

MR. DEPUTY—SPEAKER : The question is :

“That leave be granted to introduce a Bill to provide for relaxation of age for entry into public services in certain circumstances”.

The motion was adopted

SHRI B. K. DASCHOWDHURY : I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL.
(Amendment of Article 324)

SHRI SHYAMNANDAN MISHRA (Bengaluru) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY SPEAKER : The question is :

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

The motion was adopted

SHRI SHYAMNANDAN MISHRA : I introduce the Bill.

CONSTITUTION (AMENDMENT)
BILL—contd.

(Amendment of articles 81, 82 and insertion of new article 281 A) by Shri Murasoli Maran.

MR. DEPUTY—SPEAKER : We now take up further consideration of the following motion moved by Shri Murasoli Maran on the 28th May, 1971:—

“That the Bill further to amend the Constitution of India, be taken into consideration.” We have originally allotted two hours for this, and we have taken one hour and 36 minutes. There are just 24 minutes more. Last time I think we agreed to give some more time to this Bill. But we had not fixed up by how much. I think one hour will do. (Interruption) Shall we extend it by one hour? I think that should be enough. We have 24 minutes remaining from the two hours that had been allotted. So, it will now be one hour and 24 minutes more.

DR. KARNI SINGH (Bikaner) : Will I have time to move my Bill for consideration?

MR. DEPUTY—SPEAKER : Yes. Now, Mr. Salve was on his legs on the last occasion. He will continue.

SHRI N. K. P. SALVE (Betul) : Mr. Deputy—Speaker, Sir, part of my speech was over that day. I think that was the part in which I was pointing out to Mr. Maran that in his weighty arguments he had come out with voluminous statistics and those statistics were absolutely overwhelming. They were so complicated that one very happy feature of those statistics was hardly any one understood the same in the House.

AN HON. MEMBER: Including yourself.

SHRI N.K.P. SALVE: I could not follow those statistics very clearly and I hope when he replies, some of the salient statistics, I am sure, he will repeat. At any rate, trying to get the Constitution amended on the basis of statistics as he has come out with, I think, is over simplification of the matter for the simple reason that nobody will dispute, nobody will doubt that by this amendment, a very cardinal, a very basic and fundamental principle of the Constitutional law which we have followed in our Constitution for years and which has been followed in different constitutions in different countries is sought to be dislodged. That principle was described by Shri Bhandare as the principle of equality of the people of the country. Unless there are very weighty arguments for us to change our Constitution and change it in a manner as to justify the departure from this cardinal principle, I am afraid Mr. Maran will not find any support whatsoever for the amendment to the Constitution which he is seeking.

The proposed amendment to the Constitution proceeds upon the assumption that the population in 1951 in our country was as it were an ideal population, and that it must constitute an immutable basis for the representation to be given to people in this House in terms of article 81, whereas article 81 contemplates representation in this chamber not statewide; it deems the entire country as a whole, the people as a whole, the nation as a whole; representation to the people as a whole in this chamber. Now, Shri Maran wants in the year of grace 1971, to take the population in 1951.

{ Shri N. K. P. Salve }

And, on the basis of that population, give representation. May I ask, what is so magical about the 1951 population? He said, we started family planning in 1951 and since we have done well in that field as compared to other States, we must not be penalised. This is an extremely tenuous and weak argument, which proceeds on the assumption as though until 1951 all other States were going ahead with utmost efficiency in producing children, and since Madras has excelled all other States, therefore in 1971 Madras should be rewarded for what it did in 1951. The illogicality of this argument becomes very clear when you see that a day may come when in a particular State there may be people four times as much as in Madras State and whereas for every 100,000 men there may be a representative from Tamil Nadu, in other States for every 400,000 men there may be a representative. Therefore, it is not possible to so amend the Constitution which will take us to such an absurd situation. At any rate, if we had at all known that 1951 population is going to be the basis for determining the number of representatives, before 1951 we would have tried our best in the productivity of children. I do not know whether Mr. Maran was married or not in 1951, but I was married.

SHRI R. V. SWAMINATHAN (Madurai) : Even now he is a bachelor.

SHRI N. K. P. SALVE : So the mystery is immediately solved why he has this particular approach towards the population problem. We know the famous Malthusian theory that while means of subsistence grow algebraically, population grows geometrically. This theory was shown to some great critic in France, who there upon said, "Mr. Malthus seems to have done very well, except that he had not consulted his wife." When this was shown to Mr. Malthus, he said, "I have no wife. How am I to consult her?" Thereupon, the French critic said, "That is why there is this absurdity." We do not produce children with the help of algebra or geometry. We produce them usually with the help of wives. (Interruptions).

