

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Wednesday, 12th November, 1952

The House met at a Quarter to
Eleven of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-54 A.M.

WEST BENGAL EVACUEE PROPERTY
(TRIPURA AMENDMENT) BILL

The Minister of Home Affairs and
States (Dr. Katju): I beg to move for
leave to introduce a Bill further to
amend the West Bengal Evacuee Pro-
perty Act, 1951 as extended to Tripura.

Mr. Speaker: The question is:

"That leave be granted to intro-
duce a Bill further to amend the
West Bengal Evacuee Property Act,
1951, as extended to Tripura."

The motion was adopted.

Dr. Katju: I introduce the Bill.

MOTION FOR ADJOURNMENT

FAST BY SHRI POTTI SRIRAMULU FOR THE
FORMATION OF THE ANDHRA PROVINCE

Mr. Speaker: I am sorry, I forgot to
mention notice of an adjournment
motion received by me. The motion is
that the meeting be adjourned to con-
sider the situation arising out of the
fast unto death undertaken from the
19th October, 1952, to further the
cause of the speedy formation of the
Andhra Province by Shri Potti Sri-
ramulu, whose condition is, according
to Press reports fast deteriorating
and, as any mishap in this case is likely
to disturb the peace of the State of
Madras, particularly the Andhra area.

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Well, I do not think I need say at
any length why I am not inclined to
give my consent to such an adjourn-
ment motion as that. In the first place,
the question of linguistic provinces was
recently discussed by this House at
full length and *prima facie*, a further
reconsideration of the question is
barred under our rules of procedure.

As regards, of course, the fast under-
taken, with all sympathy for the
gentleman who is fasting, it is not
possible for us to take cognizance of
such fasts of individuals, howsoever
well-meant they may be. I cannot
treat it as a concern of this House
collectively.

Then, the possibility of the motion
being admissible is brought in at the
end by saying that the fast or any
untoward end of the fast is likely to
disturb the peace of the State of
Madras, particularly in the Andhra
area. Clearly, it is the business of
the Madras Government to see that
law and order, or peace and tranquil-
lity reign there properly. I do not
think the House is concerned.

Shri B. S. Murthy (Eluru): Can I
say a word, Sir?

Mr. Speaker: Not now. I am with-
holding consent. The motion is not
before the House.

DELIMITATION COMMISSION BILL

The Minister of Law and Minority
Affairs (Shri Biswas): I beg to move

"That the Bill to provide for the
readjustment of the representation
of territorial constituencies in the
House of the People and in the
State Legislative Assemblies and
for matters connected therewith, be
referred to a Select Committee con-
sisting of Shri M. Ananthasayanam
Ayyangar, Shri Bhawanji A.
Khimji, Shri Syamnandan Sahaya,
Shri Gajendra Prasad Sinha, Shri
K. L. More, Pandit Lingaraj
Misra, Shri Rohini Kumar
Chaudhuri, Pandit Lakshmi Kanta
Maitra, Shri Mohanlal Saksena,

[Shri Biswas]

Shri N. M. Lingam, Shri Udai Shankar Dube, Choudhary Raghubir Singh, Shri Nemi Chandra Kasliwal, Shri Ranbir Singh Chaudhuri, Shri Govind Hari Deshpande, Sardar Amar Singh Saigal, Shri Kotha Raghuramaiah, Shri Krishnacharya Joshi, Shri Lilladhar Joshi, Shri A. M. Thomas, Shri C. R. Basappa, Shri C. Madhao Reddi, Shri Choithram Partabrai Gidwani, Shrimati Renu Chakravartty, Shri P. T. Punnoose, Shri Girraj Saran Singh, Dr. Manik Chand Jatav-vir, H. H. Maharaja Rajendra Narayan Singh Deo, Shri N. R. M. Swamy, Shri Radha Charan Sharma, Shri Ranjit Singh, Shri P. N. Rajabhoj, Shri Awadheshwar Prasad Sinha, Shri Shankar Shantaram More, Shri B. S. Murthy, Shri N. C. Chatterjee, Dr. Syama Prasad Mookerjee and the Mover with instructions to report by the 22nd November 1952."

The members are the same as those on the Select Committee which the House appointed yesterday for the other Bill, viz., the Constitution (Second Amendment) Bill. I hope, Sir, the House will not take such a long time as it did in connection with the other Bill yesterday.

[MR. DEPUTY-SPEAKER in the Chair]

Shri T. N. Singh (Banaras Distt.—East): On a point of information, are the names the same as in the Select Committee appointed yesterday?
12 NOON.

Shri Biswas: Yes, I have stated that already.

This Bill is a measure which does not involve any amendment of the Constitution, but which Parliament is not only empowered, but required, by the existing provisions of the Constitution to enact.

If you will refer, Sir, to article 81 (3), you will find it is distinctly provided there that:

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

You find a similar provision in article 170 (4) as regards the territorial constituencies in the Legislative Assembly of each State.

The object of this Bill is to set up the requisite machinery to give effect to these provisions of the Constitution.

I hope, Sir, that hon. Members have read the Bill. The Bill speaks for itself. The machinery now proposed is, of course—I will not say "of course"—a departure from what was provided for the last general elections. As regards the last general elections, the procedure was laid down in the Representation of the People Act, 1950. Section 13 of that Act provided that:

"After the commencement of the Act, the Speaker shall set up an Advisory Committee in respect of each Part A State, and Part B State"—

excluding Jammu and Kashmir, of course—

"That Advisory Committee will consist of not less than three, and not more than seven Members of Parliament representing that State; and in respect of each Part C State other than Bilaspur, Coorg and the Andaman and Nicobar Islands, the Advisory Committee will consist of a Member or Members of Parliament representing that State."

Then, Sir, the Election Commission was required under that section to formulate certain proposals for delimitation in consultation with the Advisory Committee, and then these proposals were to be submitted to the President for making the orders which were envisaged in sections 6 and 9, as well as section 11, with which we are not now concerned, and the President, after he made the order was to send it on to Parliament, and Parliament was given the right to make such modifications as it considered proper, within 20 days from the date on which the order was placed before the House.

The experience of the last election was such as does not encourage a repetition of the same procedure now. We are now called upon to readjust the representation in these various constituencies in accordance with the population figures, arrived at the last census. And what is now suggested is that for the purpose of making this delimitation, there should be a high-powered and independent Committee, which will inspire public confidence. The proposal, accordingly, is that a Commission will be set up consisting of two persons who shall be or were Judges of the Supreme Court or of a High Court. And with these two Members, the Election Commissioner will be associated. It will be recognised that the Election Commissioner is a person most competent to sit on such a Commission. He is familiar with the details of the delimitation which was effected for the purpose of the last general elections; the other

necessary data are also in his possession. I venture to submit, Sir, that such a body consisting of two Judges either of the Supreme Court or of a High Court, and the Election Commissioner, ought to be accepted without any question. You could not possibly think of any Commission more independent, more free from all sorts of extraneous influences—political and other influences—and therefore, it will certainly command public confidence. If you refer to the opinions which have been obtained on this Bill, you will find that suggestions have been made that the last word should be left with Parliament as on the last occasion. The matter was considered by Government very carefully, and they have come to the conclusion that it would be best to leave out Members of Parliament from the Commission altogether, as a result of actual experience on the last occasion.

Another question which might be raised is this. Though the Election Commissioner might be depended upon to know something about the conditions in the various States, still he will not possess that amount of local knowledge regarding the various constituencies into which the States may be divided, as will be necessary for effectively carrying out the work of delimitation. The proposal accordingly is that whenever the Commission is delimiting the constituencies in any particular State, there should be between two to four Members co-opted.....

Shri S. S. More (Sholapur): Not co-opted, but nominated by the Speaker.

Shri Biswas: They will be co-opted to the Commission. They will not be elected, but they will be nominated by the Speaker of the State Assembly concerned. That is the proposal.

Shri S. V. Ramaswamy (Salem): They will be associated Members.

Shri S. S. More: If they are co-opted, they get the right of voting.

Shri Biswas: Let me complete what I want to say (*Interruptions*).

Mr Deputy-Speaker: What I would urge on hon. Members is that they may allow the hon. Minister to go on in the manner in which he wants to place the motion before the House. If there are any points, they may be noted down, and then put forward for enlightenment or elucidation.

Shri Biswas: When I said co-opted, I thought hon. Members would appreciate that co-option does not necessarily carry with it the right to vote.

Shri S. S. More: We differ.

Shri Biswas: Neither does it carry the idea that the member will be elected. Whether elected or nominated, he is co-opted, and whether he has the right to vote or not, he is still a co-opted Member. I want to point out that although these Members, whose number is between two to four, are nominated by the Speaker of the State Assembly, from among the Members of that Assembly or from among the Members of Parliament representing that particular State, still none of the persons so associated with the Commission shall have a right to vote or to sign any final decision of the Commission. They will certainly take part in the deliberations of the Commission, when they are delimiting the constituencies, but the final word will rest with the Members of the Commission, and not with these co-opted Members. That is the proposal in this Bill.

