

convenience of the Minister. He is here. The subject is very serious. He is not able to move coal.

Mr. Deputy-Speaker: If the hon. Member has to settle with the Minister directly, he can do that.

Shri Braj Raj Singh: Through you.

Mr. Deputy-Speaker: If any motion has to be moved, notice has to be sent to the Speaker. He might proceed in the proper manner.

Shri Braj Raj Singh: It is already admitted.

Mr. Deputy-Speaker: Then what has he to ask me or of the Minister directly at this moment? If it is already admitted, it will come up in the normal course.

Shri Braj Raj Singh: I wanted only his convenience. You had agreed that if the Government agreed, the motion could be discussed as early as possible.

Mr. Deputy-Speaker: But is this the manner in which the hon. Member should put questions as to whether the Government agrees to it or not? We have selected these motions and they would go to the Government and Government would select them. The hon. Member would be better advised to contact the Minister of Parliamentary Affairs and ask him to put it as the first one.

Shri Reddy.

12.31 hrs.

ELECTION TO COMMITTEE

RAJGHAT SAMADHI COMMITTEE

The Minister of Works, Housing and Supply (Shri K. C. Reddy): Sir, I beg to move:

"That in pursuance of sub-sections (1)(d) and (4) of Section 4 of the Rajghat Samadhi Act, 1951, the members of Lok Sabha

do proceed to elect, in such manner as the Speaker may direct, one member from amongst themselves to serve as a member of the Rajghat Samadhi Committee *vice* Shrimati Sucheta Kripalani resigned from Lok Sabha."

Mr. Deputy-Speaker: The question is:

"That in pursuance of sub-sections (1)(d) and (4) of Section 4 of the Rajghat Samadhi Act, 1951, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, one member from amongst themselves to serve as a member of the Rajghat Samadhi Committee *vice* Shrimati Sucheta Kripalani resigned from Lok Sabha."

The motion was adopted.

12.32 hrs.

TWO-MEMBER CONSTITUENCIES (ABOLITION) BILL—contd.

Mr. Deputy-Speaker: The House will now take up further clause-by-clause consideration of the Bill to provide for the abolition of two-member parliamentary and assembly constituencies and for the creation of single member constituencies in their place.

Shri A. P. Jain (Saharanpur): Mr. Deputy-Speaker, Sir, you will recollect that the consideration of clauses 3 and 6 was held over the other day. In regard to those clauses I had moved a number of amendments which are printed as Nos. 45, 46, 47, 48 and 49 in List 13. Although the principle of those amendments was good, but because some of the Members of Parliament belonging to the Scheduled Castes have entertained certain doubts regarding them and are opposed to them, in deference to their wishes I propose to seek the

[Shri A. P. Jain]

permission of the House to withdraw those amendments.

The Minister of Law (Shri A. K. Sen): Except amendment No. 48, I think.

Shri A. P. Jain: If the hon. Minister wants to move any one of them he may do so. But, so far as my amendments are concerned they are all connected.

Shri A. K. Sen: I speak of the amendment relating to the case in which figures are available.

Mr. Deputy-Speaker: If these amendments are withdrawn then amendments to these also go out.

Shri Chintamonj Panigrahi (Puri): What about the Law Minister? He accepted those amendments.

Shri A. K. Sen: I said we shall be prepared to consider if they were moved. (*Interruption*).

Shri A. P. Jain: The House has not accepted.

Mr. Deputy-Speaker: It is the House that must be prepared to accept.

Shri Tangamani (Madurai): I would like to know what the view of Government is.

Shri A. K. Sen: The view of Government is not to force Shri Jain to move his amendment. (*Interruption*).

Mr. Deputy-Speaker: When these are not moved the position is quite clear; the amendments to those amendments also go along with them. But, so far as this clause is concerned...

Shri Tyagi (Dehra Dun): There are other amendments.

Mr. Deputy-Speaker: There are other amendments, certainly. I think Shri Tyagi wants to move some.

Shri Tyagi: Yes, Sir. I have my amendment No. 56. I beg to move:

Page 2,—after line 16, add—

“Provided that a two-member Parliamentary Constituency shall be so divided into single-member Constituencies that the existing boundaries of the Assembly Constituencies comprised therein as mentioned in the Delimitation Order, 1956, are, as far as practicable, kept intact.

Provided further that within the two single-member Parliamentary Constituencies so created, Assembly seats for Scheduled Castes and Scheduled Tribes will be reserved only within that Parliamentary Constituency where no seat has been reserved for Scheduled Castes and Scheduled Tribes.” (56).

This amendment pertains to the division of the constituencies. As the House has now chosen to consider it in detail, I suggest that a proviso might be added at the end of the clause 3, which reads:

“Provided that a two-member Parliamentary Constituency shall be so divided into single-member Constituencies that the existing boundaries of the Assembly Constituencies comprised therein as mentioned in the Delimitation Order, 1956, are, as far as practicable, kept intact.”

The second part of my amendment is to add another proviso to the effect:

Provided further that within the two single-member Parliamentary Constituencies so created, Assembly seats for Scheduled Castes and Scheduled Tribes will

be reserved only within that Parliamentary Constituency where no seat has been reserved for Scheduled Castes and Scheduled Tribes."