I do not want Mr. Maran to rely very seriously on the statistics. Population is not a problem of algebra or geometry. It is basically a human problem. Statistics are sometimes lies. The minister was extremely fascinated

when I told the House the other day that there are three types of lies—lies, damned lies and statistics. So, let us not be overwhelmed by statistics. It is a human problem. (As I said, if we had known that 1951 population is going to be the basis for determining the number of representatives in this chamber, we would have produced more children in 1951. How can we undo that mistake now? If Madras has done better in family planning, why does Mr. Maran think that other States will not do better? I understand that Maharashtra is doing extremely well in family planning and some day they might exceed Tamil Nadu. In fact, I was told the other day that in Maharashtra they are implementing the family planning programme with a vengeance. In the case of the wife they do tubectomy and in the case of the husband vasectomy, because they do not want to leave either of them to chance independently; Maharashtra is doing so well in the matter of family planning

Kindly do not consider that article 81 is such a great disincentive to family planning. Other States will follow Maharashtra and surely we will bring about a proper adjustment

It hurts me that DMK has brought this resolution. They have got a wonderful set of people here who are dedicated men. Their record of public service is magnificent. This odour of parochial approach is something which I want them to get away from. Why do you look only at Tamilnadu? Why not my State? Madhya Pradesh has been neglected so much that it is difficult for me to describe it. If the Central Government had considered that Madhya Pradesh was not in India it would not have been as bad as this. They seem to consider that India is nowhere near Madhya Pradesh. This is our miserable condition. I would invite Shri Maran sometime to come to my rescue, to my constituency, which is on the way to Madras on the main Grand Trunk route. Look at the magnificent work the DMK members have done. They are 24 members and we are 22 on this side of the House from Madhya Pradesh. While we were not able to do anything, those 24 members were able to browbeat and intimidate the Government of India and get everything for themselves. They have such magnificent qualities. Why do they want 2, 3 or 4 more members. It is quality that matters, not number. Look

at the entire problem from the viewpoint of the nation as a whole. After all, what is it that article 81 contemplates? It wants the population of the whole country to be taken into consideration. When you are sitting in this chamber, for God is sake, forget that you belong to Tamilnadu or Madhya Pradesh. Kindly consider that we are Indians first and Indians last. It is India's interest which must come first and everything else afterwards. Therefore, what does it matter whether your population in 1951 was more or less. We have to consider the problems of India of today and not of the India of the past. To take into account the population of 1951 as the basis now looks very irrational.

Only one word about allocation of funds, there is hardly any section in this House which has a great grievance about the allocation of funds as we from Madhya Pradesh.

SHRI G. VISWANATHAN (Wandiwash):
Do not be parochial.

SHRI N. K. P. SALVE : If I had been parochial, I would have moved a Bill or resolution for larger allocation for Madhya Pradesh. I am speaking of our grievances. Our Chief Minister seems to feel that we are a set of nincompoops, including the distinguished President of the vanquished Jan sangh. He feels that all of us are not able to do anything for Madhya Pradesh. I hope Shri Manoharan will teach me the technique of DMK, how they manage to browbeat the Central Government. I am prepared to go him provided he teaches me the right technique.

I would have no objection even for larger representation. Let Tamilnadu have more representation, if they want. After all, that is a State which has made a tremendous contribution to the cultural, political and social life of this country. If they come here in larger numbers, well and good. But we have to look at the problem as a whole.

Coming to the allocation of funds, by this amendment of article 281 Shri Maran seeks to introduce the element of population.

I am sure, he will at least admit that if we want to eradicate regional disparities, surely, that does not depend on population one bit. Regional disparities are completely divorced

or separate from purely population. Therefore, if we want to get rid of regional disparities, it is some other considerations which must come into play. Surely, in the Tamil Nadu State itself there will be districts which are backward and other districts which are more backward. Likewise in my State some districts are backward and others are more backward; the State as a whole is backward.

SHRI PILOO MODY (Godhra):
The whole country is backward.

SHRI N. K. P. SALVE : Madhya Pradesh has a *per capita* income which, I think, compares only with that of Orissa.

What is of importance is allocation of funds from the Centre. Grants from the Centre should be done on a rational basis keeping the picture of the entire country as a whole in view and keeping in view the regional disparities in which ever State they are, including Gujarat State. Personally, I think, that State must be very poor financially from where Shri Piloo Mody is elected.

Therefore, in view of this position of the matter and the very, very erudite principle which has been enunciated by Shri Bhandare, who has just now come, that this will dislodge the principle of equality of people—that is the only principle I remember in his speech which was distinctive for its original contribution and brilliant for its eloquence; that is one reason why I have forgotten that speech—I submit that Shri Maran would do well to withdraw this Bill.

श्री एम. रामगोपाल रेड्डी (निजामाबाद) :
उपाध्यक्ष महोदय, मैं दक्षिण भारत से आया हूँ और आन्ध्र प्रदेश का प्रतिनिधित्व करता हूँ। वहाँ की पार्लियामेंट्री सीटें कम हो गई हैं, फिर भी हम शिकायत नहीं करते हैं। 1961 में जो सेन्सस हुआ था उस में वेस्ट बंगाल की पापुलेशन 43 परसेंट बढ़ी, आन्ध्र की 21 परसेंट बढ़ी और तमिलनाडु की 15 परसेंट बढ़ी, लेकिन सीटें नहीं बढ़ीं इसकी वजह से वहाँ पार्लियामेंट्री सीटें कम हुई हैं। मैं अपने तमिलनाडु के भाइयों से डॉ. एम. के. भाइयों से यह उम्मीद कर रहा था की प्रापर्टी के बारे में जो कांस्टिट्यूशन को बदलने की बात है उसके लिये कोई तरकीब लायेंगे, लेकिन बदकिस्मती

[श्री एम० गोपाल रेड्डी]

मे वह लोग ऐसी तरकीब लाये है जिस से एक प्राबिस के मुकाबले में दूसरे प्राबिस के झगडा करने की बात हो रही है। मैं इसकी शिष्ट के साथ मुसालिफत करता हूँ।

