willing and anxious to co-operate with the Government. I do not think I need say anything more except on one point. Somebody said with reference to clause 4, this is against the Muslim law. It is useless to expect that a provision of this nature can incorporate all the rules which prevail in different systems.

KHWAJA INAIT ULLAH : What about including Muslims in clause 5?

SHRI C. C. BISWAS : These clauses are based on the existing Special Marriage Act.

SHRI RAJAGOPAL NAIDU : What is the religion that the offspring has to profess?

SHRI C. C. BISWAS : It is a very difficult question. As a matter of fact, first of all, it was provided in the draft that the father and the mother should under this Act execute declaration as to what religion their children should profess. That was admittedly unsatisfactory, and that was cut out. I should like to have the opinions of my hon. friend and others as to how that question may be solved. It is a difficult question.

SHRI RAJAGOPAL NAIDU : Shall we determine it ten months after the passing of this Act?

MR. CHAIRMAN : I want to say that it has been represented to me that to meet at 3 o'clock would be rather inconvenient and a suggestion was made that we should meet at half past three. I have no objection to it provided that it goes from half past three to half past six.

DR. P. C. MITRA : No.

MR. CHAIRMAN : Either from three to six or from half past three to half past six. If you are able to complete the business you will go. There are only two Bills before you—The Cantonments Amendment Bill and the Copyright Resolution. These are the two things. If you are so anxious to complete by six, it depends on you. 3-30 will be the starting hour. The House stands adjourned till half past three.

The Council then adjourned till half past three of the clock.

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

THE CANTONMENTS (AMENDMENT) BILL, 1952

THE MINISTER FOR DEFENCE (SHRI N. GOPALASWAMI) : Sir, I beg to move:

That the Bill further to amend the Cantonments Act, 1924, be taken into consideration.

Sir, not many words are required from me in placing this motion before this Council. Hon. Members are aware as to how cantonments came to be established in the country and how they have grown. Cantonments were primarily intended for quartering troops and for such quartering it was necessary that amenities and conditions should be established in such areas which would conduce to the maintenance of the proper health of the troops stationed therein. But, as time went on, the populations in these areas grew and various ancillary activities came to be established, and it was considered that some form of municipal government should be established for the purpose of looking after these matters. The result was the
[Shri N. Gopalaswami.] Cantonments Act of 1924. Cantonment Boards were established with an equal representation of officials and non-officials and we are still living under that Act, though that was amended in 1936 and certain amendments were carried out at other times also.

For a long time it was thought that cantonments proper, where troops had to be accommodated, were getting, in a sense, overwhelmed by the development of the civil population in and round about them, and for several years the problem was how to separate what might be called the military parts of each cantonment area from what might be described as the civil part. The matter was looked into and prior to the break-out of the Second World War, the decision was taken that a purely civilian portion of a cantonment area, which was not required for the purposes of the cantonment, might be excised with perhaps municipalities of their own, leaving the cantonment authorities to deal with the military parts of each area. The breaking out of the Second World War and the consequent accumulation of troops, the disposition of these troops in a large number of places, including these cantonments, all this led to the suspension of the implementation of this decision. The matter was, however, taken up sometime towards 1948. There was a conference of the Ministers of Local Self-Government of the different States. This was held in New Delhi on the 7th August 1948. It made two significant recommendations. The first was that the Conference recognised for reasons connected with security and the health of the troops that the areas where troops are quartered should be under the general control of the army authorities. The second decision was that the conference recognised that the Central Government should, in consultation with the Provincial Governments concerned, appoint a committee to examine the question of delimiting the areas of cantonments and the desirability of amending the Cantonments Act. Action was taken in respect of the second of these recommendations. A Committee was set up with Shri S. K. Patil of Bombay as Chairman. This Committee considered a large number of suggestions which had been made for the amendment of the Cantonments Act. These suggestions fall under four categories. One was the further democratisation of the civil Administration in cantonments. The second was the adoption of the electoral procedure similar to that in force in civil municipalities. The third was for the removal of a number of ambiguities in the various sections of the Cantonments Act. The fourth was the delegation of the powers: of Cantonment Boards to their officers in respect of functions of an urgent and routine nature. The Committee went into these matters fully and their recommendation on the first point, which was really very important from the standpoint of the public demand, was that cantonments were primarily military stations and not civil towns. The civil portions were comparatively small in many of these areas. They have sprung up in the wake of the army for purposes ancillary to the requirements of the army. The Committee, therefore, considered it desirable that cantonments should in fact maintain in the future—at any rate as much of the future as one can foresee at present—their original characteristics of military stations, considering all the circumstances associated with the present state of the country in its political, economic and public health aspects. They, therefore, were of the view that the maintenance of satisfactory conditions of security, discipline and health among the troops which are necessary conditions precedent to efficiency would not admit of taking risks as regards the troops themselves and it was accordingly undesirable to transfer the Administration of the Cantonment Boards to municipal authorities with a civilian majority.