Then, in clause 7 of the Bill some directions have been given in very general terms, regarding the principles which the Commission will follow in making the delimitation. It is possible to take different views on many of these questions. In fact different views have been expressed by some of those whose opinions are before you. I suggest that it is not necessary to discuss the merits of the different views here in this House, because they will all be before the Select Committee which being a very representative one, will examine all these proposals on their merits, and then accept such of them as may commend themselves to the Select Committee.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide for the readjustment of the representation of territorial constituencies in the House of the People and in the State Legislative Assemblies and for matters connected therewith, be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar, Shri Bhawanji A. Khimji, Shri Syamnandan Sahaya, Shri Gajendra Prasad Sinha, Shri K. L. More, Pandit Lingaraj Misra, Shri Rohini Kumar Chaudhuri, Pandit Lakshmi Kanta Maitra, Shri Mohanlal Saxena, Shri N. M. Lingam, Shri Uday Shankar Dube, Choudhary Raghubir Singh, Shri Nemi Chandra Kasliwal, Shri Ranbir Singh Chaudhuri, Shri Govind Hari Deshpande, Sardar Amar Singh Saigal, Shri Kotha Raghuramaiah, Shri

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Krishnacharya Joshi, Shri Laldhar Joshi, Shri A. M. Thomas, Shri C. R. Basappa, Shri C. Madhao Reddi, Shri Choithram Partabrai Gidwani, Shrimati Renu Chakravartty, Shri P. T. Punnoose, Shri Girraj Saran Singh, Dr. Manik Chand Jatav-vir, H. H. Maharaja Rajendra Narayan Singh Deo, Shri N. R. M. Swamy, Shri Radha Charan Sharma, Shri Ranjit Singh, Shri P. N. Rajabhoj, Shri Awadheshwar Prasad Sinha, Shri Shankar Shantaram More, Shri B. S. Murthy, Shri N. C. Chatterjee, Dr. Syama Prasad Mookerjee and the Mover with instructions to report by the 22nd November 1952."

Shri Damodara Memon (Kozhikode): I am glad that this Bill has been referred to the same Select Committee as the one to which the Constitution (Second Amendment) Bill was referred yesterday. I say this in the hope that the Select Committee may find its way to drop the Constitution (Second Amendment) Bill altogether, after its deliberations.

Now, coming to this Bill, I agree that the constitution of the Delimitation Commission as provided in clause 3 of this Bill is something to which nobody can take any exception. The impartiality of the Commission will be maintained, if the members of the Commission are Judges rather than politicians associated with political parties or organisations.

There are one or two aspects in the Bill, which I think deserve revision. In the first place I want to place before the House the one relating to associated members. Provision has been made for the Commission to have two to four members nominated from among the members of the State Legislatures as also from the House of the People, to assist them in their work, and these members have no right to vote. That is a good provision so far as it goes. But in choosing these members, there is no direction given in this clause that members of the Opposition must find adequate representation. I think it is very necessary that in a matter like this members of the Opposition should be able to sit with the Commission and offer them the benefit of their advice. The clause provides for two to four members only. I do not know how the Opposition can be accommodated, if we keep down to these numbers. Take, for instance, a small Part B State like Travancore-Cochin. The number of such associated members, from that State may pro-

bably be two. Within that number, we have to find provision for a member of Parliament. So there will be one member from the State Legislative Assembly and one from the House of the People. If we keep to that number, then the nominating authority will be faced with difficulty in accommodating a member of the Opposition.

Another point I want to emphasize is this. In sub-clause (2) of clause 5, the power to nominate associated members is given to the Speaker of the Legislative Assembly of the State. I wonder why the power to nominate members of the House of the People also should be given to him. The proper authority to nominate members of the House of the People as associate members, is the Speaker of the House of the People. I am sure this matter deserves close attention and that the Select Committee will go into it.

Sir, in clause 7(a) it is provided, naturally, that the Commission shall determine the total number of seats to be allotted to the various States in the House of the People and in doing so, they shall have regard to the provisions of clause (1) of article 81. As I suggested, this brings in the Constitution (Second Amendment) Bill also. Sir, there we are faced with two rather unwelcome alternatives. If we increase the total number of members of the House of the People, we are faced with a very unwelcome possibility, and that is, the House will become rather unwieldy. That is something to be avoided. If, on the other hand, we increase the maximum number under clause (1)(b) of article 81, then the constituencies will become unwieldy. Therefore, there are two alternatives: an unwieldy House or an unwieldy constituency. I again suggest, Sir, that this is a matter that requires close consideration and it would be better if we can avoid both these difficulties, and the best way to do that is not to attempt any amendment of the Constitution at present. I hope, Sir, that these suggestions will appeal to the Select Committee when it begins its deliberations.

Shri Raghubachari (Penukonda): Sir, this Bill requires to be looked at not purely from the technical or formal point of view, but in the light of democracy and the principles we are committed to observe. From one end to the other, the members that should finally decide about this delimitation are people nominated or appointed not by this House or by any other House. The Commission itself is appointed by this Government and then the associate-members are

appointed—I would rather say, nominated—by the Speakers of the Assemblies; the final word appears to be with the Commission, and its decision is final without reference to any Legislature—either this Parliament or the local Legislatures. From one end to the other we find the basis for this Bill is nomination and authority, so derived. Of course, it must be accepted that they have shown a grudging respect: it may also include a member of Parliament if he happens to be nominated by the Speaker of any local Legislature. And that is all. The Law Minister referred to some previous experience when final recommendations came before this Parliament and, therefore, he said in the light of that experience he fears a similar experience which he wishes to avoid, and therefore, the Government in consideration of this past experience came to the conclusion not to have anything to do with this Parliament again. Well, that is rather unfortunate, so I feel, Sir.

You will also please remember the experiences and the impressions left in the minds of the members about the final decision of the Delimitation Committees on the previous occasion. We know, Sir, and the Deputy-Speaker himself as the President of one of such Committees in Madras State should have been impressed, that many a time the considerations were not purely the application of the principles, but how to bring about a delimited constituency which is expected to be helpful, favourable or safe for a particular member. Well, I deliberately make that suggestion because that is the impression which is perfectly plain to my mind, at any rate, so far as the constituencies that were delimited in my own district are concerned. It might be recalled, Sir, that a constituency was composed of two taluks—Anantapur and Kayanadurg—which were contiguous. Subsequently, a particular member—I do not wish to say who—did not find that amalgamation helpful. Therefore, the order of the President came to be amended. Subsequently it was amended by dropping Anantapur taluk and adding on Gooty without any kind of reference or any agitation. That is one thing. I was also told of other similar instances. I do not wish to get into those things, but suffice it to say that sometimes these powers are so used as to bring about delimitation of constituencies one way or the other not always based on principles. And I am sure such impressions may be in the minds of other members also. It is pre-

cisely for that reason that I say that the members of this Parliament or of other Legislatures must have a place there not by nomination of the Speaker who belongs to a particular party. I am perfectly aware that once a man is elected Speaker, he will be above party; the whole House is his. He will be the father in the family, and all that, on principles. But we do know as a matter of experience that he, nevertheless, must have his eye upon the principal support of people who have put him there.

Mr. Deputy-Speaker: Not for five years unless a no-confidence motion is tabled against him.

Shri Raghobachari: I am not suggesting—far be it from me to do so—that he feels nervous about his own position and, therefore, might not observe the proper attitude. That is not at all my suggestion. What I say is that after all, he happens to be a man who was chosen and put there at the instance of one party. And the more so, when there are contests and all that, the Speaker is chosen by the majority of votes. In a matter of this kind that nomination is to be handed over to the Speaker—I wonder why? Why not the Legislature itself elect the number of representatives required? What is the matter that is in the way of that? That is only democratic.

Then, as suggested by my friend, there must also be a provision that some of the members must certainly be drawn from the Opposition functioning. Without that it becomes practically a body constituted from one end to another where opportunities for expression of all sections of opinion will not be available. That is a point that must be carefully considered.

Now, Sir, as regards the number. I would suggest that two and four—the lower and the upper limits—may not be sufficient and I would submit it would be better that it is three and five or even five and seven. For after all, we have provided that there is no place for dissenting minutes. That is again another matter on which I am sorry that there is such a dismissal of the opinions of those people who have happened to differ. You have no right to say what you feel. We hear you, we dismiss you; that is what is being done. It may be that they may not vote but certainly they have a right to give their dissent in writing. That is one matter which might be considered.

Another matter, Sir, which I wish to suggest is this. I find in this Bill a clause which I find is unnecessary and

[Shri Raghabachari]

that is clause 6,—the procedure to be followed. Parliament might know that recently we passed a Bill which is now an Act, the Enquiry Commissions Bill. In this the procedure to be adopted and the powers to be exercised by any Commission appointed by this Parliament or the local Legislature are provided for. To my mind, it looks that the whole of this present clause is unnecessary, and possibly this was put in long before the other Bill was passed into an Act. That might be taken into consideration. Probably the *Expansion* might have to find a place somewhere.

Then, in the matter of the final report being final, the word is not there. Nor is there any provision that the decisions or the orders promulgated by the Commission should be submitted to this Parliament. I feel, Sir, that it is necessary that it should not become final until it has been submitted to this House. For, after all, we are appointing a Commission and the Commission must function within its limits and its recommendations must come before this House before they become final. This is a matter on which some thought has to be given.

Subsequent to these decisions, powers are given to the Election Commissioner to rectify those things calling them 'mistakes' or 'errors'. No doubt, in the case of 'error' and other things, the usual safeguarding language 'not of a substantial character' is there but in the case of the first, 'mistake' there is not that requirement. Under the cover of 'mistake' any order might be rectified. I suggest that a provision, that is, the words 'not of a substantial character' might also be added as a qualifying clause to mistake also.

Then there is one other suggestion I would like to submit and it is in the matter of associates. In this, surely efforts must be made that the Opposition parties have a voice in it. Otherwise it might lead to not very healthy final delimitations.

Shrimati Sucheta Kripalani (New Delhi): Sir, I generally support the Delimitation Commission Bill because it is a constitutional necessity. We cannot hold any general election after January 1953, on the basis of the delimitation of constituencies that we have now. Articles 81(3) and 170(4) provide that after every census we must readjust our constituencies. Therefore we have got to create an agency that will bring into effect this constitutional requirement. So nobody can object to the principle of this Bill. But

I also, like the previous speakers, have certain criticisms to offer regarding the provisions of the Bill.