तमिलनाडु के लोग इटेलिजेंट हैं, लेकिन उनकी तरकीब का राज यह है कि पहले पहल जब अंग्रेज आये तब वह मद्रास पोर्ट पर उतरे, जिसकी वजह के वहां भागी तरकीब हुई। इसके बाद चूकि वह कलकत्ता पोर्ट में उतरे इसलिये बम्बई बंगाल की तरकीब हुई। इसी तरह से जो बम्बई का पोर्ट है वहां पर अंग्रेज ट्रेडर्स आये और इस वास्ते वहां तरकीब हुई। इसलिये यह कहना कि हमने अपनी मेहनत से तरकीब की है यह गलत है। चूकि पहले वहां अंग्रेज उतरे इसलिये उनकी तरकीब हुई। जो तमिलनाडु के लोग हैं वह फीमिली प्लानिंग को अच्छी तरह समझते हैं इसलिये उन्होंने उनको जल्दी शुरू कर दिया है। जो बैंकवर्ड एरिया है वह फीमिली प्लानिंग को नहीं जान सके और उनके जल्दी न शुरू करने की वजह से वहां पर ज्यादा लोग हो गये और वह और भी ज्यादा बढ़ते चले जा रहे हैं। चूकि वह लोग ज्यादा तरकीब नहीं कर सके, बिना पढे लिखे हैं, इसलिये उनके साथ नाइन्त्याफी नही हो सकती। जो लोग पीछे पडे रह गये हैं उनको आगे लाने की जरूरत है।

हम लोग यहां पर गरीबी हटाओ का स्लोगन लगाकर आये हैं, हमारे डी०एम०के०वालों ने भी वही स्लोगन लगाया था और जीत कर आये हैं। उनको इस चीज को नहीं भूलना चाहिये जहां लोगों में गरीबी है उसको हटाने की जरूरत है। बैंक वर्ड एरिया में जहां ज्यादा गरीबी है ज्यादा खर्चा करने की जरूरत है। अगर हम गन्नास में चाबी-डालें तो वह मसाबी तरह से ऊपर उठता है। इसी तरह से तरकीब भी होनी चाहिये। जिस तरह से माली गार्डन में खम्बी घास को काट देता है और जो घास नीचे गिरी हुई होती है उसको ऊपर उठाकर ठीक करता है। इसी तरह से जो स्टेट्स पीछे पडी हुई हैं उनकी तरकीब होनी चाहिये, वरना जो नक्सलाइट्स का

काम करते हैं, लेफ्ट कम्युनिस्ट हैं, उन लोगों को सुविधा हो जायेगी। अगर पिछड़ा हुई स्टेट्स को पीछे रखने की कोशिश की जायेगी तो एक न एक दिन वह लोग रिबोल्ट करने के लिये तैयार हो जायेगे। इसलिये हमको दूसरी अर्थात् स्टेट्स को मदद करनी चाहिये। आज हम देख रहे हैं अमरीका दूसरे देशों को मदद दे रहा है अमेरिकी में खुद बडी बडी इंडस्ट्रीज हैं, लेकिन वह दूसरे देशों को पैसा इमनिये दे रहा है कि वह नहीं चाहता कि वहां पर गरीबी बढ़े और अमरीका को उससे खतरा पैदा हो। मैं चाहता हू कि हमारे डी०एम०के०वाले दोस्त समझे। अगर हिन्दुस्तान पीछे रह गया तो उनका एक आदमी भी आगे नहीं बढ़ सकेगा। जो आगे बढ़ भी जाएगा उनको भी पीछे लाना पडेगा। आगे की सोच कर इस किस्म की कोई डिमांड उनको नहीं करनी चाहिये। यह जो डिमांड है, यह मजूब नही होती है या यह जो तरकीब है यह पाम नहीं होती है और इसको रिजेक्ट कर दिया जाना है तो लोगों में बुरे खयाल बाकी रह जायेगे। इस वास्ते उनका नेबर होने की हैसियत में मैं उनसे प्रपील करता हू कि वह इस तरकीब को बापिस ले ले ताकि अच्छी फिजा हिन्दुस्तान में पैदा हो सके। यदि फिजा खराब हो गई तो यह किसी के हित में नहीं होगा। हमेशा जिद नहीं करना चाहिये। हमेशा जिद करने से लाभ नहीं होता है। इसका एक फायदा जरूर हो गया है कि लोगों का ध्यान इधर चला गया है। लेकिन ऐसा काम नहीं होना चाहिये कि लोगों के दिल में खटास रह जाए। डी०एम०के०वाले हमेशा हठधर्मिता से काम करते हैं। उन्होंने कवेश्चन आवर का बायकाट किया। उसको उन्होंने मनवा लिया। हर चीज वह सेंटर से मनवाने की कोशिश कर रहे हैं। इसकी भी कोई हब होती है, मानने की भी एक हब होती है। उनको चाहिये कि वे जरा अपने आपको कांधू में रखे। उनकी चल रही है लेकिन ज्यादा चलाने की वह कोशिश न करे। परसों तक आई०ए०एस० और आई०पी०एस०के जो कम्पीटीशन हुआ करते थे उनमें मद्रास के लोगों का बीस पक्कीस प्रतिशत भाग रहा करता था। धनकाल बीजे गंजाब और दिल्ली यूनिवर्सिटी बनारस वाले आगे आ रहे हैं।