I have just to say a few words in respect of this amendment. My amendment is only a clarification and makes it easy for the Minister and for the Election Commissioner—the process of bifurcation of the constituencies. I was one of the members of the Advisory Committee when the constituencies were initially carved out. I know the procedure adopted. We first carved out the Assembly constituencies according to the proportion of voters in each district. After these Assembly constituencies were carved out, then we saw how many of these constituencies had higher concentration of Scheduled Castes and Scheduled Tribes. Then we joined 5 or 6 constituencies to make one Parliamentary constituency, we just draw the line round the 5 contiguous constituencies. When a double-member constituency was created, we just joined the two neighbouring constituencies of Parliament and made them a double-member constituency.

Now, what I want to emphasise is that we can reverse this process. When we divide the double-member constituencies into single-member ones, we need not break the Assembly constituencies which are involved. Supposing, in my State there is a double-member constituency. In each there are 10 Assembly constituencies. What I would advise, through this amendment, the Election Commissioner to do is not to break the Assembly constituencies at all. He may keep them intact and he may draw a dividing line between 5 on one side and 5 on the other. These constituencies have already been carved out; he need not break them; they may remain as such. He may just draw the dividing line which would be a very easy task and which would not affect anybody.

I will read what the Election Commission has said:

"In view of the fact that every parliamentary constituency would invariably comprise of an integral number of Assembly constituencies, the Commission also felt that it would be more convenient to delimit the Assembly constituencies first and to delimit the Parliamentary constituencies thereafter by grouping together the requisite number of Assembly constituencies."

So, the Parliamentary constituencies came into existence by the process of just combining or grouping the requisite number of Assembly constituencies contiguous to one another. So, I propose that when we break the double-member constituencies into a single-member constituencies, we may just reverse the process. They may keep the State constituencies intact and draw a line roundabout the boundaries of the State constituencies so that one block of 5 may remain in one constituency and another block of 5 may remain in another constituency. That process will be easy and less controversial. That is the first part of my amendment.

By the second part I have suggested that—

"within the two single-member Parliamentary Constituencies so created, Assembly seats for Scheduled Castes and Scheduled Tribes will be reserved only within that Parliamentary Constituency where no seat has been reserved" for Parliament.

I had said that it will be a colossal and difficult problem and perhaps the whole thing may be questioned in a court of law. I still sincerely feel that it will have a very bad political repercussion if by means of this measure we deprive about 5 crores and 30 lakhs of people from their inherent right of citizenship, the right of representing themselves and offering themselves as candidates for assemblies and Parliament. Adult franchise

[Shri Tyagi]

means not only the right to vote but also the right to offer oneself as a candidate. It offends the better of the two rights and therefore a lot of resentment would be created. I had said yesterday that 80 per cent. of the non-scheduled Caste population voters in that constituency get deprived of their right of representation. That being so, my amendment says: do not deny them the parliamentary and the assembly constituencies both together. The parliamentary constituency has to be split into two and one of them will be reserved. In such a case, the seats for the assembly within that reserved area should not be reserved.

Shri Surendranath Dwivedy (Kendrapara): You want to deprive them of these seats?

Shri Tyagi: I want to have a compromise so that a senior politician who has been nursing his home constituency, when denied the benefit of offering himself as a candidate for Parliament from his constituency can offer himself as a candidate to the assembly from the same constituency. It will be in the best interest of the country if seats are reserved in this manner. If a parliamentary constituency is reserved, the assembly constituencies within may be left as unreserved. Let us not deny every voter there the right of representation in both the places. If that is done, they will not violently react.

Shri A. K. Sen: I am afraid it will not be possible for me to accept the amendments proposed by Shri Tyagi.

Shri Tangamani: There are also other amendments moved already. I request the hon. Minister to address himself to them also.

Shri A. K. Sen: Let me deal one by one. I can assure Shri Tangamani that there will be no discrimination in the matter of non-acceptance. Shri Tyagi's amendments would have the effect of throwing open all the con-

stituencies, more or less, virtually, other than the reserved constituencies.

Shri Tyagi: No, Sir. I am talking of the double member parliamentary constituencies alone; I do not go beyond that.

Mr. Deputy-Speaker: Then the concentration of Scheduled Castes so far as the assembly constituencies are concerned shall have to be ignored. If the concentration in an Assembly constituency of a parliamentary constituency is not as big, or is as big or even bigger than the one in the general constituency, the hon. Shri Tyagi says that so far as reservation for the assembly is concerned, it must be done in the general constituency, even though the concentration may be more in the Scheduled Caste constituency.

Shri Tyagi: What you say is true. That is the interpretation. I am prepared to forego that; I do not insist on concentration in this matter because basically the whole area of the double member constituency of Parliament was considered to be comparatively more concentrated than the rest of the area in the district.

Shri A. K. Sen: If the hon. Member had listened to me, he would have appreciated my point.

Shri S. N. Ramaul (Mahasu): Sir, on a point of order. I had also given an amendment to this Bill and I do not know whether it has been accepted or not.

Mr. Deputy-Speaker: Is that a point of order? He should try to find it out at the proper moment from the proper officers.