They considered that the existing representation of the civil population in the Cantonment Boards was quite adequate to protect such special interests of that population as deserved to be protected. In short, they pronounced themselves against any further democratisation of the Government.
machinery in cantonments, they further proposed a number of amendments to the Cantonments Act itself. I would not, at this stage, take the House through these proposed amendments because it is possible that before the stage is reached for considering such amendments in general, I shall probably be agreeable to a step which would enable us to obtain advice, information and opinion from various interests and authorities in the country. The amendments, however, aim largely at increasing the efficiency of Administration of Cantonment Boards and to bring the system of election prevalent therein into line with the general principles adopted for other Parliamentary and Municipal elections. For instance, it is proposed to abolish reservation of seats on Boards on communal grounds and also to provide that one person should not be allowed to be a member of two local bodies at the same time. Certain consequential changes have also been made as a result of the introduction of adult franchise. A number of smaller amendments are also there to which I need not make any detailed reference. The Boards will be given greater powers in respect of recovery of dues and other matters for the sake of improving efficiency. Certain doubts on the interpretation of sections of the Act have been attempted to be cleared. Generally speaking, Sir, this is a mere amending Bill.

I notice on the Order Paper amendments one of which suggests that the Bill might be circulated for eliciting public opinion by the 31st October 1952. The other suggests reference of the Bill to a Select Committee. We first take up the amendment for circulation for eliciting public opinion. Dr. Dube.

DR. R. P. DUBE (Madhya Pradesh) : Mr. Deputy Chairman, I need not say anything at this stage about the Act, and of the amendments proposed to it. I am very grateful to the hon. the Defence Minister for agreeing to my proposal that this Bill should be circulated for public opinion and I am sure that you will find that the amendments that have been proposed are most inadequate. I need not say anything now. Let the people judge it for themselves properly. Government will then come to know that the amendments that have been proposed, which were expected to really democratise the Boards, have not achieved that. Troops are there and their health and welfare must be looked after and they should not come in contact with any political party. I agree to that, but don't forget that the cantonments when they started were only meant for troops and their followers. But, now, the cantonments have greatly changed.

MR. DEPUTY CHAIRMAN : Dr. Dube you have to move the amendment first. Have you moved it?

Dr. R. P. DUBE : Sir, I move : That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1952.
[Dr. R. P. Dube.] I really do not want to say anything at this stage. I am only grateful to the hon. the Defence Minister and the Leader of the House for agreeing to my amendment.

Mr. DEPUTY CHAIRMAN: There is another mob on in the name of Shri Diwan Chaman Lall, for eliciting public opinion without limit of time. He is not here.

Now the amendment and the motion are for discussion.

SHRI RAJAGOPAL NAIDU: Mr. Deputy Chairman, I am glad that the hon. the Defence Minister has accepted the amendment of the hon. Member for circulating this Bill for eliciting public opinion. In fact, I also was of the opinion, Sir, when I gave notice of my amendment to refer the matter to a Select Committee; but, I thought; having constituted a Committee and having gone through to a great extent it was doubtful whether this Bill was going to be referred at all for eliciting public opinion. Now that this has been done, I will be certainly withdrawing all the amendments which I had given notice of. I just want to say a few words which may be of some importance in this matter.