My chief criticism is to clause 5 as mentioned by the previous speakers. I am surprised to see that in the Bill placed before us no consideration has been given to the fact that the Opposition parties should be associated with the work. Clause 5 says that only two to four persons should be associated and these would be nominated by the Speakers of the State Legislatures. It cannot be denied that the work of delimiting the constituencies is a very important work because the future elections will depend on this. On the proper delimitation of the constituencies will depend the right of the voters to send their real representatives to the House. As has been mentioned by Mr. Raghabachari and as is well known to everybody, powerful parties can influence in adjusting the boundaries according to their wishes. Not only powerful parties but even individuals have played a part in fixing them. During the last elections we heard a good deal of complaint all over the country. As a matter of fact, some of us felt that the majority party was able to define electoral districts in such a way that they got a higher representation than their voting strength allowed. Therefore, we who are in the Opposition are very keen that proper provision should be made when we are again delimiting the constituencies. Whatever deficiencies there were previously should be put right. I am supported in this in the opinion of Mr. Jalal who is an *ex-Judge* of the Punjab High Court. He has said:

"I know cases where the delimitation of constituencies has been made by those entrusted with the task in the interest of parties or that even of individuals."

Such strong language has been used by an *ex-Judge*. In view of that, how is it that the Government has not thought fit to make a provision to give representation to the Opposition parties? Therefore, I would suggest that instead of limiting the number to four, the least number should be five, which would give some kind of representation to the different Opposition parties in the State. Then, as regards their selection. Either they can be elected jointly by the members of the State Assembly and the members of the House of People belonging to the State by the method of single transferable vote or if this proposal is not acceptable to the Select Committee, I would suggest that they should be nominated not by the Speakers of the different Legis-

atures but by the Commission itself. You may very well ask why I suggest that the nomination should be made by the Commission itself. I do not mean any discourtesy to any of the Speakers, but situated as we are, with the political situation in this country as it is, we have to take great care to see that the people who are associated with the work of the Commission do not belong to one party. Speakers all over this country mostly belong to one party. All of them, perhaps except the Speaker of Pepsu, are Congressmen. I know that it is supposed that the Speaker is a non-party man. Unfortunately, in India we have not yet developed the convention to that extent that the Speakers always function in a non-party manner. In this country our Speakers have even gone to the extent of making proud declarations in the public that they belong to a political party. In the face of this attitude of the Speakers, I do not know how far we can expect to get representation on the Delimitation Commission if the nomination is left to the Speakers. I would also like to draw your attention to the interesting contrast between the attitude of our Speakers and the attitude of our very famous Speaker, late Shri Vittalbhai Patel. When he was elected Speaker during those days, when we were under the British and, when we were carrying on a struggle against them, when he was a member of the party that was carrying on this struggle, he said, 'I do not belong to any party.' Had that attitude prevailed, we could have said, "All right, let the Speakers nominate." I would therefore suggest that the Commission, being a non-party body, should have the power to nominate associate members.

Regarding the function of the associate members, they have no right to vote or to sign the report, I can quite understand that but they should be given a little more power; they should have the right to submit their views in writing and before a final decision is taken, due consideration should be given to the views thus expressed.

Then there is another matter which, I do not know, whether it is strictly within the range of this Bill. The Select Committee might also consider the question whether it is advisable for us to have multiple member constituencies. During the last election we found how very difficult it was to fight an election in a multiple member constituency.

An Hon. Member: Difficult? It is impossible.

Shrimati Sucheta Kripalani: Very difficult, if not impossible. It is all

right for a big party like the Congress which has got large resources at its disposal, being the ruling party. But for small parties or individuals it is an almost impossible task. But now that we are raising the limit from seven and a half lakhs to eight and a half lakhs, the task will become even more difficult. You know what is the condition of our roads in the rural areas—how inaccessible some of the rural parts are. Besides, our voters are mostly uneducated. And then, many of us have not got the resources to go and organise a campaign in such a vast area. Therefore, I would suggest that except in urban areas where you may have double member constituencies, everywhere else we should have single member constituencies.

Mr. Deputy-Speaker: Even for Scheduled Castes?

Shrimati Sucheta Kripalani: Yes. Let there be areas fixed for Scheduled Castes. After ten years we are going to remove these reservations. So, let them have it from now. If in some areas the Scheduled Castes alone contest, what does it matter?

Mr. Deputy-Speaker: I am not able to follow. If a particular constituency is reserved as a single-member constituency for the Scheduled Castes, then none other than a Scheduled Caste candidate can stand.

Shrimati Sucheta Kripalani: What does it matter? I have no objection to that. I understand the implication and having done so, I make the suggestion.

Mr. Deputy-Speaker: Will not the non-Scheduled Caste people be denied the right of representation?

Shrimati Sucheta Kripalani: We will only select these constituencies where there are a large number of Scheduled Caste people. What does it matter? At present, it is impossible to work. We know what a farce it is. If we have multiple-member constituencies as at present, very few people except those belonging to the Congress which is a well-organised body, will be able to fight an election properly.

Mr. Deputy-Speaker: Can the hon. Member say that in any particular constituency so far demarcated the Scheduled Castes form a majority?

Shrimati Sucheta Kripalani: That may not be so, but the other people are getting their chance in other constituencies. After all, to me there is no very great distinction. We are all Indians. Let us get the chance in the same way. After ten years, we want

[Shrimati Sycheta Kripalani]

to do away with these reservations. Let us start from now.

Then, I have nothing very much more to say except to endorse the view expressed by Shri Raghobachari that before the report is finalised and it takes the form of a law, an opportunity should be given to the House to express its opinion on the final findings.

In regard to clause 9, I want to point out that the wording here is: "After the Commission has ceased to function, any mistake in the order made by the Commission under subsection (1).....etc. etc." I accept the latter portion may stand as it is, but in the first portion the words "After the Commission has ceased to function, any mistake in the order....." are very wide. We should qualify that statement by saying "not of a substantial character" or some such phrase, which would go to limit the scope.

With these few words, I support the Bill. Whatever amendments I have got, I shall table after the Bill comes from the Select Committee. I do hope that the Select Committee will give very serious consideration to the views expressed in the House and to the opinions that have been received already.

Shri Sinhasan Singh (Gorakhpur Distt.—South): Sir, this Bill as it is will mean a recurring cost to the nation on account of the appointment of a decennial Commission. So, in my opinion, this cost is not commensurate with the benefit that will accrue from the Commission. The number of Members in the Parliament will remain as it is. So also in the States. Constituencies only may be adjusted here and there. For this purpose, we are called upon to spend Rs. two lakhs. I think that this can be avoided. Article 81 may be suitably amended. There may be an adjustment on the present occasion, but later on it should not be necessary to have this Commission every ten years. If we go on changing the Constitution, nobody will know in what constituency he will have to stand next time. Some way should be found to amend the Constitution and solve this difficulty.

As regards the composition of the Commission, I take exception to the provision "two members, each of whom shall be a person who is or has been a Judge of the Supreme Court or of a High Court....." The words "has been" shows that retired Judges would be eligible for appointment. This means that they can look for favours from the Government. I submit that the

judiciary should be above all temptations. The moment a Judge has any future expectation of a favour from the Government, I submit in all humility that his judgment is likely to be affected. Therefore, we should not have retired Judges. You have in this House the hon. Shri Chatterjee, a retired Judge. You have also the hon. the Law Minister, another retired Judge. Political life for service if they so choose after retirement should alone remain open not any favour from the Government of getting any re-employment. If at the time they were sitting as Judges they had any expectations, I am sure their judgments would probably not have been free from influence. That sort of fear lurks in my mind. This clause should therefore be amended and retired Judges should not be given the chance to serve in this Commission. Then if you have the word "is" the loss to the country would not be large. You may take one or two Judges from one place or two places and then we will not give them extra pay. But if retired Judges are taken, we will have to pay them. My point is, in both cases it is an unnecessary expenditure. The Commission is there and it is empowered under clause 9 to correct errors. Why can you not give power to the Election Commission itself? The Election Commission conducts the general elections throughout India, and as far as I know nobody has said a word against it so far. Therefore, whenever delimitation has to be effected, that Commission itself may be authorised to attend to this work. Why should we have a separate Commission?

Then a fear has been expressed from the Opposition side. They say that the nominations would comprise mostly of members of one party. So, they have suggested that the number may be increased to five or six. May I suggest that this clause may be amended in such a way that the Opposition members may only be nominated to the Commission? They seem to think that they are the only honest people. After all, what this gentleman is going to do? He will only be an attache to the Commission. He has no right of vote, or writing notes of dissent. He is only there to advise, and if his advice is not accepted then the Commission's verdict is the final verdict. Let all preferences be given to the Opposition members. None of my friends sitting on this side will, I believe, have any objection to it.

To sum up, I suggest that instead of amending the Constitution every ten years, we should devise a method of providing for the variation in the

population; secondly we should not have any retired men serving on the Commission.

Shri Altekar (North Satara): Sir, I take up the last clause of the Bill, clause 9 first. The clause provides for the amendment of an order of the Commission after it has ceased to function. But it should be made clear that the mistake sought to be corrected should be of a type which will conform to section 152 of the Civil Procedure Code, that is, clerical mistakes or arising from any accidental slip or omission. If it be a mistake of that type then the Chief Election Commissioner should be in a position to correct it. But if it happens to be of a rather substantial nature, so that it would come under section 151 of the Civil Procedure Code, that is involving the inherent powers of a court, where in order to do justice the court can revise its own orders, if it be of that type, then the Chief Election Commissioner should not have the power to correct it, because he would thereby be assuming the full powers of the Election Commission. The two members, who were members of the judiciary will not be there and if such a mistake is to be revised, then the Chief Election Commissioner should not have the power to do that. If such a contingency arises, I would submit that the same Election Commission should be called and it should be asked to revise that particular mistake. It should not be left to the Chief Election Commissioner. If some of the members of the Election Commission be not in this world at that time, another one should be appointed of that calibre and status and the matter should be gone into by the Commission and finally decided. But a mistake of a substantial nature should not be corrected or a decision given or order passed by the Chief Election Commissioner. So much with regard to clause 9.