Shri A. K. Sen: As I said, it would throw open the other constituencies also because Shri Tyagi wants to put in this rider: do not bifurcate a double member parliamentary constituency if it also leads to a bifurcation of a double member assembly constituency. He envisages a position

where within a double member parliamentary constituency is also included a double member assembly constituency. First of all, we have not uptill now come across any such constituency. But assuming there is, what would it mean? It would mean that to bifurcate an assembly constituency we cannot bifurcate the parliamentary constituency or vice versa. As a result other constituencies will have to be touched and it will mean delimitation, again throwing open the other constituencies. That is exactly what I was trying to explain. If there is to be this bar, it will automatically encroach upon other constituencies and that is a thing which we cannot possibly accept now. That is to be left again for the next delimitation commission. After all the reserved seats must go where there is the largest concentration. On the last occasion, care was taken to see that where a parliamentary seat was reserved, the assembly seat within that parliamentary constituency was not reserved at the same time.

Shri Tyagi: No, no. As a rule it was reserved within the parliamentary constituency on account of the concentration. I was there; I know it for a fact.

Shri A. K. Sen: Even if it was, then it was for a very good reason, as he says, the concentration of Scheduled Caste population. If Shri Tyagi's formula is accepted, it would mean shifting it on to an area where there is no concentration or very little concentration. In any event, it would encroach upon another constituency and for this reason we cannot accept this amendment.

Shri Tyagi: What about the first part of my amendment where I say that while bifurcating the double member constituency into single ones, the boundaries of the assembly constituencies may be kept intact.

Shri A. K. Sen: That was one consideration mentioned in clause 3 and so it is redundant. That is the

whole scheme and there is no question of touching the geographical boundaries of the existing constituencies.

Clause 3 (a) says that all the single member constituencies shall, as far as practicable, be geographically compact areas and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience. Now, I do not know which are the other amendments of Shri Tangamani.

Mr. Deputy-Speaker: Nos. 39, 40 and 41.

Shri A. K. Sen: With regard to amendment No. 39, I have already answered the point, and Shri Tangamani was right when he said that I was going to ignore it. In fact, I said that there was no question of setting up a Delimitation Commission both for the purpose of effectiveness as also for the purpose of expeditious disposal of this matter. As I said, the Delimitation Commission would take at least a couple of years to do this work, and even if it did take a shorter time, it would not do anything more than what the Chief Election Commissioner does.

Shri Punnoose (Ambalapuzha): Then, what better work can be done and steps taken by the Election Commission towards this end?

Shri A. K. Sen: It is begging the question. What better work can be done by the Delimitation Commission than to apply the test laid down in the Act itself? The test is, geographical compactness, larger concentration, and then the bifurcation of the existing constituencies. As I said, the larger question of selecting was done or dealt with by the last Delimitation Commission. They fixed up which would be the reserved constituency both for the assembly elections and for parliamentary elections. With regard to the constituencies selected by the Delimitation Commission, we are bifurcating them, and'

[Shri A. K. Sen]

biurcating them with reference to absolutely rigid and objective tests laid down by the Act itself, namely, geographical compactness, existence of lines of communication and larger concentration of Scheduled Castes.

So, I do not think, for this work which is more or less administrative, nameiy, actually applying the test laid down in the Act itself, it will at all be profitable to set up a high powered commission like the Delimitation Commission, with a Supreme Court judge and a high court judge, especially when there are hardly those important factors to be dealt with as they have to under the Delimitation Act.

With regard to amendment No. 41, this again is not a feasible proposition, because, first of all, you have to demarcate the reserved constituency and in demarcating it, you cannot take only all the voters who would be ultimately registered in that area. You will have to take the population which is going to be represented, and you have to take, therefore, the census figures to find out which particular part has a larger concentration of the Scheduled Caste population. It is not a question of finding the voters only in that area. It is the population which is of greater importance.

Shri Panigrahi: I want a clarification. What is the percentage?

Shri A. K. Sen: Larger concentration.

Shri Panigrahi: What is the percentage?

Shri A. K. Sen: It is not a question of percentage. The language is quite clear. If one is 98, and the other is 100, the area with 100 will be chosen.

Shri Panigrahi: According to the census figures of 1951 we did not get the published figures for the polling stations.

Shri A. K. Sen: It is available. Possibly they were not published.

But the figures are available with the Chief Election Commissioner thana-wise. That is my information.

Shri Panigrahi: It is not published.

Shri A. K. Sen: If it is not published, it does not matter. If anyone wants the figures, he can have them from the Chief Election Commissioner. The publication of thana-wise figures for the whole country may not be feasible, but whoever wants the figures for the purpose of contesting the allocation, may at once get them from the Chief Election Commissioner and I shall see that whoever, either here or from the State Assemblies, wants those figures will be given those figures. I have no doubt that the Chief Election Commissioner will hear all the parties who want to make themselves heard. This goes without saying.

Shri Basumatari (Goalpara-Reserved-Sch. Tribes): I want to have one clarification. With regard to the reserved constituencies for the tribals, there are nine seats, in Assam. Out of the total seats, which number 18, nine are general seats and nine for the tribals. I want to know whether all these reserved seats for the tribals will fall under the parliamentary constituencies, because, under the present law, concentration of population must be there.

Shri A. K. Sen: The formula is very easy to comprehend, instead of going into complications. It is a simple one. Take the existing double-member constituency, whether parliamentary or of the local assembly. Divide it. Take that part which gives a greater concentration of the Scheduled Castes. I do not see any difficulty in this, if we have the figures of the population in the respective areas.

These are my submissions on these amendments and I submit that these amendments be rejected.

There is one amendment of Shri A. P. Jain which we are willing to accept. In fact I said so the other day. I think it is amendment No. 48 which seeks to substitute "latest census of which figures are available" for "census held in 1951"

Shri Panigrahi: How can it be possible?