I find that in the. Statement of Objects and Reasons it is mentioned that one of the objects in bringing this amending Bill is "largely increasing the efficiency of Administration of Cantonment Boards and to bring the system of election in line with general principles adopted for parliamentary and municipal elections." The hon. Minister was referring to the system adopted only in the municipal elections in the matter of reservation of seats, but may I point out, Sir, that in the Parliament and also in the Legislative Assemblies of States, seats are reserved for Scheduled Castes and Scheduled Tribes? I may invite the hon. Minister's attention to Part XVI of the Constitution, articles 33c and 332. ' Article 330 says that seats shall be reserved in the House of the People for the Scheduled Castes and the Scheduled Tribes and article 332, which concerns the Legislative Assemblies, says that seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the tribal areas of Assam, in the Legislative Assembly of every State specified in Part A or Part B of the First Schedule. I do not know, Sir, why reservations have not been made in the Cantonment Boards for the Scheduled Castes.

DR. R. P. DUBE: I may tell for the information of the hon. Member that once it has been reserved for the Scheduled Castes.

SHRI RAJAGOPAL NAIDU: But I do not find anything here. Of course, in the parent Act it is there, but I am talking about the amending Bill. I am talking of the Objects and Reasons. In the Objects and Reasons we find it is proposed to abolish communal reservation on Boards and also to provide that one person should not be allowed to be a member of two Local Bodies at the same time. So in the amending Bill the communal reservation has been totally abolished. Of course, it does not affect me, because I do not belong to the Scheduled Caste, but it will certainly affect the Scheduled Castes and Scheduled Tribes. When provision has been made for reservation of seats in the Parliament and in Legislative Assemblies, why should not reservation be given to Scheduled Castes and Scheduled Tribes under the Cantonments Act?

My second point is more or less of a minor character. I find, Sir, that is a very good suggestion that no member can be a member of two Boards. One cannot be a member of the Municipality and at the same time one cannot be a member of the Cantonment Board. It is a very good suggestion, but I find that it is carried too much in the Bill, because I find in the States one cannot be a member of two Municipalities; a member cannot be a member of two Panchayat Boards, but one can certainly be a member of two Local Bodies. For instance, if one is a member of the Municipal Council, he can also be a member of the District Board. There is difference between Munici-
palities and District Boards. One can be a member of the District Board which represents the entire District and at the same time one can be a member of the Municipal Council also.

SHRI J. R. KAPOOR (Uttar Pradesh) : Not ordinarily?

SHRI RAJAGOPAL NAIDU : Yes, ordinarily. That is so in Madras State and I can say it with full authority because I know practically all the provisions of the Local Bodies Act. Every section of it I know and, Sir, there is provision for one to be a Municipal Councillor and at the same time to be a member of the District Board. There is also one hon. Member in this House who is a Member of the District Board in our District and at the same time he is also a Municipal Councillor. Sir, he is here in our very House. Why could that not be given here? If one is a member of the District Board, there cannot be any prohibition for his being a member of the Cantonment Board.

With regard to other things, I need not waste the time of the House. They are all of a minor character and I shall deal with them when the time comes.

SHRI J. R. KAPOOR: (Uttar Pradesh): Mr. Deputy Chairman, I must confess I was not prepared for this surprise being sprung on the House that Government would be prepared not to proceed with this Bill now but would send it out for eliciting public opinion. When the hon. the Defence Minister hinted that he would be prepared to accept an amendment to this effect, I was hoping that the hon. the mover of the amendment would give us some detail as to why it is necessary to proceed with this simple legislation now and why it must be sent out to elicit public opinion. But then I find that he, armed as he was with the assurance which, it seems, had already been given to him by the Defence Minister that he would agree to his amendment, did not consider it worthwhile to take the House into confidence and make an attempt to convince us also as to what necessity there is for such a step being adopted.

Dr. R. P. DUBE : I can do that now, if the Member wants it. I have got it all right.

Mr. DEPUTY CHAIRMAN: Order, order. You go on. Are you opposing the amendment?