Then, in regard to nomination of the members of the House of Parliament, or of the Assemblies, I would like to suggest that this is a right of the Assembly and of this House. That right should be exercised by the House itself or by the Assembly. It should not be done by any member of the Commission and it should be competent for the Speaker to nominate the members—be it five or seven—and provision should be made so that members of the Opposition are represented. But the members should be nominated by the Speaker and that right should not go out of the House.

Then in regard to the constituencies, I would like to suggest that they should be so formed that the contiguous

areas should be in the same constituency. Means of communication as also facilities for candidates to go into that particular area should be the chief consideration. Administrative difficulties should not be the criterion. They should be subordinated to the difficulties that will arise in the case of candidates while carrying on the election campaign. So far as multi-member constituencies are concerned, they should, as far as possible, be in such areas where there is a density of population. Areas which are thinly populated should not form part of multi-member constituencies. Big cities and the surrounding rural areas and densely populated rural areas should be the particular places where there should be multi-member constituencies. In order to see that the Scheduled Castes and such others whose interests have to be taken into consideration, are represented, multi-member constituencies will be necessary and they cannot be given up at this stage. But while providing for such multi-member constituencies, thinly populated areas should, as far as possible, be avoided, because candidates would not be able to go over a very large area of long distances to carry on their election campaigns. So, thickly populated rural areas, big cities and surrounding areas should, as far as possible, be the places where multi-member constituencies are provided.

Mr. Deputy-Speaker: But if Scheduled Caste members are large in that sparsely populated area, are they to be given up?

Shri Altekar: But in the same State it will be possible to find thickly populated areas for multi-member constituencies and Scheduled Caste interests can thereby be safeguarded.

Mr. Deputy-Speaker: The rule appears to be that wherever there is a concentration of members of the Scheduled Castes, they should be chosen in preference to other areas.

Shri Altekar: If there is any area where there is a large number of Scheduled Caste people residing therein, that particular area should be reserved for the purpose of Scheduled Caste representation.....

Mr. Deputy-Speaker: But it may be sparsely populated.....

Shri Altekar: If it is sparsely populated and if it is a large area where Scheduled Castes are residing, then that area should be reserved for the Scheduled Castes. There should be no difficulty in doing that.

[Shri Altekar]

As regards delimitation of constituencies, the population figures of 1951 should be the deciding factor and seats should be allocated and delimitation of constituencies for the House of the People done on that basis. That allocation should be retained as far as possible and there should not be any sort of competition between the States for seats on account of increase in population. Rather there should not be any premium on the increase of population and competition resulting therefrom.

Mr. Deputy-Speaker: Why should there be any readjustment at all now?

Shri Altekar: What I suggest is that the allocation which we make now should be stuck to as far as possible. Take for instance the case of Orissa. In Orissa there has only been a rise of six per cent. in the population during the preceding ten years. But there are States where the increase is as much as thirteen per cent. If some States are resorting to control of their population, they should not be subjected to any further hardship. That is my particular suggestion in this connection and I would like it to be considered by the Select Committee before they submit their report to this House.

Shri Punnoose (Alleppey): Sir, I wish to make a few observations on this Bill. From the point of view of principle it is very important that we should move cautiously with regard to this Bill, because we are dealing with the very foundations of our democracy. If we make a mistake here, then that mistake can only be regretted in the future; it cannot be corrected. So we have to be careful in dealing with it.

Secondly, we should take into consideration certain realities. It is a fact that all over India, of late, party politics has become very strong. There is not only healthy party competition but you know and the House is aware, I am sure, that there is a lot of unhealthy competition also. Recently we had the municipal elections in most parts of Southern India. I would ask the Members of the party in power whether they can show one constituency from which complaints have not come that the constituencies were distorted to send the Congress Party to power. These complaints have been voiced by all organised parties—not only the Communists, not only the Socialists, but every party has voiced that Government have intervened and that the municipal constituencies have been distorted.

Shri S. V. Ramaswamy: Question.

Shri Punnoose: Papers and public organs have protested against it. I come from Travancore-Cochin. There the municipal elections are not yet over. But I know of cases in which all sorts of odd arrangements have been made to facilitate Congress Members to come in. It is not my intention to find fault with the Congress now, but they must make provisions in the Bill in such a way that they infuse a certain amount of confidence in the public mind that things are moving correctly and that mistakes are guarded against.

Therefore I would suggest that the Bill may be more seriously considered by the Government than it has. I am surprised that the elective principle has been completely overlooked by the Government. In no place has the principle of election been accepted. I can understand the Delimitation Commission being appointed, and there are Judges and others on it. That is all right. But while going to the States, why ask the Speakers to nominate these members? It is not a question of the Speakers being partial or impartial. After all it does not involve any further expenditure, it does not involve any further time, and the State Assemblies can elect them on the basis of single transferable votes, with the result that all parties may have the occasion to send in their representatives. If the Congress is particular and anxious that they should be able to win the confidence of the public, they must accept the principle that the members should be elected by the Assemblies on the basis of single transferable vote and not nominated by the Speakers.

Then, I do not understand why these members should be associate members at all. I do not know whether there is any constitutional difficulty. If there is, I do not say that it should be overlooked. But if there is none, why is it that they should be made associate members only? Why not they be given the right to function as full-fledged members? Even granting that they are associate members, why not they be given the right to submit their dissenting reports? Why not they be encouraged to say whatever they have, to give it in black and white, so that this Parliament may have the occasion to study it.

With regard to clause 5 of the Bill in regard to associate members it is specified that the number should be not less than two and not more than four. I consider it is too small a number. Considering the large number of parties that have come into existence and also considering the big volume

of public opinion that is likely to develop over this. I believe it should be changed into not less than five and not more than ten.

Then it is provided that the Commission shall have the power to require any person to furnish any information. That is all right.

Mr. Deputy-Speaker: The hon. Member may continue his speech after Lunch.

The House then adjourned for Lunch till Half Past Two of the Clock.

The House re-assembled after Lunch at Half Past Two of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

Shri Punnoose: Sir, I was trying to make out that both from the point of view of principle as well as considering the political conditions that exist in India today we have to proceed carefully. The process and conditions have to be more liberalised from the point of view of democracy. Take sub-clause (2) of clause 6. "The Commission shall have power to require any person to furnish any information on such points and matters as in the opinion of the Commission may be useful etc." While supporting it I believe another provision has to be made. The Commission should have the duty to invite, receive and take note of opinion in the country. Public men and organisations should be invited to give opinion. It may be that all these opinions in the last analysis may not mean much but we are particular that this provision should be made, so that the masses of the people of this country might feel that they have been consulted and that meticulous care has been taken to give them all the facilities to vote and to have their say in the Government of this country. Another point I may add. Now the differences in size of population between one constituency and another is vast. Sometimes it is two and a half lakhs of people. Some constituencies are so big that they have more than 50 per cent. of the average size. We are of opinion that under no conditions this difference should be more than a lakh of people. It should not exceed that. Then, Sir, coming to clause 8, we are definitely of the opinion that Parliament is not in a position to give a blank cheque to the Commission. As provided for now when the findings of the Commission are published in the Gazette, they straightaway become law. We are definitely opposed to that course. The Commission shall place its findings and also the minutes of its sittings before this House and we shall consider them.

I do not mean that this House will have to change or make very many changes in the recommendations of the Commission but the point is that people in this country shall not feel that this Parliament, their sovereign body, gave a blank cheque to the Commission. I am surprised that the party which idolises adult franchise and the ballot should think of issuing a blank cheque to the Commission. Therefore, Sir, it is our opinion that the recommendations and findings of this Commission shall be placed before this House for discussion. Spending a few hours, at the most a day, on the Report is worth while and in our opinion essential.

Before closing let me say that we shall not rush through this Bill. We shall sit together and discuss it at length, not in a haphazard manner, not in any great hurry. We shall see that no mistake, no discrepancy creeps into this Bill. With these observations, hoping that the Select Committee will be able to consider these suggestions and those made by other hon. Members and hoping that the Committee will be able to improve upon the Bill I support it.

श्री एस० ऐन० दास (दरभंगा मध्य) :

उपाध्यक्ष महोदय, लोक सभा और राज्य की विधान सभा के मेम्बरों के चुनाव के लिये निर्वाचन क्षेत्र बनाने के लिये जो एक कमीशन बनने वाला है उस के बिल के सम्बन्ध में विचार करते हुए सब से जरूरी बात मैं समझता हूँ कि यह है कि निर्वाचन क्षेत्र बनाने का काम एक ऐसी संस्था को सौंपा जाये जिस पर किसी संस्था का या पार्लियामेंट का भी अधिकार न हो। बहुत से सदस्यों ने यह विचार प्रकट किया है कि इस कमीशन का काम सिर्फ यह हो कि वह निर्वाचन क्षेत्रों का विभाजन करे, और सारी चीजों को फिर इस सभा के सामने रखा जाये और सभा को इस बात का अधिकार हो कि उस में जो परिवर्तन करना चाहे वह कर दे। मैं समझता हूँ कि यह बात प्रजातंत्र के मूल सिद्धान्त के खिलाफ है। यह सही है कि हम जनता के चुने हुए प्रतिनिधि हैं इसलिये हम को इस बात का अधिकार है, लेकिन जहाँ तक मेरा ह्याल है निर्वाचन क्षेत्र बनाने के काम में किसी

[श्री एच० एन० दास]