Shri A. K. Sen: If the figures are available.

Shri Panigrahi: There must be a uniform basis.

Shri A. K. Sen: Since he is not pressing it, we had better leave it.

Shri Bangshi Thakur (Tripura-Reserved-Sch. Tribes): This particular clause refers to parliamentary and assembly constituencies. What about the Union territories? There is no mention about them. Is there no reservation as far as the Union territories are concerned?

Shri A. K. Sen: The hon. Member is speaking of territorial councils. For the Union territories, the parliamentary constituencies would be divided, but possibly, what the hon. Member is thinking of is about the territorial councils. We have no idea of dividing the territorial council seats by this present Bill.

Shri S. N. Ramaul: What about my amendment, Sir?

Mr. Deputy-Speaker: It has not been moved. Now, I was waiting for hon. Members to stop having separate discussions in the House. I am afraid hon. Members are losing distinction between the Central Hall and this hall. Here, it is only one Member who can speak and the discussion can be only on one subject and the others have to listen. But I find there are separate discussions going on among different groups. That ought to be done in the Central Hall and not here. I requested hon. Members not to do it here, twice or thrice. But I have not been heard. Shri A. P. Jain has ask-

ed for permission to withdraw his amendment Nos. 45, 46, 47 and 48. I suppose he has the necessary permission.

Amendments Nos. 45, 46, 47 and 48 were, by leave, withdrawn.

Mr. Deputy-Speaker: Shall I put the other amendments to the vote of the House?

Shri Tangamani: My amendment No. 39 may be put separately.

Mr. Deputy-Speaker: Yes; the question is:

Page 2, line 1, after "shall" insert

"through Delimitation Commission appointed for the purpose." (39).

Those for the motion may say "Aye."

Some Hon. Members: Aye.

Mr. Deputy-Speaker: Those against the motion may say "No."

Several Hon. Members: No.

Mr. Deputy-Speaker: I think the Noes have it.

Shri Tangamani: The Ayes have it

Mr. Deputy-Speaker: Let the lobbies be cleared.

13 hrs.

Shri T. B. Vittal Rao (Khammam): The bell is not ringing. The Members will be in different rooms. They may be in the committees or in the library rooms.

Mr. Deputy-Speaker: When the bell is not ringing and it cannot be rung, we have no other choice than to request the Whips that they might collect the Members of their party.

[Mr. Deputy-Speaker]

I shall now put Shri Tangamani's amendment No. 39. The question is:

Page 2, line 1, after "shall" insert--

"through Delimitation Commission appointed for the purpose". (39).

The Lok Sabha divided.

Shri Naushir Bharucha (East Khandesh): The bell is not working.

Mr. Deputy-Speaker: That I have already informed the House.

Shri Tyagi: You may ask those in favour to stand in their seats.

Mr. Deputy-Speaker: I do not think Shri Tangamani would press it so much.

Shri Tangamani: I am pressing it.

Mr. Deputy-Speaker: Those hon. Members who are for 'Ayes' may kindly rise in their seats. Their names will be recorded. Those who are in favour are Shri S. A. Dange, Shri A. K. Gopalan, Shri H. N. Mukerjee, Shri T. B. Vittal Rao, Shri Tangamani, Shri Chintamani Panigrahi, Shri Tridib Kumar Chaudhuri, Shri Mahanty, Shri Parulekar, Shri Punnoose, Shri Vasudevan Nair and Shri Warrior.

Shri Mahanty (Dhenkanal): It is not a proper division, because the bell has not been ringing.

Mr. Deputy-Speaker: If he can point out a definite rule, I shall consider it. I have got before me the rules and I have not been able to lay my hands on any such rule.

Ch. Ranbir Singh (Rohtak): He has already voted.

Shri T. B. Vittal Rao: I have also not been able to lay my finger on the rule, but over and above that, there is a tradition and practice that has to be observed.

Mr. Deputy-Speaker: At least no point of order can be raised on this point that the bell has not rung. That we ought to be clear about. There is no point of order about that. We have taken the sense of the House, and the names of those hon. Members who are in favour of the amendment have also been recorded. If hon. Members can point out to any particular reference, certainly I shall look into it.

Shri Naushir Bharucha: When the House has been consistently acting according to a practice, suddenly to depart from that practice would not be correct. Not that it is going to make any difference to the division, but when the House has followed a persistent course of conduct it should not be departed from it unless everybody has had information of it in advance.

Mr. Deputy-Speaker: Is he referring to the time?

Shri Naushir Bharucha: Apart from the time....

Mr. Deputy-Speaker: I have followed his point. The division commenced before 1 p.m. and if it has gone on beyond that it does not amount to a breach of the convention that no division will be held between 1 and 2.30 p.m. We would not have departed from the procedure that we have been following consistently but for our helplessness.

Shri Chintamani Panigrahi: Was the bell not tested?

Mr. Deputy-Speaker: It is not the intention to depart from the practice that we have been following. That shall be followed in future as well. But what was not within our reach, we could not help. Therefore, I have resorted to this. As the hon. Member has admitted, it would not make any difference. If there had been any proximity or nearness between the two sides of the division, certainly I would not have resorted to this.

Those against may kindly rise in their seats. There is a pre-ponderating majority. The 'Noes' have it.

The motion was negatived.