किसी भी मुल्क के मुक्तलिफ हिस्सों में ज्यादा फर्क नहीं रहना चाहिये। उससे नुकसान होगा, बहुत नुकसान होने का सम्भान रहेगा। इस वास्ते मुल्क के सभी हिस्से एक संघ आगे बढ़े इसकी व्यवस्था होनी चाहिये। परदेह के हिसाब से पैसा नहीं देना चाहिये, सैटर को सहायता नहीं देनी चाहिये। जो गरीब और पिछड़ी हुई स्टेट्स हैं उनकी ज्यादा मदद करने की मैं सिकारिश करता हूँ।

इन शब्दों के साथ मैं डी.एम.के. के माननीय सदस्य से अपील करता हूँ कि इसको वह वापिस ले लें। जल्द ही तो इस तरह का रेजोल्यूशन या वास्टीट्यूशन का एमेंडमेंट यहां वह पेश करें कि जितने बैम्बई एरियास हैं, उनकी अपलिफ्टमेंट के लिए सैटर ज्यादा खर्च करे ताकि सब लोग बराबर की सतह पर आ सकें और आगे बढ़ सकें।

SHRI R. V. SWAMINATHAN (Madurai) : Mr. Deputy—Speaker, many hon. Members from my side have requested Mr. Maran to withdraw the Bill which he has moved. Even after hearing the forceful speech made by my hon. friend, Shri Salve, I could not see any reason to request my hon. friend Shri Maran to withdraw the Bill. Rather, I would like to support the Bill because it has come with a genuine purpose.

Mr. Salve mentioned that he smelt perochialism for the simple reason that it has come from the D.M.K. Party. That is not the case. The position is that when the Government of India took up the family planning programme in 1952, many States, of course, in the beginning all the States took interest in that. But later on, many States have not given their due consideration to the family planning propaganda. Only certain States have taken it up as if it is their solemn function to be performed. So far as the southern States, particularly Tamil Nadu is concerned, not only the present ruling D. M. K. Party is having this programme but even in the days when the Congress was in power, they had taken up the family planning programme in the right earnest. The D.M.K. Government is only following the programme which was initiated by the previous Congress Government.

I may point out that one of the Ministers of the D.M.K. Government, Shri Neduchezhiyan who is in charge of family planning, makes speeches advocating the cause of family planning, even in the marriage function.

I have also been to some marriage functions and have seen this. Some people who listen to his speech will also resent. Usually, in a marriage function in Tamil Nadu our people used to greet *Pathinaram Pedru*, in other words "Wish you happy life with 16 children".

But this gentleman tells them, "You have only one or the maximum two." This kind of family planning propaganda is being made by the ministers of the D.M.K. Government.

This Bill speaks not only for Tamil Nadu but for all the Southern States, including Andhra. He is not pleading for the Tamil Nadu alone, as has been stated by Mr. Salve. Shri Maran is pleading for the whole Southern States, or for that matter, any State which is implicitly following the family planning programme, on account of which it is losing the increase in population.

Population explosion is not something peculiar to our country. It is a problem of the entire world and every country faces this problem. In all international conferences it is discussed with a specific resolution about this population explosion. The entire world is aware of this, therefore, we will have to do some thing. The States which are implicitly following the programme are now being penalised. Therefore I ask what is the remedy for it ?

Mr. Salve said that this is against the principle of equal opportunity to all people. I can give him a proposal; will he accept it ? Let us have some minimum seats on the basis of the 1951 census. Any State which has increased the population may get more seats; we have no objection. We are doing it in the light of following the Central Government's policy and programme and therefore it is our plea that we should not be penalised. We have been losing our seats. This problem is not being faced now; even the previous Congress Government had to face it, those States which are losing on account of the

[Shri R. V. Swaminathan]

adherence to Family Planning programmes should be compensated. This is right time we consider what we can do for those States which have got reduced population.

I cannot understand the argument of Mr. M. R. Gopala Reddy. I do not know why he is requesting Mr. Maran to withdraw the Bill. If this is passed, his State will also get the benefit. I can tell you this, if we give up this Family Planning programmes, Tamil Nadu and Andhra will exceed the rest of the country so far as production of population is concerned. I can speak that for Andhra also. There is a force in the argument of Mr. Maran. But, I don't see any force in Mr. Salve's speech. He says there is parochialism in it. I want to tell him there is no parochialism. If there is parochialism, I will oppose it tooth and nail. If there is parochialism, I will be the first to oppose whether it comes from DMK or any other party. There is no such thing. This is a simple legitimate demand. We are not asking for something which is more than what we are entitled; only thing is that we do not want to be penalised. That is all. We don't want our seats to be reduced. We don't want more seats at others cost. We only want that our seats should not be reduced, should not be taken away, because we follow family planning programmes.

I therefore give my wholehearted support to Mr. Murasoli Maran's Bill.

SHRI SEZHIYAN (Kumbakonam) : I rise to support the Bill moved by my colleague, Mr. Murasoli Maran. Many arguments have been advanced against the acceptance of the Bill. Among those arguments, the most eloquent was that of Mr. Salve. He began his arguments from the bed chamber and then to the chamber of this House.

He had also some very uncharitable expression to use against statistics. When the mover produced so many figures and facts for his case, those figures did not suit Mr. Salve, so he contends, that the entire statistics should be condemned....