राजनीतिक दृष्टिकोण से काम नहीं लेना चाहिये। मैं यह नहीं मानता कि संसद् के सदस्य जब इस बात का निर्णय करेंगे तो वह किसी पार्टी विशेष की भावना से प्रेरित हो कर करेंगे, लेकिन फिर भी इस बातका पूरा खतरा इस में रहता है कि जिस पार्टी का संसद् में बहुमत रहेगा वह पार्टी निर्वाचन क्षेत्र बनाने का निर्णय करने में बहुमत से प्रेरित हो सकती है। इसलिये सरकार ने यह बिल उपस्थित किया है कि एक कमीशन बनाया जाय जिस को इस के सम्बन्ध में अन्तिम अधिकार दिया जाय। सारी बातों की जानकारी हासिल करने के बाद, व्यक्ति और संस्थाओं के विचार सुनने के बाद जो निर्वाचन क्षेत्र बनाये जायें वह अन्तिम हों। उन को संसद् के सामने फिर पेश करने की जरूरत न हो।

इसके पीछे मेरा यह भी ह्याल है कि सारे प्रजातंत्र की बुनियाद इस बात पर है कि जनता को अपने प्रतिनिधि चुनने का ठीक ठीक मौका दिया जाय। पिछली संसद् में मैंने देखा था कि राष्ट्रपति को यह अधिकार दिया गया था कि वह अपनी आज्ञा जारी करके निर्वाचन क्षेत्रों का निर्माण करेंगे। साथ ही साथ सलाह देने वाली समितियां जगह जगह बनाई गयी थीं और इलेक्शन कमिश्नर (Election Commissioner) को यह अधिकार था कि उस के सम्बन्ध में वह सलाहकार कमेटी से राय क्रायम करके तब राष्ट्रपति के सामने अपने सुझावों की रखें। उस सम्बन्ध में जो दृश्य संसद् में देखने में आया था मैं समझता हूँ कि भविष्य के लिये हिन्दुस्तान के लिये यह अच्छा नहीं होगा कि संसद् में उन निर्णयों पर फिर विचार किया जाय जो कमीशन अपनी सारी जांच पड़ताल के बाद तय करेगी। मेरा ह्याल है कि ऐसा करने से प्रजातंत्र की जो भावना है उस को

जरूर चोट पहुंचती है। निर्वाचन क्षेत्र बनाने का काम एक तरह से न्याय का काम है। जनता की सुविधा, भौगोलिक सुविधा और शासन की सुविधा को देखते हुए यदि अन्तिम निर्णय करने का अधिकार संसद् के सदस्यों को रहेगा तो उस में पार्टी का असर पड़ सकता है। न मालूम क्यों इस बिल के सम्बन्ध में विचार करते हुए इस सभा में विरोधी पक्ष के जो लोग हैं वह इस बात के लिये जोर दे रहे हैं कि कमीशन का जो अपना ड्राफ्ट (Draft) हो वह संसद् के सामने फिर से विचारार्थ रखा जाये। मैं इस का पूरा विरोध करता हूँ। मैं समझता हूँ कि इस का अन्तिम निर्णय करने का अधिकार उस कमीशन को ही रहना चाहिये जिस को हम इस बिल के जरिये से बनाना चाहते हैं। इस सम्बन्ध में सरकार की ओर से हमारे माननीय मंत्री ने जो इस बिल को पेश किया है मैं समझता हूँ कि सब से बुनियादी बात इस में यही है कि संसद् के हाथ में सिर्फ कानून के जरिये एक संस्था को बना देने का ही काम रहे। उस संस्था के काम में दस्तन्दाबी करने का या उस के निर्णयों पर फिर से विचार करने का अधिकार संसद् को नहीं होना चाहिये। मैं इस बिल का समर्थन करता हूँ।

दूसरा मेरा सुझाव यह है कि सिलेक्ट कमेटी इस को ध्यान में रखे कि सारे हिन्दुस्तान के लिये एक ही कमीशन बनाना कुछ उचित या अच्छा नहीं है। यह हिन्दुस्तान हमारा इतना बड़ा देश है, इस में विभिन्न तरह की परिस्थितियां हैं। यहां भौगोलिक परिस्थितियां भी विचित्र हैं और प्राकृतिक परिस्थितियां भी विचित्र हैं। तो अच्छा तो वह होता कि सारे हिन्दुस्तान को कई हिस्सों में बांट दिया जाता और हर एक हिस्से के लिये अलग अलग कमीशन होता और

उस में जो चोकर इक्विशन कमिशनर ह वह हर कमीशन में रहते ताकि विभिन्न भागों में जाते हुए हर जगह एक ही सिद्धान्त के मुताबिक एक ही तरीके से यूनीफार्मिटी (Uniformity) लाई जा सकती। इस लिये मेरा यह सुझाव है कि एक ही कमीशन बिठाने के बजाय हिन्दुस्तान में कई कमीशन होने चाहिये क्योंकि जनता के विचारों को सुनने का, संस्थाओं के विचारों को सुनने का और व्यक्तियों के विचारों को सुनने का तथा विभिन्न भागों में जा कर वहाँ की भौगोलिक तथा प्राकृतिक परिस्थिति को देखने का मौका एक ही कमीशन को पूरे तौर पर नहीं मिल सकता। इसलिये मेरा ख्याल है कि इस के लिये रीजिनल कमीशनों (Regional Commissions) का निर्माण होना चाहिये।

तीसरी बात मैं यह कहना चाहता हूँ कि यद्यपि इस बिल में इस कमीशन के अधिकार का क्लॉज ४ में वर्णन किया गया है किन्तु उस में जम्मू और काश्मीर के सम्बन्ध में उस को कोई अधिकार नहीं दिया जा रहा है। मैं समझता हूँ कि जब जम्मू और काश्मीर को संसद के लिये पांच प्रतिनिधि भेजने का अधिकार दिया गया है और जम्मू और काश्मीर हमारे हिन्दुस्तान में शामिल है, यह सही है कि वह सिरुं तीन बातों में ही हमारे साथ शामिल है, फिर भी जब जम्मू और काश्मीर को हमारी संसद में प्रतिनिधि भेजने का अधिकार है तो जनता के चुने हुए प्रतिनिधि संसद में आये तो अच्छा है। अभी वहाँ की विधान सभा की राय से जो लोग नामजद किये जाते हैं हमारे राष्ट्रपति उन को यहां नामजद कर देते हैं और वह यहां आ जाते हैं। मैं समझता हूँ कि अब समय आ गया है जब कि काश्मीर के जो प्रतिनिधि हैं उन को चुनने का अधिकार वहाँ की जनता को मिलना चाहिये और

जिस तरह से निर्वाचन क्षेत्र बनाने का अधिकार सारे देश के लिये इस कमीशन को दिया जा रहा है उसी तरह से काश्मीर के जो पांच प्रतिनिधि चुने जाते हैं उन के निर्वाचन क्षेत्र के बनाने का हक भी इस कमीशन को मिलना चाहिये।

मेरा एक सुझाव यह है कि जब यह कमीशन अपना काम पूरा कर चुके और किसी निर्णय पर पहुंच जाये तो वह अपने सारे प्रस्ताव को गजट में प्रकाशित करे और देश के लोगों को, संस्थाओं को, पार्टियों को मोका दिया जाय कि उस के सम्बन्ध में उन के क्या ख्याल हैं यह कमीशन को वह एक निश्चित अवधि के अन्दर, एक निश्चित तारीख के अन्दर भेज सकें। उन सब सुझावों पर वह कमीशन फिर से विचार करे और तब अन्तिम निर्णय करके अपना अन्तिम फ़ंसला दे कि हिन्दुस्तान में चुनाव के लिये ये निर्वाचन क्षेत्र कायम हो गये हैं। इस तरह हर संस्था को मौका मिलेगा कि जो ड्राफ्ट कमीशन तैयार करेगा उस में क्या गलतियां हैं वह बतला सके, क्योंकि जिस स्थान पर, जिस क्षेत्र में व्यक्ति रहते हैं उस की जानकारी जितनी उन को होती है उतनी कमीशन को नहीं रह सकती। इसलिये ऐसा मौका संस्थाओं को, लोगों को और पार्टियों को मिलना चाहिये कि कमीशन का जो ड्राफ्ट हो उस पर वह अपने सुझाव दे सकें और कमीशन सारी बातों पर फिर जांच करके तब अपने अन्तिम निर्णय पर पहुंचे।

एक बात इस बिल में यह कही गई है कि जब निर्वाचन क्षेत्रों का निर्माण किया जाय तो भौगोलिक स्थिति का ख्याल रखा जाय और प्राकृतिक स्थिति का भी ख्याल रखा जाये। मेरा ख्याल है कि उस के साथ साथ एक बात यह भी जरूरी है कि ऐडमिनिस्ट्रेशन (Administration), शासन की

[बी एस० एन० दास]

सुविधा का भी ख्याल रखा जाये। केवल भौगोलिक और प्राकृतिक स्थिति का विचार करते हुए एक ऐसा निर्वाचन क्षेत्र बन सकता है कि जो व्यावहारिक दृष्टि से अच्छा न हो, काम करने की दृष्टि से और उम्मीदवारों की दृष्टि से और सरकार की दृष्टि से भी अच्छा न हो। इसलिये जहा तक ऐडमिनिस्ट्रेटिव कंवोनियन्स (administrative convenience) का सवाल है, शासन की सुविधा का सवाल है, उस का भी विचार किया जाना चाहिये। इस तरह भौगोलिक स्थिति प्राकृतिक स्थिति और शासन सम्बन्धी स्थिति का भी पूरा ख्याल करके यह कमीशन अपना निर्णय करे। हमारे अनुभव में यह आया है कि भौगोलिक दृष्टि से जो निर्वाचन क्षेत्र चुने जाते हैं वह शासन की दृष्टि से सुविधाजनक नहीं होते हैं। न उन में सरकार सुविधाजनक काम कर सकती है और न उम्मीदवार ही ठीक से काम कर सकते हैं। इसलिये इस बात का पूरा ख्याल रखना चाहिये।