Mr. Deputy-Speaker: I shall now put the other amendments Nos. 41, 42, 18, 21, 10, 11, 24 and 56 to the vote of the House.

Amendments Nos. 41, 42, 18, 21, 10, 11, 24 and 56 were put and negatived.

Shri Tyagi: On a point of order. These amendments vary from each other and if a Member were to vote for one and against another, he cannot at the same time say 'Aye' and 'No' at the same time.

Mr. Deputy-Speaker: But he ought to have pointed out that he wanted a particular amendment to be put separately. That is what I asked before and Shri Tangamani pointed out that his amendment No. 39 may be put separately. Therefore, I allowed it. If any other hon. Member had desired, I would have done the same.

Shri Tyagi: My point of order is of a wider nature. The procedure, in my opinion, is inconsistent with the requirements of the proceedings of the House. I feel every amendment must be judged on the merits and all these amendments could not be properly clubbed together. There is no such provision in the Rules of Procedure which allows these amendments of varying nature to be clubbed together.

Mr. Deputy-Speaker: I think the hon. Member will realise that it is only a formality that we just perform at this moment. Hon. Members are aware of it and they are not very particular that their amendments should be put separately. I agree with him that seriously if an hon. Member wants to have a division, we cannot have it because one amendment may vary from the other. But when we take the sense of the House that none of these amendments is going to be accepted, we only undergo the formality that all be accepted

or all be rejected by the House. Technically he is quite right; I have no objection or quarrel with him. I agree with him that when all are put together, if any hon. Member wants to vote for a particular amendment, he has no opportunity. If that is pointed out, certainly I shall put that amendment separately.

The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 6.— (Special provision for Gujarat; amendment of section 19 of Act II of 1960).

Mr. Deputy-Speaker: There is only amendment No. 49 moved by Shri A. P. Jain. I hope he has the necessary permission to withdraw it.

Amendment No. 49 was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 6 stand part of the Bill".

The motion was adopted.

Clause 6 was added to the Bill.

Clause 1.— (Short title).

Amendment made:

Page 1, line 4, for "1960" substitute "1961" (5)

(Shri Hajarnavis)

Mr. Deputy-Speaker: The question is:

"That clause 1, as amended, stand part of the Bill".

The motion was adopted.

Clause 1, as amended, was added to the Bill.

[Mr. Deputy-Speaker]

Enacting Formula

Amendment made:

Page 1, line 1,—

for "Eleventh Year" substitute

"Twelfth Year". (4)

(*Shri Hajarnavis*)

Mr. Deputy-Speaker: The question is:

"That the Enacting Formula, as amended, and the Long Title stand part of the Bill".

The motion was adopted.

The Enacting Formula, as amended, and the Long Title were added to the Bill.

Shri A. K. Sen: I beg to move:

"That the Bill, as amended, be passed.

Mr. Deputy-Speaker: Motion moved.

"That the Bill, as amended, be passed."

Shri Tyagi: Although the House has now agreed to the passing of this Bill I must sound again a word of warning that it will have a very bad repercussion on the country, because millions of people will be denied the benefit of offering themselves as candidates from various constituencies which are reserved. I feel that we will also lose that semblance of joint electorate because it might create bitterness among the electorate. I am sorry to note that the House has not agreed to refer this matter to politicians. There are thousands of politicians whose seats will be affected one way or the other. I still hope that even after this Bill is passed, the hon. Minister might at least agree to postpone bringing it into effect until the next elections. Let the next elections go smoothly on the basis of *status quo* so that there will be least disturbances.

The present position allows the leaders of Scheduled Castes to stand

from constituencies even far beyond their residence, thereby enabling them to come from any corner of the State. Now, after this reservation, because 80 per cent of the non-Scheduled Caste people will not be permitted to contest seats in the reserved constituencies—there is already some little bitterness created among them—suppose any political party, be it Communist, Congress or any other, wants to bring a deserving leader from outside the district to stand in that constituency, the electorate will say "You have denied us our right of representation; we cannot offer ourselves because 80 per cent of us have been disqualified to offer as candidates. Now are there no Scheduled Castes in my constituency? Let us, at least for the pleasure and pride of sending one from our own constituency, put up a local man." So outsiders will be difficult to get elected from these constituencies now. It will be terrible if we cannot send real reformers of Scheduled Castes through these constituencies. If the real leaders of Scheduled Castes are denied the right of representation, they are denied the right of representing. Scheduled Castes, where shall we be?

I am afraid it may not be possible for the Election Commissioner to reserve a constituency which is the home constituency of a big leader among the Scheduled Castes. Take my friend, Shri Jagjivan Ram. It is lucky he is coming from a reserved constituency. But suppose there is no concentration of Scheduled Castes there and his home constituency is not reserved. He will have to go outside. As he is a popular leader, it is not very difficult for him to get elected even from a general seat, and I will welcome that. But there will be resentment from the reserved constituency. They will say "Now you have come forward to contest from our constituency. We will ask a Scheduled Caste resident of our own constituency to contest the seat". That will create difficulties. The leaders of Scheduled Castes will have to face this

difficulty after this Bill comes into operation. I am sorry the House has rejected my amendment.