SHRI G. VISWANATHAN : He is a chartered accountant. He probably got bored with figures and then he said it.

SHRI SEZHIYAN : All the day he deals with figures, yet when he comes to the Chamber, he probably feels that statistics are useless, and he said, "Lies, damn lies and statistics".

SHRI K. MANOHARAN (Madras North?) : It was not his, but I think it was Mark Twain's.

SHRI SEZHIYAN : Statistics is here for substitution of facts for fancies and logic for irrationality. Unless one bases one's arguments on facts and logic, one will be defeated on one's point.

The main point which was raised by Mr. R. D. Bhandare and also seconded by my hon. friend Mr. N. K. P. Salve is that it is cardinal principle that the equality of people should be accepted. I would submit that in a federal structure, it is not the equality of people alone that should be counted, but the equality of States also should be counted. The basic or cardinal principle in a federal structure is that no State, whether it be big or small, whether it is hugely populated or sparsely populated should feel any sense of discrimination; they should all feel equal when they meet in a chamber. This is the cardinal principle in a federal structure. If you take the States Reorganisation Commission's report of 1955, you will find that Mr. Panikkar had this to say in his note appended to the report :

"I consider it essential for the successful working of a federation that the units should be fairly evenly balanced. Too great a disparity is likely to create not only suspicion and resentment but generate forces likely to undermine the federal structure itself and thereby be a danger to the unity of the country. This is clearly recognised every where. In most federal constitutions, though wide variations exist in respect of the population and resources of the units, care is taken to limit the influence and authorities of all the States."

Since it has been accepted all over the world in other Constitutions, perhaps we find that the reverse is the case in India. If we take the US Senate, we find that New York which is the most populated State and Nevada which is the least populated State both have equal representation. My hon. friend's

suffers in one respect. He has put it in the minimal way. If I had brought forward a Bill I would have put in the provision that all the States should have equal representation. This also has been referred to by Mr. Panikkar in his report, and he says that the instance of the Soviet Union is there. He says :

"In the Soviet Union also, only Great Russia has a larger population than most other unites of the federation taken together, Representation in the House of Nationalities is weighed against her, so that the other unite of the federation may not be dominated by larger units."

He goes on to give examples of other Constitutions where in population alone is not taken into consideration for representation in a Chamber of all the federating units. In other words, it means that population alone should not be the guiding principle.

It was asked why 1951 should be taken as the base. Whichever base may be chosen, we are prepared. If it is intended to peg this down to the base year 1951 or 1968 as suggested by the All India Family Planning and Health Conference that met at Bhopal, we would have no objection. Once the basic Principle is conceded that a State that is going in for family planning should not be discouraged by this, it does not matter which base year is agreed to. Whether my State loses or the other States lose is immaterial. The basic principle is that the numbers should not be fixed on the basis of population alone, for once that is done, family planning programmes will get slackened, and the States which are assiduously following up the programme will get discouraged. That is the basic point taken by my hon. friend Shri Murasoli Maran. It was on that basic principle that he was questioning whether my hon. friend was married in 1948 or in 1951.....

SHRI N. K. P. SALVE : 1948.

SHRI SEZHIYAN : As soon as Independence was attained he gave up his independence, I think.

He has been very disciplined in the bed chamber because he has one son and one daughter. He has strictly stuck to the principle : we two ours two. Whether it has been done

consciously or unconsciously, scientifically or unscientifically, in a disciplined or undisciplined way, I cannot say. The basic principle is not whether Madras gains a seat or some other State loses two seats; the basic principle is whether you are going to have representation in a federal structure on the basis of population which means that the most populous state will have a greater voice in that body. I think it is not a good basis to work a federal structure. This has been amply brought out by Shri Panikkar.

I have no doubt about the fate of this Bill. Even if all the members present here vote for it, it is not going to be passed. But we are raising the point for discussion and focussing attention. The Constitution was adopted in 1951. It has been amended twenty times since then and it is going to be amended many more times hereafter. One more amendment on this score is not going to do any harm; on the other hand, it may do some good by way of better functioning of the federal structure. It is not a parochial proposition. Shri R. V. Swaminathan of the ruling party has also supported it. So this cuts across party lines. It is based on rationality and the purpose is the successful working of the federal structure. On these grounds, I support the Bill.

SHRI C. M. STEPHEN (Muvattupuzha) While I am in sympathy with the principle behind the Bill, I am not in a position to support the Bill. There is no difference of opinion on the principle that in a federal polity, there must be equality as between state and state. If the proposal was mooted based on this principle and with emphasis on this principle, there might have been a lot to say about it, although whether under the conditions obtaining in India it is acceptable is debatable.

My hon. friend on the other side drew a parallel with the US there the representation for States in the Senate is equal. But there is a difference between the two countries. There they started with full independence for the different States and those states confederated into a Union. Here the Union came into existence and then for administrative purposes we divided the country into different States with certain powers for them, residuary power vesting in the Union. This makes for a lot of difference.

[Shri C.M. Stephen]

Here the basic factor is the individual. This was put forth by Shri Salve. Although technically we all represent a constituency, we here represent the individuals in the constituency. Therefore, when we are enacting a law to give effect to representation, we cannot be forgetful of the millions of people who have sent us as their representatives here.

Being so, we cannot accept the State as static units, immutable, sacrosanct and unchangeable. That approach is impossible.