एक बात जिस के विषय में मैं सुझाव देना चाहता हूं और जिस के बारे में दूसरे सदस्यों ने भी जिक्र किया है वह यह है कि इस आयोग को सहायता देने के लिये लोक सभा की तरफ से और विधान सभा की तरफ से जो सलाहकार चुने जायेंगे उन के लिये यह व्यवस्था है कि विधान सभा के जो अध्यक्ष होंगे वह उन का चुनाव करेंगे। मेरा ख्याल है कि यह उचित नहीं है। जो सलाहकार संसद् की तरफ से दिये जायें उन का चुनाव यहां के जो अध्यक्ष हैं वह करें और जो सलाहकार विधान सभा की तरफ से दिये जायें उन का चुनाव करने का अधिकार वहां के अध्यक्ष को रहना चाहिये।

यही बातें थीं जिन का मैं जिक्र करना चाहता था। अन्त में मैं इस बात पर फिर

जोर देना चाहता हूं वह कि जैसा कि कुछ सदस्य चाहते हैं कि निर्वाचन क्षेत्र के निर्माण के सम्बन्ध में जो अंतिम विचार इलैक्शन कमीशन करे वह संसद् के सामने आवें यह नहीं होना चाहिये। मैं चाहता हूं कि इस का निर्णय करने के लिये एक स्वतन्त्र संस्था कायम हो जाय और संसद् उस में अपना कोई हाथ न रखे।

पंडित अलगू राय शास्त्री (जिला आजमगढ़ पूर्व व जिला बलिया—पश्चिम): उपाध्यक्ष महोदय, यह निर्वाचन क्षेत्र निर्माण आयोगन विधेयक जो उपस्थित हुआ है, मैं उस के इस रूप का समर्थक हूं। यह दूसरी बात है कि जो संख्या ऐसोसियेट सदस्यों की कमीशन के साथ रक्खी गयी है, उस में कुछ वृद्धि की जा सकती है कुछ थोड़ी संख्या और बढ़ाई जा सकती है। इतनी बात तो मैं सुझा सकता हूं किन्तु सामान्यतः मैं इस का समर्थक हूं, पूरी तोर पर इसकी आवश्यकता इसी लिये पड़ी कि हमारे संविधान में यह बतलाया गया है कि जब जनसंख्या जांच ली जाय और यह मालूम हो जाय कि वह बढ़ गयी है, तो इस की आवश्यकता है कि फिर से निर्वाचन क्षेत्रों का निर्माण हो। इस अनिवार्य कारण से यह बात सामने आयी है और बहुत सोच समझ कर इस विधेयक का रूप तैयार किया गया है। इस दृष्टि से मैं इस पर कुछ बोलने की आवश्यकता भी नहीं समझता था, परन्तु अभी श्रीमती सुचेता कृपलानी ने जिस प्रकार इस बात पर आक्षेप किया कि स्पीकर्स (speakers) को यह अधिकार नहीं होना चाहिये कि वह सदस्यों को मनोनीत करें और उस के लिये जो तर्क उन्होंने दिया, उस से मुझे क्लेश हुआ और मैं ने समझा कि उस के प्रतिवाद के रूपमें मुझे कुछ कहना ही चाहिये

स्पीकर चाहे वह किसी भी विधान सभा का हो या यहां पर हमारे इस संसद का हो, यह स्पष्ट है कि उस का चुनाव होना तो सवसम्मति से चाहिये, लेकिन अगर विरोधी दल के कुछ आदमी केवल विरोध की दृष्टि से ही विरोध करें और स्पीकर बहुमत से चुन लिया जाय, तो इस लम्बे पांच साल के जीवन में जो इस संसद की आयु है, उस में सदा स्पीकर को संदेह की दृष्टि से देखा जाये कि वह एक पार्टी का व्यक्ति है, मैं समझता हूं कि यह दृष्टिकोण अगर हम अपनायेंगे तो वह हमारे सारे वैधानिक जीवन को संकटमय, निराशाजनक और आपदाग्रस्त बना देता है। श्रीमती सुचेता इस समय यहां पर नहीं हैं, वह और मैं उत्तरप्रदेशीय विधान सभा में एक साथ सदस्य थे और उस समय विधान सभा के माननीय पुरुषोत्तमदास टंडन अध्यक्ष थे। उन्होंने स्पीकर रहते हुए कभी कांग्रेस दल से अपना सम्बन्ध नहीं तोड़ा था। उन्होंने भवन में उच्च स्वर से कहा था कि मैं अपने दल का सदस्य बना रहूंगा। यहां जो अंग्रेजी तरीके का जिक्र किया गया कि स्पीकर को दल का सदस्य नहीं होना चाहिये, कितने दूसरे राज्य ऐसे हैं जहां पर स्पीकर दल का सदस्य होता है, मैं उसी परिपाटी को मानना चाहता हूं और उस अंग्रेजी लकीर का फकीर मैं नहीं हूं। तो जो लोग केवल अंग्रेजी लकीर के ही फकीर हैं, उन के सामने यह आदर्श हो सकता है, किन्तु मेरी समझ में तो स्पीकर किसी दल का सदस्य रहते हुए भी तटस्थ रह सकता है, न्याय कर सकता है और यह मंच जिस प्रकार काठ का बना हुआ है और वह किसी प्रकार का पक्ष पात नहीं कर सकता, उसी प्रकार स्पीकर दल का सदस्य रहते हुए भी अपक्षपाती रह कर अपने कर्तव्य का पालन कर सकता है और इस का सुन्दर परिचय माननीय बाबू पुरुषोत्तमदास टंडन ने उत्तर प्रदेश

की विधान सभा का अध्यक्ष रह कर दिया है। उन्होंने कहा था कि यद्यपि मैं दल का सदस्य हूं, किन्तु विरोधी दल का एक व्यक्ति अगर उठ कर कह दे कि मैं ने पक्षपात से काम लिया है, तो मैं बहुमत वाले दल की शक्ति पर स्पीकर नहीं बना रहूंगा और मैं अपने अध्यक्ष के पद को छोड़ दूंगा और उन्होंने जितने समय तक अध्यक्ष का काम किया, विरोधी दल के एक व्यक्ति ने भी किसी एक अवसर पर यह नहीं कहा कि उन्होंने पक्षपात से काम किया। स्पीकर का इस भवन में जो महत्व है उस महत्व को सामने रखते हुए इस प्रकार की बात कहना कि उन के द्वारा सदस्यों को चुनने में कुछ पक्षपात की सम्भावना होगी, विशेषकर जब श्री बिठ्ठल भाई पटेल के बाद लोगों ने इस तरह की घोषणा नहीं की कि हम दल के सदस्य नहीं रह जायेंगे। इस कारण हम आज स्पीकर के हाथ से यह अधिकार निकाल कर कमीशन को देने के पक्ष में हैं, कमीशन के प्रति जो अटट विश्वास इस समय यहां दिखाई पड़ता है, मैं अपने भाइयों से पूछना चाहता हूं कि वह विश्वास कहा चला गया था जब उस के द्वारा देश में चुनाव कराये गये थे? तब तो शोर मचाते थे कि चुनाव में बक्सा टूटा, यह टूटा वह टूटा और कमीशन पर विरोधी दल वालों द्वारा तरह तरह के आक्षेप किये गये थे कि उस ने पक्षपात से काम लिया। विरोधी दल वालों का यह ख्याल कि वह बिल्कुल न्यायसंगत सारे काम करते हैं और बहुमत वाला दल जिस के हाथ में शासन की बाग डोर होती है उस के आदमी पक्षपात करते हैं, इस प्रकार की भावनाओं को ले कर जो बातें कही जाती हैं उस से कटुता भी पैदा होती है और काम भी नहीं बनता है। विश्वास से ही विश्वास पैदा होता है। स्पीकर से ज्यादा उपयोगी व्यक्ति कौन होगा कि जो सदस्यों की उतनी अच्छी तरह से जानता

[पंडित अलखू राय शास्त्री]

हो, वह अच्छी तरह समझ सकता है कि कौन सदस्य उस कार्य के लिये उपयुक्त होगा। सपीकर का सदस्यों के साथ दैनिक सम्पर्क रहता है, लेकिन कमीशन को जिस के लिये हमारे उधर के कुछ भाइयों ने सिफारिश की है, उस को क्या पता है कि विधान सभाओं में काम करने वाले कौन लोग हैं और की उस काम के लिये उपयुक्त हो सकते हैं इसलिये मेरी समझ में स्पीकर के द्वारा निर्वाचन की जो बात है, उस में कोई दोष ही नहीं है, अपितु वह बिल्कुल न्यायसंगत है। अब आप यह भी कह सकते हैं कि यहां अनुपात से चुनाव करा दें तो वैसा करके तो यहां पर एक अखाड़ा स्थापित कर देना है। अगर यह बहुमत दल जो कि शासन चला रहा है और जिस का मंत्रिमंडल है, विरोधी पक्ष वाले अगर उस का फ़ैसला ले कर कमीशन के सामने बहस करना चाहते हैं और कमीशन में अपनी संख्या के अनुपात से बैठना चाहते हैं, तब तो वह न्यायालय न रह कर अखाड़ा बन जाता है। इस तरह भला कैसे काम चल सकता है। कल को आप सुप्रीम कोर्ट के फ़ैसले को ले कर कमीशन के सामने यह निश्चित करना चाहेंगे कि यह जो सजा दी गई है, यह तो बिल्कुल दलगत भावना और पक्षपात से दी गई है और उस के बारे में अन्तिम फ़ैसला यहां होना चाहिये, हम चुने हुए प्रतिनिधि हैं, तो मैं उन को बतलाना चाहता हूं कि अभी मेरे मित्र दास जी ने जो कहा, वह बिल्कुल ठीक है, बहुमत दल की जो गवर्नमेंट है वह विहप (whips) के जरिये आप के कमीशन के सारे फ़ैसलों को मात कर सकती है। कमीशन के सामने बैठकर निर्वाचन क्षेत्रों के पुनर्निर्माण में यदि आप संख्या के अनुपात के भरोसे काम लेना चाहते हैं, तो आप बहुमत दल के हाथ में वह अस्त्र देने जा रहे हैं जो वह स्वेच्छा से अपने हाथ से फेंकना चाहता है।