According to my proposal if a candidate were denied the right of contesting the seat for Parliament he could satisfy himself by offering from the very same constituency for the Assembly seat at least. But, under the present Bill, you say "No, in that constituency you cannot stand because you are a non-Scheduled Caste. You can stand neither for the parliamentary nor assembly seat from there". I was making a humble suggestion that in case of double member constituencies you reserve the parliamentary seat on one side and the assembly seat on the other so that every politician will have some avenue left. Then the Scheduled Caste candidate could have the benefit of coming to a little compromise with the non-Scheduled Caste candidate in the constituency by saying "I will be helpful to you in the Assembly; you be helpful to me for the Parliament". Such combinations are made every time during the election. Those who have any practical experience of fighting elections will realise that such type of combinations are made, especially within parties or among independent candidates during the elections. If the candidates do not do that, at least the electorate will do this because it is gainful to both sides. Now the Scheduled Caste people are being deprived of that little benefit also.

My fears, therefore, are that it will against the interests of the Scheduled Castes generally. It might create some type of unpleasantness between two classes, it will be contentious and it will create class consciousness. If it is allowed to separate, then Scheduled Caste people will always feel that their real leaders do not get elected. If there is bitterness among the Scheduled Castes and non-Scheduled Castes in that constituency then the non-Scheduled Caste people will vindictively send a man who is not popular among the Scheduled Castes. They will say "All

right, your popular man will not be allowed to come; we, 80 per cent people, will send a man who is not popular among the Scheduled Castes". How can we say that he is a representative of the Scheduled Castes? He must fall in line with the electorate. So, the poor Scheduled Castes, for whose protection all this is conceived, there may be occasions when they will remain deprived of their real leaders and will be forced to adopt leaders to the liking of the non-Scheduled Castes. In other words, the Scheduled Caste leaders will be nominated by the non-Scheduled Caste people. This is very unnatural and will affect very adversely the vote of Scheduled Castes.

So, I still plead with the Minister that he may agree to postpone the implementation of this Bill. It will also meet the other point for by that time the Delimitation Commission will come into existence and it will go into this matter. That is all I can appeal at this stage.

Some Hon. Members rose—

Mr. Deputy-Speaker: We have already exceeded the time limit very much. I gave an opportunity to Shri Tyagi because he was particular of pressing his view point. All right, I will give five minutes to each hon. Member.

Shri D. C. Sharma (Gurdaspur): I am afraid, I do not want to speak on the Bill.

Mr. Deputy-Speaker: Is he speaking on some different matter?

Shri D. C. Sharma: I would not like to retain the *status quo*. I think we are living in a changing world and, in this changing world, many social and economic changes have to take place in spite of the warning, prophesy and forboding of some of those persons who are very conservatively inclined and who cannot easily shake themselves away from the past. I think this Bill is in tune with the changing force of economic and social

[Shri D. C. Sharma]

climate of our country. I, therefore, welcome this.

After all, double-member constituencies was a working kind of compromise that the so-called class Hindus arrived at with the so-called Scheduled Caste Hindus. It was a kind of compromise which was done to overcome the prejudices which were inherent in the situation for a long time. That compromise was for a very short time. Now we think the times have changed and we want to have a different kind of practical compromise and I think this is a compromise we have arrived at. In this we want the Scheduled Caste people to stand on their own rights. We want to tell the so-called caste Hindus that they will be ably represented by Scheduled Caste men even though the Scheduled Castes may comprise only 20 per cent of the population in the constituency and this will be a tribute, not a concession, to the ability and wisdom of the so-called Scheduled Caste persons. This will be something in the nature of, I should say, a generous gesture on the part of the so-called caste Hindus. After all, representation is not based on caste considerations. Representation is based on ability, upon merits and upon such other things. I find that some of the so-called Scheduled Caste people are as able as any body else. Therefore, the so-called caste-Hindus will feel happy that they are being represented in the Assembly or Parliament by some of the persons of the Scheduled Castes who are able and meritorious, who will fight not only for themselves, but would fight for their cause also. I think this Bill would lead to the abolition of the barriers which have existed between two sections of Hindu society, the so-called caste Hindus and the Harijans. I think this will be a step in the right direction.

Another point that I want to make is this. It is wrong to say that all the caste Hindus will combine to vote

down a popular figure. I do not think the caste Hindus have that power. Fortunately or unfortunately, the caste Hindus cannot combine. Therefore, there is no danger of a popular Harijan leader being defeated. I am sure that as it has been happening in the past, it will happen in the future that a Harijan leader will be elected who has some kind of a pull with the public. I do not think the caste Hindus will form a kind of a negative union and vote down a gentleman who deserved their vote on merits.

It is said that this Bill gives us the right to vote, but it does not give us the right to choose. I think this argument is based upon caste considerations. For instance, if that is so, I would say, it should give me the right to choose a brahmin, the right to choose a Kshatriya, the right to choose a Rajput. This kind of argument is based upon caste considerations. That is, we must choose a man of our caste. I think, we are working for a classless, casteless society. I am sure this kind of choice will be against the kind of society we are going to build up. Therefore, I believe that the right to choose is there, the right to choose the able man, the person fit to represent us, irrespective of caste considerations. I think that right is much greater than the right to choose a man of your own caste. I would, therefore, think that no right has been violated by this Bill. The right to choose is there; the right to vote is there. I, therefore, welcome this Bill, with all my heart and wholeheartedly.

