical errors.

SHRI C. C. BISWAS : I am sorry I forgot ; I will just explain.

SHRI RAJAGOPAL NAIDU : The second point about which I have a doubt and request the hon. Minister for clarification is in regard to clause 7. I want to know whether all the provisions of the Civil Procedure Code are made applicable to the proceedings of the Commission or only the three particular provisions that are enunciated in clause 7. These are the only two points.

SHRI C. C. BISWAS: Only in regard to the specific matters mentioned—summoning witnesses, calling for documents and so on, the Commission

will have the powers of a civil court. Sir, beyond that, they have not been given powers. Therefore, the Commission is not to regard itself as a civil court fully clad with the powers of a civil court.

As regards the first point in the original Bill, as it was drafted, there was no time-limit but the idea which governed the inclusion of this limit is this : After all, the Delimitation Commission's report will give you the names of the various villages and other administrative units which will form a single constituency. Therefore, if there is any error, it should be possible to discover any such error within a very short period ; if you do not put down any time limit, the matter may not get looked into and might get put aside and left in the archives of the Department and nobody would bother to examine the whole thing. If you put a limit—and six months is considered long enough,—they will try to find out if there are any discrepancies or mistakes and these will be at once discovered and put right. The Bill as originally introduced said that the Election Commissioner should do it. People said "Oh, why should you trust the Election Commissioner even as regards this". Even though our view was that the Election Commissioner should have been trusted, we agreed to satisfy them and have let the other Members available be associated with the Election Commissioner. We did not object and we said that in so far as one or the other Member of the Commission is available, the Election Commissioner should consult him. That is all and the matter has been left to the Election Commissioner himself; and, as I said, the six months' period is put down in order to make it the duty of the Commission to examine these proposals minutely and to correct the mistakes within the shortest time.

MR. DEPUTY CHAIRMAN : The question is :

That the Bill be passed.

The motion was adopted.

THE CANTONMENTS (AMENDMENT) BILL, 1952

MR. DEPUTY CHAIRMAN : The Cantonments (Amendment) Bill.

SHRI C. C. BISWAS : Sir, it is now proposed, with your leave, not to take it up in this session. Therefore, the Bill may be dropped for this session. It will come up in due course in the next session.

MR. DEPUTY CHAIRMAN : There is no other business before the House. The Council stands adjourned *sine die*.

The Council then adjourned *sine die*.