बहुमत दल चाहता है कि भली प्रकार काम हो। हम नहीं चाहते कि चूँकि हमारा बहुमत है, इसलिये हम अपने बहुमत के दल पर निर्वाचन क्षेत्र का निर्माण ऐसा करा लें जो हम बहुमत दल वालों के लिये उपयोगी हो।

[MR. SPEAKER in the Chair]

अभी एक जज साहब ने उस की तरफ़ इशारा किया कि ऐसा होना सम्भव है, मेरी समझ में उन्होंने कोई नयी चीज़ नहीं बतलाई। मनुष्य की स्वार्थ बुद्धि कोई नयी बात नहीं है और उन जज साहब ने कोई बहुत भारी बात नहीं कही। इस संसार में मनुष्य स्वार्थी जीव है और वह सदा अपने व्यक्तिगत स्वार्थों को देखता है। यह बात बहुत ही भाग्य और संतोष की बात है कि बहुमत दल अपनी स्वेच्छा से अपने अधिकारों को समर्पित करता है और उस के सामने केवल राष्ट्रहित है, वर्गहित और दलहित उस के सामने नहीं है। शासक दल के सामने, जो बहुमत में है, राष्ट्रहित और सर्वहित है और यही कारण है कि यह विधेयक जो उस के द्वारा सदन के सामने लाया गया है, वह न्याय पर अबलंबित है और सर्वथा मान्य है।

एक सुझाव यह भी दिया गया कि यह जो डबल मेम्बर कांस्टीटुएन्सीज़ (Double Member Constituencies) हैं, वह बहुत बड़ी हो जाती हैं और गरीब आदमी उन में काम नहीं कर सकते। यह शब्द और यह वाक्य इस बात को मान कर कहते हैं कि हम एक स्वतंत्र नागरिक हैं और एक स्वतंत्र व्यक्ति के रूप में खड़े हो जायेंगे। लेकिन उन को मालूम होना चाहिये कि चुनाव में स्वतंत्र व्यक्तियों के लिये कोई स्थान नहीं है। चुनाव के संसार में मनुष्य एक सामाजिक जन्तु है, यह ग्रुप (group) में काम कर सकता है, वह समाज में काम करता है। यह

दुर्भाग्यवश हमारा ही हतभाग देश है जहाँ पर व्यक्ति अपने बल पर खड़े हो जाते हैं, किन्तु दूसरे मुल्कों में आप स्वतंत्र लोगों को चुने जाते कम देखते हैं। यहाँ हमारे देश में तो पुरानी परिपाटियों के कारणवश किन्हीं किन्हीं व्यक्ति विशेष का कुछ महत्व होता होगा, लेकिन यह जो चुनाव होते हैं, उन में तो दलों द्वारा चुनाव लड़ा जाता है। अलग अलग दलों के प्रतिनिधि खड़े होते हैं, और उन दलों की अपनी कुछ नीतियाँ और घोषणायें होती हैं, उन घोषणाओं को ले कर उन दलों के प्रतिनिधि जनता के सामने जाते हैं।

3 P.M.

ऐसे दलों के लिये कोई निर्वाचन क्षेत्र वगैरह न हो। जहाँ जितना ही छोटा निर्वाचन क्षेत्र होगा उतने ही छोटे स्वार्थों की अपील होगी। हमारा देश एक ऐसा हतभाग्य देश है जहाँ पर जातिपात, बिरादरी, न जाने क्या क्या चीजें हैं, हुक्का पानी की बात है, हुक्का पानी हमारा तुम्हारा एक और तुम उन की वोट दोगे ? नाई, धोबी, दर्जी, गड़रिया, अहिर, कन्नार, मुराई, कूर्मी पारसी, लोष, चमार, के नाम पर सारे काम हमारे यहाँ हुआ करते हैं। जिस मुल्क में इस प्रकार के सिद्धांत हों, जिस में इस प्रकार के आर्थिक हित हों, न कोई सामाजिक हित हो, न कोई राजनैतिक हित हो, जहाँ व्यक्तिगत हित हो, जहाँ जाति हित हो, उस देश में आप सीमित रखना चाहते हैं निर्वाचन क्षेत्र। इस से बड़ी दुर्भाग्य की बात कोई नहीं हो सकती। जितना बड़ा क्षेत्र होगा, उतनी बड़ी अपील काम कर सकती है कि हम यह करने जा रहे हैं वह करने जा रहे हैं। हमारे यहाँ लोग कहते हैं कि “हम तुम्हारे बेटा का डिप्टी बनाय देव”, हमारी पूर्वी कलो क्वियल (colloquial) भाषा

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में कैसी सुन्दर अपील है। “हम का वोट देहो तो हम तुम्हारे बेटा का डिप्टी बनवाउव”। यह अपील है। म्युनिसिपैलिटी में वही प्रतिनिधि जाते हैं जो लालटेन अपने वोटों के यहाँ लगवा दें। नहर बनवाने का वादा करें, करे या न करे लेकिन चुने जाने के लिये वादा यह होना चाहिये। अगर नन्हें नन्हें निर्वाचन क्षेत्र होंगे तो यह होगा कि अगर कहीं जाटों का बहुमत है तो जाट खड़ा किया जाय, अगर खत्रियों का निर्वाचन क्षेत्र में बहुमत है तो खत्री खड़ा किया जाय और अगर ऐसा न किया जाय तो गड़बड़ी मचती है, आखिर कहां से जाट लावें, कहां से खत्री लावें। कहा जाता है कि इस देश में किसी निर्वाचन क्षेत्र में गरीब आदमी नहीं जीत सकेगा। न जीत सकेगा न जीते। गरीब आदमी के जीतने का क्या सवाल है, जीतना चाहिये सिद्धांत को, घोषणा पत्र को। हम ऐसे आदर्श को ले कर खड़े हों। जब यह भावना है तो मैं इस बात का पक्षपाती हूं कि अगर शेड्यूलड कास्ट (Scheduled caste) की बात सोच कर के डबल मेम्बर कॉन्स्टिट्युएन्सी बनाने की प्रथा रखी गई है तो वह भी नाकाफी है। यह तो डबल मेम्बर कॉन्स्टिट्युएन्सी जैसी होनी ही चाहिये। निर्वाचन क्षेत्र . . .

एक माननीय सदस्य : सारे देश की हो।

पंडित अलगू राय शास्त्री : सब तो नहीं मगर आप तो मौजूद हैं। मैं ने जाट शब्द का प्रयोग किया था, उस को वापस लेता हूं। मेरे कहने का मतलब यह है कि सारे भारतवर्ष का एक निर्वाचन क्षेत्र न हो, लेकिन निर्वाचन क्षेत्रों को कूपमंडुकता न प्रदान की जाय। उतना बड़ा निर्वाचन क्षेत्र नहीं जितना बड़ा राष्ट्रपति का होता है, उस को तो सारा भारतवर्ष चुनता है, लेकिन हमें साधारण व्यक्तियों के चुनाव में भी कूपमंडुक न बना कर, मैं चाहता हूं कि

[पंडित बलगु राय सास्त्री]

बरब सागर के समान न सही, लेकिन एक लम्बी विस्तृत झील जैसा निर्वाचन क्षेत्र तो हो जिस से हम उस में उछल कूद तो सकें, तैर तो सकें। ऐसा न हो कि इधर जायें तो इधर टकरा जायें और उधर जायें तो उधर टकरा जायें। ऐसा न हो डुबकी लगाना चाहें तो तह से टकरा जायें। हमें झील में जमना होगा। जो निर्वाचन क्षेत्र पहले से रखे गये हैं उन में पहले से ही काफ़ी उबलापन है। मैं सदा से इस बात का विरोधी रहा हूँ कि निर्वाचन क्षेत्र को एक नन्हें सा क्षेत्र बनाया जाय। लोग कहते हैं कि प्रतिनिधित्व क्या होना चाहिये जिस में हर एक प्रतिनिधि थोड़े से आदमियों के सारे स्वार्थों को आसानी से कह सके। आदमियों के स्वार्थ क्या होते हैं? यहां पर क्या डिस्कस (discuss) होता है? कम्युनिटी प्रोजेक्ट्स (community projects) हैं, औद्योगिक विकास हैं, उसमें व्यक्तिगत स्वार्थ कहां से आता है? तो यह आवश्यक नहीं है कि हम निर्वाचन क्षेत्र को छोटा करें। इसलिये मैं कहना चाहता हूँ कि प्रबर समिति इस बात को बड़ी सावधानी से देखे कि ऐसे नन्हें नन्हें स्वार्थों की अपील वहां न होने पाये। निर्वाचन क्षेत्र जितना विषद हो सके उतना विषद होना चाहिये, और भी विषद किये जा सकते हों तो भी आपत्ति न हो।

एक बात मैं और कहना चाहता हूँ कि मैं नहीं चाहता कि कमीशन का विषय डिबेट में लाया जाय। इस को डिबेट में लाने की मांग करना विरोधी दल के लिये तो निश्चित रूप से कहा जा सकता है कि उन की राजनैतिक अनुभवहीनता का परिणाम हो सकता है क्योंकि वह अपने हक में दिये गये फैसेल को यहां बहुमत से हटवाने के लिये