श्री० एबबीर सिंह : उपाध्यक्ष महोदय, मैं समझता हूँ कि हम को जो बात आज से दस साल पहले करनी चाहिये थी, उस पर खूशकिस्मती से आज इस सदन में फैसला किया है। हो सकता है कि उस वक्त हम इसे इस लिये नहीं कर सकते थे कि जो साथी त्यागी जी की तरह सोचते थे शाब्द उन की तादाद महम से ज्यादा थी। मैं

तो उस वक्त भी इस चीज के हक में था। यह कोई सही वाली बात नहीं है कि अगर हमें गरीब आदिमियों के लिये जगहें रिजर्व करना हैं तो हम उन के लिये बड़े हलके बनायें ताकि कास्ट हिन्दू भी हर एक जगह से खड़े हो सकें। अगर हरिजनों के लिये रिजर्वेशन है तो एक तरह से सब हरिजन और शेड्यूल्ड कास्टस या शेड्यूल्ड ट्राइब्ज के लोगों के लिए है लेकिन वह एक खास किस्म के हलके से ही खड़े हो सकते हैं। दूसरी तरह से इस के माने यह होते हैं कि जिन हरिजन के हलके में सीट रिजर्व नहीं है वह दूसरे हलके में जा कर खड़ा हो। जब इन लोगों के लिये ऐसा है तो कास्ट हिन्दू को कौन सी आपत्ति हो सकती है, या जो कि नानरिजर्व्ड-जाति में आता है, उस के लिये कौन सी आपत्ति हो सकती है, कि वह दूसरे हलके से जा कर खड़ा हो। वह उस गरीब के मुकाबले ज्यादा शक्तिशाली है। मैं तो पहले भी यही मानता था कि हमें हरिजनों और शेड्यूल्ड ट्राइब्ज के लिये सिंगल हलके रिजर्व करने चाहियें।

मेरी समझ में यह बात नहीं आई कि मैजॉरिटी किस तरह से हरिजनों के किसी नेता के खिलाफ जा सकती है, और अगर वह जा सकती है, तो आज भी जा सकती है। डबल मेम्बर कांस्टिट्यून्सी से जो वोटर्स हैं उन में हरिजनों की परसेन्टेज में कोई फर्क नहीं आता है। २० या २५ परसेन्ट जो डबल मेम्बर कांस्टिट्यून्सी के लिये है वही मेम्बर सिंगल कांस्टिट्यून्सी के लिये भी है। मैं नहीं मानता कि, जिस तरह से त्यागी जी समझते हैं, सब आदिमी मिल कर तय करेंगे कि शेड्यूल्ड कास्ट के आदिमी को हराना है। हाँ यह बात जरूर है कि हम जिस तरह का समाज बनाना चाहते हैं, जो जातपात से ऊपर हो, जिस में जातिवाद न हो, यह उस की तरफ एक कदम है, और शेड्यूल्ड कास्टस वाले अपने आप को इस तरह से अलाहवा नहीं समझेंगे। इस के अलावा गरीबों

को भी मौका मिलेगा कि वह अपनी और ज्यादा परमैनिटिटी बना सकें। मैं मजाक के तौर पर कहना चाहता हूँ कि एक तरीका हुआ करता था कि खेती में गरीब को मालीदार लगाया जाता था। जमीन का मालिक कोई और होता था और हरिजनों को हम सीरी रखते थे। बदकिम्बती से डबल मेम्बर कांस्टिट्यून्सी का जो सिस्टम था उस में हम ने हरिजनों को राजनीति की खेती में सीरी बना दिया था। यह कोई बहुत अच्छा तरीका नहीं था। हमारे जैन साहब जी हैं वह हमारे सीरी के खिलाफ हैं लेकिन अपनी सियासत की सीरी के हक में हैं, यह बात मेरी समझ में नहीं आती। जिन तरह से दोनों किस्म की बात चल सकती है। इस तरीके को बदलने की जरूरत है ताकि गरीब आदिमी भी अपनी परमैनिटिटी बना सकें और जिस तरह हमें जाना है उसकी तरफ हमारा कदम उठ सके।

Shri Punnoose: Mr. Deputy-Speaker, we supported this Bill in the hope that it will help the Scheduled Castes and Scheduled Tribes to return more effectively to this House and that by this Bill, they will be able to have more vigorous and energetic representation in the Assemblies and in Parliament. I hope that this experiment will succeed and I wish it all success. We insisted on the Delimitation Commission out of a genuine fear. I hope the hon. Minister and the Election Commission will take note of it. Even now it is not clear how the Election Commission will actually work it out. The principles are there. What is the machinery? Are they going to depend entirely on local officers and local politicians? If that is so, this is bound to be unsatisfactory. All sorts of pulls come in when you come to the question of dividing the constituencies. Particular individuals would like to have constituencies carved in a particular way or particular parties would like it in a particular way. The State Governments—party governments—may try to go their own way. In bet-

[Shri Punnocse]

ween these, the Election Commission has to work out. I do not know how far they will be able to do it. That is why we insisted on the appointment of the Delimitation Commission. The House has accepted the present proposal. As such, I would request the hon. Minister and the Election Commission to take the utmost care. The Election Commission should visit all the constituencies where this division has to take place, and ascertain that the local parties and the all India parties have to say with regard to this and see that things are fairly done.

Mr. Deputy-Speaker: Anything that the Law Minister would like to say?

Shri B. C. Kamble (Kopergaon): Sir, I won't make a speech. I want to seek clarification on two points. I am not making a speech.