SHRI J. R. KAPOOR : It would, of course, amount to that. I will withdraw my opposition to it if after what I have submitted the hon. the Defence Minister is able to convince me in his closing speech that such a step is necessary. As it is, I feel unconvinced as to the necessity for such a procedure being adopted. I think it is wrong in principle that a Bill, the provisions whereof may be acceptable, should be sent out for eliciting public opinion. The little that I could gather from what my hon. friend Dr. Dube said is that this Bill is inadequate and that it does not provide for further democratisation of the Cantonment Boards. This is the only thing that he said. Now, that means that he has no objection to the present provisions of the Bill being enacted, but that his main grievance was—rather the only grievance—that there should have been some further amending provisions in the Bill seeking to amend the other provisions of the existing Cantonment Boards Act. So the position is that so far as the existing Bill is concerned, the various provisions thereof are concerned, there is absolutely no opposition to them. They are good in so far as they go, but there should be some new provisions incorporated in it. Now I do not know, Sir—I would like to be enlightened on that point—as to what would be the procedure which will be adopted when this Bill comes back later on and we have the advantage of public opinion on this. Will it be thereafter open to this House to extend the scope of this Bill? Will the public be consulted only with regard to the provisions of this Bill or will the public be called upon to make further suggestions with regard to some additional clauses to be incorporated in the Bill? Now, I am not opposed, Sir, to public opinion being sought with regard to any further suggestions that the public may have to make but then if at that late stage Go-
[Shri J. R. Kapoor.] Government finds itself in agreement with public opinion on those new suggestions, a new Bill, I suppose, will have to be brought forward and this Bill will have to be entirely taken away, because I do not think any new provisions covering a new sphere could, even at that late stage, be incorporated in this present Bill. I therefore submit that it is absolutely unnecessary for this Bill being sent out for public opinion. Rather, the better way to deal with the suggestions that have been made by the hon. the Mover the amendment is to elicit public opinion with regard to those matters which have not been incorporated in this Bill and thereafter if necessary a new amending Bill dealing with those matters be introduced. That is entirely a different matter. That has nothing to do with the present provisions of this Bill.

Now, Sir, in this connection I may submit that this subject had been referred for investigation and enquiry to a Committee as far back as 17th January 1949. That means that it is now more than 3½ years ago that investigation in this respect was undertaken. Now, it is not a matter of satisfaction to us, Sir, that that Committee should have taken a very long period to inquire into this affair and to submit its report. Its report was submitted on 15th November 1951. Now, during that period—it was a pretty long period—the Committee went into the various questions and thereafter has submitted this report. And so far as the present Bill is concerned, it is based on that report, and now it is proposed to be circulated for public opinion. There are only two or three important things in it to which I think absolutely no objection could be taken by anybody.

One part of the Bill relates to the amendment of certain provisions of the Cantonments Act with a view to increasing the efficiency of the Boards. The proposed amendments, almost all of them excepting one or two small ones, appear to be absolutely inoffensive and even necessary, and the sooner they are brought on the Statute Book the better it is for all concerned—for the Boards themselves and for the general public. One amendment relates to the removal of communal reservation. I do not think any useful purpose will be served by referring this matter to the public for its opinion, for whatever the public opinion may be on this question, it is impossible for us under the Constitution to continue communal reservation in the Cantonment Boards. We know that in the Constitution we have prescribed that there shall be no separate representation and no communal reservation, excepting of course to a limited extent in the case of Scheduled Castes. We had communal representation for Hindus and Muslims. We have entirely done away with that, and it is not open to us, I suppose, under the Constitution to continue to have that sort of communal representation. And even if it were possible, I am sure it is not the contention of any hon. Member of this House—I hope not even of the hon. Mover of the amendment—that we must continue this communal reservation in the Cantonment Boards and provide that so many members shall be from the Hindu community and so many from the Muslim community. That being the case, I see no reason why this subject should be referred for public opinion.

The third important amendment which is suggested in the Bill is that one cannot be a member of more than one local body. This is not entirely new subject. I may draw the attention of the House to the fact that an amendment covering this suggestion was moved by me, as mentioned in the report of this Committee on page 9,⁴ in the Provisional Parliament in 1950 when the Cantonments Act came up for some amendment. I was then assured that though my suggestion might not be accepted then and there, it would be referred to the Committee which was already sitting, and it was so done. This Committee went carefully into this question, and they have recommended that this suggestion might be accepted. On the basis of this recommendation of the Committee the Government has incorporated a corresponding amendment in this Bill. I see no reason why this matter, which was once
raised in Parliament and then referred to this Committee, should once more, after three years, be referred to the public for opinion. I do not think there would be two opinions on the subject, inspite of what my hon. friend to my right has said that one person should not hold membership of two local bodies. After all, there is no dearth of public servants here and I consider it wrong in principle that one person should be occupying a number of representative positions. In one city to which a cantonment is attached I see no reason why a person should be a member both of the Municipal Committee and of the neighbouring Cantonment Board. Often it does so happen that questions arise in which there is some conflict between the interests of the Municipal Committee and the Cantonment Board and I do not think that it is in the public interest that a member should be representing two conflicting interests. Even otherwise, as a matter of general policy, I think it is advisable that in public life ...............
[Shri Govinda Reddy.] "So, instead of having this Bill sent for eliciting public opinion, it would have been better to have proceeded with the Bill or for the Leader to have accepted the motion for reference to a Select Committee. But anyway, I would leave it to the best judgement of the Leader, I am not convinced that this Bill would serve any purpose if it is sent out for eliciting public opinion.