उन को विवश करते हैं। तो बहरहाल आदमी को आत्महत्या करने का अधिकार तो है मगर जब तक पुलिस की नोटिस में वह आदमी पुलिस उस को ऐसा नहीं करने देगी। तो मैं तो चेतावनी देने वाला आदमी हूँ लाइट हाउस (light house) की तरह कि इधर कहीं तुम्हारा जहाज टकरा न जाय। मैं कहे दे रहा हूँ, फिर कोई यह न कहे कि खबर नहीं दी। कमीशन में अगर तीन आदमियों की तादाद हम मुक़रर करते हैं तो इस में भला तो विरोधी दल का ही है। सारी योजना बना कर अपने अधिकार को न्यायाधीशों के अधिकार में देना चाहते हैं।

इस बात से मैं भी सहमत हूँ कि हमारे जो न्यायाधीश रिटायर हो चुके हैं उन को मुक्त आदमी मानना चाहिये। मुक्त आदमी का स्थान स्तुति स्थल पर है। उनको फिर से सर्विसेज में लाने की बात कहना ठीक नहीं है। मैं यह नहीं कहता कि वह बिक सकते हैं या भूल कर सकते हैं। मगर विश्वास एक ऐसी बड़ी चीज है कि अगर वह बिग जाय तो जो चमत्कार है, जो सौंदर्य है वह नष्ट हो जाता है। हम को जनता का विश्वास लेने के लिये यह समझ लेना चाहिये कि जिन की एक कलम में एक व्यक्ति को फांसी देने का अधिकार है, जो अधिकार, जैसा कि कुरान मजीद में लिखा हुआ है कि जिन्दगी और मौत की कुंजी अल्ला मियां ने अपने हाथ में रखी है, मगर इस ज़मीन के इन्सान ने इन्सान के हाथ में उस जिन्दगी और मौत की कुंजी दी, और वह जज के हाथ में दी। तब जिस जज के सामने हम अदालत से सिर झुकाते हैं अगर उस के सम्बन्ध में बेईमानी की अथवा सन्देह की गुंजाइश हो कि इस में उस के लिये प्रलोभन है तो जो उस ने जीवन भर

नहीं किया उस पर वही लांछन लगाया जाना है। मैं कहूंगा कि जिस ने सदा न्याय का साथ दिया है, जिन के विश्वास पर दुनिया निर्भर करती है जबता के विश्वास पर शासन निर्भर करता है, वही जनता जिस व्यक्ति पर विश्वास करती रही है उस पर कोई लांछन नहीं आना चाहिये। तो जजों के सम्बन्ध में यह जरूर कहना था कि रिटायर्ड जजों का नाम आज कल आम तौर पर लिया जाने लगा है। इस देश की आबादी बढ़ गई, इस देश में शिक्षा बढ़ी, आज हमारे यहां आदमी की कमी नहीं है। बहुत से लोग बेकार हैं, उन के जीवन की सारी कामनाएँ नष्ट हो जाती हैं। पुराने आदमी बड़े काम के हैं, मैं मानता हूँ, मगर पुराने अनुभवी लोगों की अपना जीवन सुख से बिताने देने के लिये, उन के चरित्र पर लांछन न लगने देने के लिये उन को दुबारा काम में लगाना अनावश्यक है।

इतना कहने के बाद मैं यह समझता हूँ कि यह जो विधेयक है उस को इस दृष्टि से इसी रूप में स्वीकार कर लेना चाहिये। लेकिन अगर एसोशियेटेड मेम्बर्स (Associate Members) की संख्या कुछ बढ़ाई जा सकती हो तो बहुत ठीक है। मेम्बर एसोशिएट रहना चाहिये, उन को पूरे मतदान का अधिकार नहीं होना चाहिये। वह केवल जजों की वाकफ़ियत के लिये अपनी राय गोशगुजार कर दें। मुक़ाम इसलिये बतायें कि उन की राय नक़शे के आधार पर, जानकारी के आधार पर ठीक होगी। लेकिन उन को वोट देने का अधिकार नहीं देना चाहिये। जो कागज़ाती गवाही और बहस हो सकती है उस के निकट रह कर और ज़्यादा जानकारी कराने का काम वह कर सकते हैं। लेकिन जजों के ख़याल को अनुचित तरीके से प्रभावित करने और वोट देने का अधिकार उन को नहीं होना चाहिये।

अंत में मैं यह कहना चाहता हूँ कि जो निर्णय हो वह तो कमीशन का हो, मगर हमारा सारा काम, सारी हुकूमत प्रेज़िडेंट (President) के नाम में चलती है। जो कमीशन का आर्डर हो वह प्रेज़िडेंशियल आर्डर (Presidential Order) के नाम से चालू होना चाहिये। कमीशन का फ़ैसला हो, कमीशन जानकारी हासिल करता है, रिकमेंडेशन (recommendation) करता है इसलिये उस की फ़ाइन्डिंग (finding) हो, मगर "इन दिनेम आफ़ दि प्रेज़िडेंट" (In the name of the President)। होना यह चाहिये कि जो राष्ट्रपति हमारे देश का प्रतीक है, हमारे सारे शासन की जो प्रतिमा है, देवता के समान जो मूर्ति है उस की तरफ़ से यह चीज़ हमारे सामने आनी चाहिये ताकि सब लोग श्रद्धा के साथ नत मस्तक हो कर उसको स्वीकार करें और अपने निर्वाचन क्षेत्र से जनता का प्रतिनिधि होने का सौभाग्य प्राप्त करने की चेष्टा करें।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):
I beg to move:

"That the question be now put."

Shri T. N. Singh: On a point of order, Sir.....

Mr. Speaker: First, let me dispose of this motion, and then we shall hear the point of order.

The question is:

"That the question be now put."

The motion was adopted.

Mr. Speaker: The hon. Member may now state his point of order.

Shri T. N. Singh: The question is, Sir, that according to the Representation of the People Act, 1950, certain number of seats have been fixed for representation of each State in the

[Shri T. N. Singh]

House of the People. That Act stands. No modification has been made in that Act. Now, this Bill also does not say that notwithstanding anything in that Act, this will apply; nor does it in any way seek to change the provisions of that Act. At the same time, the Statement of Objects and Reasons does not specifically say that. Yet in clause 7 it is stated that the Commission appointed under this Bill shall re-adjust the total number of seats to be allotted to the various States in the House of the People. Now here this Bill goes in conflict with that Act, an Act which has been duly passed by this House and has received the assent of the President. May I know, Sir, in view of this contradiction, whether we can proceed with this measure?

Shri Biswas: May I draw the hon. Member's attention to the provisions of clause 8, sub-clause (2)—the last few lines—"...and shall so apply in super-session of the provisions relating to such representation contained in the Representation of the People Act, 1950 (XLIII of 1950), the Government of Part C States Act, 1951 (XLIX of 1951) and the orders made under either of the said Acts."

Mr. Speaker: I think the position is very clear and the point of order hardly arises if he looks to the provisions of the Bill. But, in any case, I am inclined to think that, assuming for the sake of argument, there is no such provision, the Select Committee will consider if there is any inconsistency and will make its own recommendations if there is anything which conflicts with previous Acts passed by this House. I do not see how, at this stage, it could be said that there will be no changes at all or departure from the provisions there. It is premature to say so now.

Shri Biswas: Sir, I have nothing to reply to. As I stated at the beginning, opinions may differ. Different opinions have been expressed in this House and different opinions have been expressed by those whom we consulted. All these will be considered by the Select Committee.

Mr. Speaker: 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 for matters connected therewith, be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar, Shri Bhawanji A. Khimji, Shri Syammandan Sahaya, Shri Gajendra Prasad Sinha, Shri

K. L. More, Pandit Lingaraj Misra, Shri Rohini Kumar Chaudhuri, Pandit Lakshmi Kanta Maitra, Shri Mohanlal Saksena, Shri N. M. Lingam, Shri Udai Shankar Dube, Choudhary Raghuraj Singh, Shri Nemi Chandra Kasliwal, Shri Ranbir Singh Chaudhuri, Shri Govind Hari Deshpande, Sardar Amar Singh Saigal, Shri Kotha Raghuramiah, Shri Krishnacharya Joshi, Shri Liladhar Joshi, Shri A. M. Thomas, Shri C. R. Basapa, Shri C. Madhao Reddi, Shri Choithram Partabrai Gidwani, Shirmati Renu Chakravarty, Shri P. T. Punnoose, Shri Girraj Saran Singh, Dr. Manik Chand Jatav-vir, H. H. Maharaja Rajendra Narayan Singh Deo, Shri N. R. M. Swamy, Shri Radha Charan Sharma, Shri Ranjit Singh, Shri P. N. Rajabhoj, Shri Awadheshwar Prasad Sinha, Shri Shankar Shantaram More, Shri B. S. Murthy, Shri N. C. Chatterjee, Dr. Syama Prasad Mookerjee and the Mover with instructions to report by the 22nd November, 1952."

The motion was adopted.

INDIAN PATENTS AND DESIGNS (AMENDMENT) BILL

The Minister of Commerce (Shri Karmarkar): I beg to move:

"That the Bill further to amend the Indian Patents and Designs Act, 1911, be taken into consideration."

Sir, this is largely a non-contentious measure and I will not tire the patience of the House by making any long speech at this stage. The objects and reasons are quite clear and I content myself with giving, in brief, the background of this measure.

Sir, the law of patents came in for an amendment in 1950. Since the Government thought that that law required reconsideration, we appointed a committee with Dr. Bakshi Tek Chand as Chairman. They submitted originally an interim report in 1950 and in accordance with their recommendations we did initiate legislation. That Bill became law in 1950. At that time they went also into another question, namely, as to what should be our policy in respect of food and medicines and similar materials. At that stage they thought that we need not undertake legislation in respect of these. Now, Sir, the various vicissitudes through which our law has passed have not taken note of the national requirements as they might have been taken into consideration from time to time.