Mr. Deputy-Speaker: Without speaking he would do it?

Shri B. C. Kamble: The hon. Law Minister will please clarify the timetable when these proposals will be formulated, when objections will be received and when they will be finalised. That is the only thing that I wanted to know.

Shri A. K. Sen: I shall answer the last hon. Member first. These queries, I would advise him to address to the Chief Election Commissioner. I have no doubt that he would answer these queries much better than I.

With regard to the other points raised by Shri Tyagi, I do not think I need add anything, because he has been ably answered by our esteemed friend Shri Sharma followed by Ch. Ranbir Singh.

With regard to the objection voiced again from that corner of the House regarding the Election Commissioner being entrusted with the work of demarcating these double-member constituencies, I have no doubt that he will exercise his best judgment

and give his utmost care in hearing all objections.

Shri Braj Raj Singh (Ferozabad): What will be the machinery?

Shri A. K. Sen: Statutory authorities are masters of their own procedure. They prescribe their own procedure. One thing is quite clear, that like the Delimitation Commission they are not to proceed as a court, guided by the Civil Procedure Code. That exactly the reason why we did not have a Delimitation Commission, but that does not mean that the Chief Election Commissioner is incapable of doing this, or that he will not do these things in consonance with reasonable and fair demands. I have no doubt that the work as done by him, after hearing all objections, will be an excellent work of demarcation. I wish him all success.

Shri Braj Raj Singh: I do not want to interrupt the hon. Minister, but may I bring it to his notice that even when the law has not been passed, proposals have been sent from the districts at the instance of the District Magistrate and at the instance of the Tehsildar, with the connivance of certain political parties, dividing up constituencies according to their best choice. What is the remedy now?

Mr. Deputy-Speaker: Objections.

Shri A. K. Sen: The hon. Member is, unfortunately, absolutely wrong on his facts. These things were not done at the instance of the district officers. They were done at the instance of the Chief Election Commissioner with a view to expediting the preliminary work in the expectation that this Bill was going to bring about demarcation of the constituencies, so that the work would proceed without those preliminary things being left undone. That is why a requisition was sent. As I said in my opening speech, in anticipation of this Bill being passed, the Chief Commissioner was already getting data regarding these constituencies, their composition,

their population figures and so on. I think it is very unfair to say that the district officers, in connivance with any one, were trying to do these things.

Shri Braj Raj Singh: Unfortunately that is the fact.

Shri A. K. Sen: They were really trying to meet the requisition from the Chief Election Commissioner. Facts have to be supplied by the district officers. Who else will supply the facts?

Mr. Deputy-Speaker rose—

Shri Tyagi: What about the fundamental right? Does it not violate fundamental rights? Are you sure?

Mr. Deputy-Speaker: Fundamental right arises only when the Chair gets up:

The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

13.34 hrs.

MOTION ON ADDRESS BY THE PRESIDENT

Mr. Deputy-Speaker: The House will now take up the motion on Address by the President for which 15 hours have been allotted.

Before I call upon Shri Bhakt Darshan to move his Motion of Thanks to the President, I have to announce that under rule 21, I have fixed that the time-limit for speeches shall ordinarily be 15 minutes, with the exception of leaders of groups and the Mover for whom 30 minutes will be allowed, if necessary.

The Prime Minister who, I think, will reply to the debate on behalf of Government may intervene or reply at a later stage, and take the necessary time therefor.

Shri Naushir Bharucha (East Khandedh): The Minister's time is exclusive of the 15 hours?

Mr. Deputy-Speaker: He was there in the Business Advisory Committee.

Shri Naushir Bharucha: I was absent on that day.

Mr. Deputy-Speaker: Then I might tell him that 15 hours are in all, including the reply as well.

श्री भक्त दर्शन (गढ़वाल): आदरणीय उपाध्यक्ष महोदय, मैं इसे अपने लिए बड़े सम्मान और गौरव की बात समझता हूँ कि मुझे राष्ट्रपति जी के अभिभाषण पर निम्नलिखित धन्यवाद-प्रस्ताव प्रस्तुत करने का अवसर मिल रहा है :

श्री वाजपेयी (बलरामपुर): यह हिन्दी का सम्मान है ।

श्री भक्त दर्शन: उस प्रस्ताव की भाषा इस प्रकार है :

इस अधिवेशन में समवेत लोकसभा के सदस्य राष्ट्रपति महोदय के उस अभिभाषण के लिए जो उन्होंने १४ फरवरी, १९६१ को एक साथ समवेत संसद की दोनों सभाओं के समक्ष देने की कृपा की थी, उन के प्रति अत्यन्त आभारी है ।

श्रीमन्, राष्ट्रपति जी के अभिभाषण में मुझे दो बातें स्पष्ट दिखायी पड़ती हैं । इस अभिभाषण में राष्ट्रपति जी की सौजन्यता, उनकी शालीनता, उनकी विनम्रता, उनकी उदारता और उनकी महानता की स्पष्ट छाप दिखायी देती है । दूसरी ओर इस अभिभाषण में प्रधान मंत्री जी की औजस्विता, उनकी कर्मठता, उन के आत्मविश्वास और उन के आदर्शवाद का पुट दिखायी पड़ता है । इन दोनों प्रकार के दृष्टिकोणों का सुन्दर समन्वय वह चीज है जिस से हमारा भारत आज इतना महान है, और जिसकी वजह से