Even in the framing of the Bill we shall find one defect. The Bill says that the existing State is something sacrosanct and unchangeable and so far that particular State the allotted number of seats in 1951 is the basis which should be taken into account. Should it not take into account the subsequent alterations that have taken place in the area of the State? This contingency is easily conceivable. In 1971 there are States which were not in existence in 1951, for example Kerala was not in existence in 1951; only Travancore-Cochin was in existence. (Interruptions.)

SHRI N. K. P. SALVE : This is a drafting problem.

SHRI C. M. STEPHEN : That is one aspect of drafting. Supposing, there are patches of land in this country which cannot be equated with a particular State, that will go without representation, this is because my friends started with the assumption that the State is completely sacrosanct, ; whatever States were in existence in 1951 were all the States that were there and all that has happened subsequent to that are mere alterations or deletions or additions. That is the fallacy of the whole approach. In our Constitution you can see that there are not only additions or deletions; creation of new States is contemplated in our Constitution. There is no such provision in the United States Constitution. Our Constitution provides for the formation of a new State by separation of territory from any State or by uniting two or more States.

The basic thing here is the individual. Individual must have representation in the panchayat, in the State and he should have representation in Parliament. In accordance

with the size of the body, the number of individuals who should together elect a representative varies. Therefore what Mr. Salve spelt out is the fundamental thing. Do we want to depart from the proposition that every citizen in this country ought to be represented. Merely because I happen to be in a particular State 10,000 persons there must not have representation which is equal to representation for 10,000 persons somewhere else? Would it be equitable to the individual concerned? That is the basic question. One or two seats more, or less, for this State or that State is immaterial if you take the whole of India. May be there was some point about what was said about how every State has been treated. There is that imbalance in our country. There is that feeling also. May I tell my friends, Mr. Manoharan and his followers that there is a feeling in certain States that they are being disregarded. For example I from Kerala feel that I am not getting what is my legitimate due. I am feeling that certain things must come to Kerala; that is being taken away by Tamil Nadu. (Interruptions.) When it is a question of the railway, or new lines or workshop it is taken by them and I feel that I am disregarded. But what is the solution? Only a change in the attitude is the solution; solution lies in the willingness on the part of everybody to assume a sort of a behaviour to one another so that there is a psychological feeling injected that we are part of the whole body. We must think that way.

Again the allocation of funds is the most fundamental thing. The proposition is that it also must on the 1951 basis, not on the basis of human beings who are living today, merely because in 1951 in a particular year something was there. From year to year funds have got to be allocated to individuals, on the principle of individuals who exist in that particular years. Therefore, the fictional figure of population in 1951 will be unacceptable. With these words I feel that I have got to oppose this Bill because the basis is wrong.

Secondly because the wrong thing which was sought to be remedied cannot be remedied; thirdly because the drafting is so done that we will get into a complete mess if we are going to accept this Bill. That part of the Constitution will result in having no meaning at all. Large patches of our country, large

areas in this country. will have a great problem which will be difficult to solve.

With these words, with full sympathy and sentiment, I am sorry I have got to oppose this Bill.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITTIRAJ SINGH CHAUDHARY): Mr. Deputy-Speaker, Sir, the hon. Mover, while moving the Bill for consideration, observed :

“The idea is that no State should be penalised for the loss of its representation in the House of the People for sincerely implementing the family planning programme, and no State should be deprived of revenues by way of grant or Plan assistance by the Union just because of the reason.”

This shows that the main basis on which this Bill is conceived is that the loss of population as a consequence of Family Planning and which I would show hereafter is not correct, I am quoting figures from the monthly statement on the progress of family planning programme in India; progress since inception, page 7. Tamil Nadu has 10.8 per cent couples under protection; Maharashtra has 12.8 per cent couples under protection; Kerala has 11.2 per cent couples under protection. In other States, it varied from 9.6 to 2.7, 2.7 being in Assam and other States. So, to say that the population of Tamil Nadu has fallen because of family planning is, I submit, not entirely correct.

There are certain other reasons. If you permit me, I will place before you some population figures, and the percentage rise of population. I am quoting from the Census of India, 1971. In Tamil Nadu, the population rise from 1961 to 1971 is 22.01 percent. There are States in this country, that is, Andhra Pradesh, where it is 20, and there are other States where it is low less than that of Tamil Nadu. It is 19.73 in Uttar Pradesh which, according to my friend, has a very fertile female population.

There is one other reason why population of Tamil Nadu has fallen. It is because of migration. I am quoting from the statistics given in the 1961 census. 10,95,398 people

born in the State of Tamil Nadu migrated out of that State. Besides this, there are other reasons for the loss of population in Tamil Nadu; namely, portions of Tamil Nadu were transferred to other States after Andhra Pradesh was formed. So, all these reasons, including the family planning, are responsible for some fall of the population. But whether it can be made the basis for a change, a fundamental change in the Constitution, is the question.

The Government of India is aware of the responsibility. The Health Ministry of the Government of India is taking up this measure of giving weightage to States where family planning is being implemented fully and properly. The Health Ministry has moved in the matter and it is considering this matter with the Planning Commission, and the body which is to decide this matter is the National Development Council. The matter will go before the National Development Council, which consists of Chief Ministers also, and it will finally decide as to what weightage, if any, should be given to the States for implementing the family planning programme.