With regard to clause 7, on the point raised by the hon. Member Shri Rajagopal Naidu, in addition to the argument that the hon. Member Shri Kapoor has advanced, I must say that in almost every cantonment area there is also a municipal area which is its neighbour. When the municipal area and the cantonment area are contiguous naturally there is bound to be some conflict of interest between the two areas. If a citizen living in the municipal area becomes also a member of the Cantonment Board, then certainly - he will have divided loyalties, or at least dual interests. Therefore, to avoid this conflict, which I presume is the object of this amendment, it is prescribed that one person cannot be a member of two contiguous bodies.

Shri B. M. GupTE (Bombay) : Mr. Deputy Chairman, I support what has been said by my hon. friend Mr. Kapoor. I also think that no useful purpose would be served by sending out the Bill for eliciting public opinion. Unless the scope of the Bill is widened, unless outsiders are allowed to make suggestions on the sections of the principal Act which are not mentioned in the present Bill, no useful purpose would be served. In this connection I might point out that the Patil Committee have reported on this subject and they had invited suggestions. That Report contains Appendix E which mentions all the suggestions made to them. They have considered 106 suggestions and after sifting them they made their recommendations and now the present Bill is based on those recommendations. I have gone through those 106 suggestions and I find that as far as the present clauses of the Bill are concerned, there is hardly anything new which can be suggested by the non-official opinion. Most of their suggestions on these sections have been accepted. The Bill is liable to criticism at least not for what it does, but for what it omits to do. So unless other sections are allowed to be considered by outsiders, it is no use circulating the Bill. I think it would have been better in my opinion if the Bill had been sent to the Select Committee rather than circulated. Unless we give a mandate as was done in the case of the Preventive Detention Bill that even the sections which are not mentioned in the Bill will be allowed to be touched, it is no use sending the Bill for eliciting public opinion. I hope the hon. Minister will consider this suggestion.

The Minister for Defence (Shri N. Gopalaswami) : Mr. Deputy Chairman, I did not imagine that any opposition would be offered to this amendment which I have already said I am prepared to accept. I can quite understand my hon. friend Mr. Kapoor feeling a little disappointed that after so much of energy spent by a Committee which was specially appointed for the purpose of investigating this matter and after it had produced a report, we should allow more time to elapse before we could clinch matters and put something on the Statute Book. That is a very natural feeling of disappointment.

My difficulty in regard to this matter however is this. It has been argued that there would be no purpose served by circulating this Bill for eliciting public opinion. I wish to make it perfectly clear that I am not sending round a circular to all and sundry for expressing opinion in a general way about the whole system of administration of cantonments. The Committee’s Report is there and Government have accepted that Report largely and on the basis of that acceptance we have framed this Bill. Now unfortunately what has happened in the case of this Bill is that the actual Bill was, I believe, published, was made public only after formal introduction in this House, that is to say, about a week or ten days ago. Now I have a certain amount of experience of legislation.
In respect of local authorities, whether it is an original enacting Bill or a Bill which makes a series of amendments in an existing Act the usual courtesy is shown to the local authorities, which are likely to be affected by the amendments proposed by giving them an opportunity to look at what exactly are the amendments that are proposed and whether, being in charge of the actual administration of those areas, they are in a position to suggest modifications therein. That is the thing which is always done whenever legislation in respect of local authorities is undertaken. In the present case, this Bill was published only after formal introduction here and the Cantonment Authorities themselves have not had the opportunity of looking at the actual amendments that are proposed. No doubt we accepted a certain number of amendments as suggested by the Committee concerned. But that is not enough. The local authorities should know what amendments are being proposed here. That is one reason why I was willing, and I am willing, to accept the amendment as proposed by my hon. friend. But let me make it clear that what is going to be circulated for eliciting public opinion is this Bill and it is on the basis of this Bill that opinions could be sent up to Government. I think it was my friend Mr. Kapoor who asked as to what the procedure was going to be. This is the first item which I should like to make clear that it is the Bill that will be circulated for public opinion. When the opinions are received, then this Bill will come up and the usual procedure is to refer a Bill of this sort to a Select Committee where all these bundles of opinions which have been received will come up for the purpose of being considered by that Committee in examining the provisions of this Bill. That is the usual procedure and I should like to follow that procedure.