The other complaint made was that because of the fall of population, allocations made to Tamilnadu have fallen. I quote from the statement laid on the Table of the House by the Planning Minister on 9.6.71. In the second plan, the *per capita* plan outlay expenditure was : national average 51; Tamilnadu 57. In the third plan, it was 91 and 98 respectively. In the annual plan for 1966-67, national average was 20 and Tamilnadu 22. In the annual plan, for 1967-68, national average was 20 and Tamilnadu 24. In the annual plan for 1968-69, national average was 21 and Tamilnadu 24. In the fourth plan 1969-74, national average was 119 and Tamilnadu 129. There are States like UP, West Bengal, Madhya Pradesh and Bihar, where the *per capita* a plant outlay expenditure is much less than in Tamilnadu. The very basis on which the Bill is moved, I respectfully submit, is not correct.

While moving the Bill, he said :

“The aim of a private member's Bill is not that it is accepted by the Government. The idea is to focus the attention of the

[Shri Nitiraj Singh Chaudhary]

Government to this particular problem, so that they may offer their point of view."

He has achieved that object. He has also sensed the views of the members who have spoken. A majority of them have opposed the Bill; except the mover and a member from his own party, others have opposed it. Therefore, I request the mover to withdraw this Bill. I oppose the Bill for the reasons that I have briefly stated.

SHRI MURASOLI MARAN (Madras South): Sir, I have been listening carefully to the speeches of the hon. members and the minister. I thank them for the interest they have shown. It is my duty to answer some of the points raised, especially by Mr. Bhandare and Mr. Salve. Both of them said, the theme behind the Bill hits at the very root of equality of the people. My plea is also that there is no equality achieved by the present position. It depends on the definition one gives to equality. According to them, equality means, each State is allotted a number of States in the House of the People in such a manner that the ratio between the number of seats and the population of the States is as far as practically the same for all States. But my plea is that this system breeds inequality.

Some States are vigorously implementing the family planning programme, and their population is reduced; it may be Tamilnadu or any other State. Their representation in this House and their share in the central taxes by way of devaluation is also reduced, whereas other States which do not effectively implement the family planning programme get all the advantages. How can you say that this is based on equality?

Our country is in a unique situation. We are the first country in the developing world to have family planning as an official policy. Perhaps we are the first country to approach the UN with a request to send an evaluation team to study the programme.

So, I think we may not have a precedent for this kind of constitutional amendment. Shri Bhandare profusely quoted from almost all the constitutions of the world. He says that we have no precedents. I say that ours

is a special situation. So we need not have precedents. Special situations call for special remedies which can be quoted as precedents by others.

Moreover, we may not have a precedent for the House of the People. But, as Shri Sezhiyan has pointed out, this principle is not followed in the Rajya Sabha. So, I ask a counter question to those who say that there is no precedent. I say that in almost all the federal constitutions of the world except that of Canada, the representation for States in the Upper House is equal. In the United States each has two Senators in the Upper House. In the Switzerland each Canton has two deputies in the Council. In Australia each State has ten Senators in the Upper House. In Canada the Upper House consists of nominated members, and that is an exception. So, in our country we do not follow that cardinal principle. We are following a different method.

Article 80 (2) talks of the composition of the Council of States. The Fourth Schedule freezes the number of representatives from the States. Under this system, while UP has 34 representatives a States like Assam has only 7 representatives in the Rajya Sabha. Now you find fault with me when I say that we should fix the representation on the basis of the 1951 census figures. But how did the architects of the Constitution arrive at this figure of 34 for UP and one for Himachal Pradesh?

Here I want to quote Basu :

"Consequential changes in the allocation of seats have been made in the Fourth Schedule maintaining in tact the original formula of one seat per million for the first five millions and one seat for every additional two millions or part thereof exceeding one million."

This he has taken from the Statement of Objects and Reasons of the Constitution Ninth Amendment Bill, 1956. Naturally, they have frozen the number of seats in the Council of States according to the population of 1951. When we have done that regarding the Council of States, what is wrong in following that here also?

Some hon. member said that what I seek to do is unreal. But we are following that

unreal practice in the case of the Council of States. The very name Council of States indicates a House of the States where all the States get equal opportunity. But the principle of equality, about which Shri Bhandari and Shri Salve waxed eloquent is not followed there.

Then somebody asked that why in the matter of distribution of revenues and taxes we should bind ourselves to an out-dated census? I have got a precedent here, and that also on the authority of the First Finance Commission. In Argentina in the devolution of central taxes and revenues 30 per cent is on the basis of population, and the population figures are not of the preceding census. Here I want to quote the First Finance Commission :

"In Argentina the Federal Government also shares some tax receipts directly with the provinces. It still another 30 per cent based on population relying on the 1914 census figures rather than more recent estimates.

So, according to my friends here, Argentina is following out-dated census figures. In that way, they maintained some equality. For those friends who want some precedent I give this precedent from Argentina

16.00 hrs.

Shri Somnath Chatterjee, while speaking the other day, said that there are certain reasons other than the effective implementation of family planning for the increase of population. He is quite right. Because he hails from West Bengal, he quoted his example. There migration is a great problem. During 1957 when the Second Finance Commission visited Calcutta, the then Chief Minister of West Bengal argued this case. He said that migration should be taken into account while deciding the share of Central taxes. I think the Second Finance Commission has given a sufficient answer for this problem. It said:—

"We are aware that a continuous stream of refugees has been coming into West Bengal from East Bengal since the census. We do not think it right to readjust the population of West Bengal on this account as other factors, such as variations in birth and death rates, inter-State migration etc., may have produced changes of population in other States also."