Now there was another reason based purely on expediency, expediency which in my opinion would enable us to take a step which would strengthen the hands of Government and this House and the other House in passing this amending legislation, that is this.

We are now at the flag end of this session. We may refer it to a Select Committee but there is no chance of that Select Committee reporting in time for this Bill being put through on its report through the current session. So I thought that since in any case it is going to come up before the next session, we might usefully employ the interval between now and the next session for the purpose of giving an opportunity to the Cantonment Authorities and the people living in cantonment areas for expressing their opinions on the provisions of this Bill. Now, it was suggested by my hon. friend, Mr. Govinda Reddy, that he could understand trying to elicit public opinion if it was a measure on which anybody and everybody could express an opinion. I do not think that the circulation for eliciting public opinion should be confined only to measures which will affect the public in general all over the country. Legislation might affect people only in certain areas, or it might affect only certain authorities and so forth. When we say we circulate such a Bill for eliciting public opinion, the opinion that we ask for will be of the authorities and people who are interested in or affected by that subject. When we get their opinions, on those opinions we go into Select Committee for examining the provisions of this Bill. I feel, Sir, there is nothing unusual in this procedure and I would ask the House to agree unanimously to this amendment going through.

SHRI J. R. KAPOOR : I want to put a question. Do I correctly understand the hon. the Leader of the House to say opinion expressed by the general public, even though it may be of the cantonments, with regard to the further democratisation of the Boards in respect of any matter which is not contained in this Bill, shall not be considered by the Government and it will not be open to this House later on to consider and suggest any amendments based thereon? Now that was my actual point. I had opposed the circulation because I thought the object
[Shri J. R. Kapoor.] my hon. friend, Dr Dube, had in view would not be served by circulation. That is why I had opposed it. I would like to know if the object my hon. friend, Dr. Dube, has in view will in the slightest degree be served by this circulation.

SHRI N. GOPALASWAMI : The answer to that is this : So far as the Government's policy is concerned, it is stated in the Bill. It goes out for eliciting public opinion. If those who express their opinions travel beyond the range of the provisions of this Bill, the Bill is in the hands of this House and it is for this House to consider what they will do with such opinions. There is no point in putting that question to the Government. Government's policy is here. In the case of the Preventive Detention Bill, the House was entitled to confine itself only to the amendments but there it was suggested that they could go into the provisions of the original Act as a whole and the House decided, I think, as a result of the Speaker's ruling, that the Select Committee might go into the original Act as a whole. But a thing like this is not likely to be asked for in the case of the Cantonments Act, I can assure my hon. friends.

There was one point which my hon. friend, Mr. Rajagopal Naidu, referred to for which I did not give a reply, and that was with regard to reservations. I believe the point was referred to by my hon. friend, Mr. Kapoor, also. Now, I will take the section or rather the articles of the Constitution to which he referred. I believe he agrees with me in my interpretation of these articles as provisions which require reservation of seats for scheduled castes. Now, if you look at the Cantonments Act, 26 (1) and (3), (1) refers to the preparation of electoral rolls. It says, "Such roll shall be prepared etc." 26 (3) says: "When a cantonment has been divided into wards and the inhabitants into classes, the electoral rolls shall be divided into separate lists for each ward or class as the case may be." The provisions of the Constitution to which my hon. friend referred have reference only to the reservation of seats. The section in the existing Act provides for preparation of electoral rolls for different classes or communities, and that is a thing, I believe, which is opposed to the Constitution. I think the Committee was right in recommending that that kind of communal classification should be abolished. Perhaps Mr. Rajagopal Naidu might say that, if so, the Statement of Objects and Reasons should have been more accurately worded; instead of saying communal reservation should all go, it must have said communal classification should all go.

SHRI RAJAGOPAL NAIDU : May I point out that if the electoral rolls are not prepared for the scheduled castes or scheduled tribes, how can seats be reserved in the cantonment areas? Now, by the amendment you want to take away the preparation of electoral rolls of the scheduled castes and scheduled tribes. If this is taken away from I 26 (3), we cannot know how many of the votes belong to the scheduled castes or scheduled tribes and whether any seats will be reserved for the scheduled castes or scheduled tribes.

SHRI N. GOPALASWAMI : This is a very very old story in our discussions about communal representation. The hon. Member will concede the position that where we have made an exception in favour of reserving seats for scheduled castes, it is not done on the basis of separate scheduled caste electorates. It is based on the general electorate. For some division of the general electorate, we reserve a seat. That is to say, candidature is reserved for the scheduled castes. The two things are different.

SHRI RAJAGOPAL NAIDU : If the Minister can assure me that certain reservations will be made for the scheduled castes, I will be satisfied.

SHRI N. GOPALASWAMI : I think it is all right.

DR. R. P. DUBE : I would like to point out to my friend, Mr. [ Naidu .............]
Mr. DEPUTY CHAIRMAN : The hon. Minister has already replied. If you are asking any question, it is all right, but I am not going to allow you to make any speech.

DR. R. P. DUBE : When the Bill is sent for eliciting public opinion, is it the Bill as a whole which will be considered? I want a ruling to that effect.

SHRI J. R. KAPOOR : The Bill as a whole or the original Act as a whole?

DR. R. P. DUBE : The original Act as a whole. You do not allow me to make any speech and so I cannot tell you anything.

Mr. DEPUTY CHAIRMAN : The question is:

That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October 1952.

The motion was adopted.

Mr. DEPUTY CHAIRMAN : The Bill will be circulated for opinion.

RESOLUTION RE APPROVAL AND RATIFICATION OF THE BERNE CONVENTION

THE MINISTER FOR LAW AND MINORITY AFFAIRS (SHRI C. C. BISWAS) : Mr. Deputy Chairman, on behalf of the hon. Minister for Education I beg to move the following Resolution:

This Council approves of the Berne Convention for the protection of Literary and Artistic Works, as finally revised at Brussels on the 28th June, 1948, and signed by the representative of the Government of India and of the Governments of certain other countries, and is of the opinion that the said Convention should be ratified by the Government of India.

SHRI RAJAGOPAL NAIDU : Sir, the hon. Minister is not audible.

SHRI C. C. BISWAS : This is a formal matter. India is a Member-Country of the International Copyright Union and participated in the Berne convention for the protection of literary and artistic works. The Convention was signed at Berne so far back as 9th September 1886. It was completed at Paris on the 4th May, 1896, revised at Berlin on the 13th November 1908, completed at Berne on the 20th March 1914 and revised at Rome on the 2nd June 1928. It was again revised at Brussels on the 26th June 1948 and India was one of the signatories to the revised convention.

Sir, in terms of the Convention, it has to be ratified by the Member-countries and the instrument of ratification is required to be deposited at Brussels by a specified date. In the case of India, the date was 1st July 1951. For some reason or other we did not get copies of the Convention and the instrument of ratification could not be ratified by that date. But there is provision for ratification at a later date. That is going to be done now. Ratification means that the Member-country which ratifies will have to undertake certain legislation in order to implement the Convention. So, we shall have to amend the Indian Copyright Act of 1914 in order to give effect to some of the provisions of the Convention as revised. The matter therefore will have to be brought before the House when the amendment of the Copyright Act comes up. In the meantime Government think that it will be right to obtain the approval of the House to the ratification. For that purpose I am moving this Resolution. The extracts from the Convention along with extracts of the text of 1928 were circulated to hon. Members some time back and it will be found that in certain respects the text of the original convention has been expanded and enlarged. For instance Cinematographic film has now been included in the definition of literary and artistic work and some other modifications have also been made. There is nothing very exciting about it. This will only involve an amendment of the Indian Copyright Act in order to extend the rights of authors over some additional works. Sir I move.