So, in their recommendation they did not take into consideration the migration aspect of it, but regarding grants-in-aid under article 275 they have taken it into consideration.

The most uncharitable criticism came from Shri Salve, if I may say so. He is a vendor of statistics because he is a reputed chartered accountant by profession. Regarding my figures, he repeated the remark of Mark Twain that there are lies, damn lies and statistics. I understand, he has been to America for giving professional advice; he had been to Pakistan for arguing before the income-tax tribunal there and I do not know whether he armed himself with lies, damn lies or statistics.

He also said—I want to quote from his speech—it makes little difference to people whether there are 30 representatives from Tamil Nadu or there are 31, 32, 33, 34 or 35. But we do care. Perhaps, his party may not care; that is why, they lost some of the bye-elections in Nagpur and West Bengal. But we do care; our people do care. In the coming years we have got some definite methods for family planning. For a long time family planning was a guessing game played in a dark room. Now some light has been thrown on to it. In the other House there was the Bill to liberalise abortion. Euphemistically it is called the Medical Termination of Pregnancy Bill.

SHRI N. K. P. SALVE : The Minister has said that family planning has been more efficaciously and effectively implemented in Maharashtra and Kerala. I did not have these figures; therefore, I did not raise that point. If this is the correct position, the basis of your argument is knocked off.

SHRI MURASOLI MARAN : I cannot compete with the hon. Minister in giving figures.

SHRI N. K. P. SALVE : Statistics again :

SHRI MURASOLI MARAN : Yes. But in the statement of objects and reasons I have put Tamil Nadu because I know Tamil Nadu and have put Tamil Nadu as an example. May be, Maharashtra may be effectively implementing family planning. I speak for Maharashtra also. I speak for all States which

[Shri Murasoli Maran]

are effectively implementing the family planning programme.

I think, the birth rate can be made stationary in future. Dr. Chandrasekhar, when he was Minister here, talked about certain contraceptive injections which can prevent pregnancy for some years. With these methods we can arrive at a stationary birth rate. It may take a decade or two or three decades. Until then, we have to adopt some method or the other.

The Minister said that we are getting more and more Plan assistance. But I can quote another set of figures. In the First Plan we got 10.8 per cent of the total Central assistance for all States put together. In the Second Plan it was 9 per cent; in the Third Plan it was 7.4 per cent; in the original Fourth Plan (1966-71) we got 7 per cent; in the annual plans (1966-69) we got 6.7 per cent; in the Draft Fourth Plan (1969-74) it is 5.7 per cent. Year by year, Plan by plan our assistance is getting lower. Probably, the population control is one of the reasons. It is not the only reason but it is one of the reasons.

My hon. friend said that we are parochial. But sometimes federalism is mistaken for parochialism. Mr. Salve advised us that we should think like Indians first and Indians last. We are second to none in thinking like Indians first and Indians last. We are not only thinking like Indians but we are acting like Indians. We are effectively implementing the family planning programme.

Our population is equivalent to 6 Brazils, 9 Nigerias, 15 Egypts and more than 30 Kenyas to which we are adding each year the population of an Australia or Peru. That is why we are effectively implementing the family planning programme. We are in the forefront of the family planning programme.

You have said that your Health Ministry has approached the Cabinet. Mr. K.K. Shah, when he was Minister here, in a press conference held in October, 1970, said, "The population in 1966 should be the basis for allotment of funds to the States and any additional birth should not be reckoned with." I think, that idea is being pursued now. If you do not consider this point, if you do not consider

reduction of population because of effective family planning programme, our people will ask : Why should we adopt this method effectively when by adopting this, our representation in Parliament is getting reduced, our Central assistance is getting reduced and our devolution of Central taxes is getting reduced? So, the time has come when the people may think otherwise and it will give a set-back to the family planning programme. That is why I urge upon the Government to do something about it.

Forget about Tamil Nadu. I have no fetish for 1951 census figures. You may put some year according to the consensus arrived at by the N.D.C. Probably, the National Development Council may be the proper forum for that. I say, it should be 1951 basis. But then the Central Family Planning Council which met at Bhopal during November, 1969 strongly recommended that the estimated population in 1968 should continue to be the basis of representation in Parliament and the allocation to States for the next 15 years. They have suggested 15 years. Why? The reason is simple. Very soon, we would have attained uniformity of targets regarding family planning programme. So, at least, for some years to come, until we arrive at a uniformity of targets regarding family planning programme, something should be done. Otherwise, we will be setting the clock back in regard to the family planning programme.

As the hon. Minister rightly pointed out, the main purpose of any Private Member's Bill is not that it will be passed unanimously or with a majority. We are focussing the attention of the House and of the Government through this so that sometimes it may set a float ideas which with influx of time may catch up the minds of the people and force the Government to bring forward a suitable legislation.

I think, I have partially achieved the object. So, I am not pressing for this Bill. I withdraw the Bill.

MR. DEPUTY SPEAKER : Has he the leave of the House to withdraw the Bill.

HON. MEMBERS : Yes.

The Bill was, by leave, withdrawn.