duce a Bill further to amend the Constitution of India.

MR DEPUTY-SPEAKER : The question is :

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

The motion was adopted.

PREVENTION OF COW SLAUGHTER BILL‡

SHRI BHARAT SINGH CHAUHAN (Dhar) : I beg to move for leave to introduce a Bill to prevent cow slaughter in India.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to prevent cow slaughter in India."

The motion was adopted.

SHRI BHARAT SINGH CHAUHAN : I introduce the Bill.

14.52 hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL‡

(Amendment of sections 123, 169 and insertion of section 125A)

श्री अटल बिहारी वाजपेयी (ग्वालियर) : मैं प्रस्ताव करता हूं :

"कि लोक प्रतिनिधित्व अधिनियम, 1951 का और संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाए ।'

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Representation of the people Act, 1951."

The motion was adopted.

श्री अटल बिहारी वाजपेयी : मैं विधेयक को पुरःस्थापित करता हूं ।

14.54 hrs.

CONSTITUTION (AMENDMENT) BILL‡

(Amendment of articles 81, 82, and insertion of new article 281A)

MR. DEPUTY-SPEAKER : How much time shall we take for this ? I think, 1½ hours.

SHRI MURASOLI MARAN (Madras South) : We should have two hours.

MR. DEPUTY-SPEAKER : All right.

SHRI MURASOLI MARAN : I move :

"That the Bill further to amend the Constitution of India, be taken into consideration."

This is a simple Bill and is not of a controversial nature. I think the House

‡ Published in Gazette of India Extraordinary, Part II, section 2, dated 28-5-71.

[Shri Murasoli Maran]

will appreciate the spirit and the intention behind this Bill. The idea is that no State should be penalised by the loss of its representation in the House of the people for sincerely implementing the family planning programme and no State should be deprived of revenues by way of grants or plan assistance by the Union just because of that reason. Article 81 of the Constitution describes the composition of the House of the People : there shall be allotted to each State a number of seats in the House of the People in such manner that the ratio between that number and the population of the State is so far as practicable the same for all States. Clause (3) defines 'population' : population as ascertained at the last preceding census of which the relevant figures have been published. Article 82 seeks the readjustment of seats after each census : upon the completion of each census, the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine. It means the delimitation commission is created and it goes into the question of fixing the number of seats for each State so that the proportion of seats to the population is as far as practicable the same for all the States. As representation in the House of the people is linked with preceding census, the composition in the context of such representation to the states changes every time after the census figures. Let me remind the House of what happened to our composition after the 1961 census. Because of decrease in the population, Andhra Pradesh and Tamil Nadu lost two seats and U.P. lost one seat whereas Assam, Gujarat, Punjab gained two seats each. So also, Kerala, Madhya Pradesh, Maharashtra, Mysore and Rajasthan gained one seat each and West Bengal, the luckiest State got the phenomenal increase of four seats. The Union Territories in toto got three seats. The picture would have been changed if the Delimitation Commission which functioned under the Central Act of 1962 acted differently. If the total number of seats of the House of the People were retained and distributed according to the population of 1961, some of the States would have lost heavily. For instance, Andhra Pradesh, Tamil Nadu and U.P. would each have lost three seats and Bihar would have lost one. This has been mitigated by increasing the total number of seats in the House. The Delimitation Commission could save two seats for U.P. and one seat for Bihar but Andhra and Tamil Nadu lost two seats each. This may look natural in democratic countries because democracy after all is nothing but counting of heads. But India is in a unique situation. Like other developing countries there is the problem of a galloppping rise in population. On the one hand there is decrease in mortality rate and on the other hand increase in the birth rate. Had I moved this Bill in 1921 I would have known for certain the immediately preceding decennial percentage variation was negative of the order of 0.31. Between 1911 and 1921 our population declined by one million from 251 million to 250 million. Thereafter, we never looked back.

15.00 hrs.

The population growth between 1921 and 1931 was 10.6 per cent. In the year 1931 to 1941, the growth was 13.5 per cent. Between 1941 and 1951, the growth was 12.5 per cent. Between 1951 and 1961, the growth was 21.5 per cent. According to the latest provisional figures of the census, between 1961 and 1971, our population growth is 24.57 per cent. Our demographic curve is not a straight line but asteadily claiming curve. So, it is not a source of satisfaction, but a cause of concern. Never in the history of India was there such a galloping rate of increase in population as it did happen from 1951 onwards. In the continuous race between a decrease in mortality and an increase in birth, we are caught in dilemma.

Science itself is contributing to this factor, because science increases the pros-

pect of longevity and decreases the mortality rates. So, science itself has come forward to our rescue by maintaining the balance through methods of family planning.

India's family planning programme is assuming the dimension of a social revolution. It is said that the world's largest and most widespread campaign of education and motion is taking place in our country. Family planning programme was adopted in our country in 1952 as an official programme. Perhaps we are the only one of the developing nations which have taken up family planning programme as an official policy. Starting with a cautious approach in the first Five Year Plan, more vigorous action *cum* research programme was taken up for implementation during the second Plan. The third Plan gave a clear and emphatic recognisation to the family planning programme. I want to quote here from the third Plan record. It says :

> "The objective of stabilising our growth of population over a reasonable period must be at the very centre of planned development."

The fourth Plan went one step further and it says :

> "It is a programme of highest priority."

Now, Sir, we have fixed our aim and target regarding the family plannig programme. The aim is the annual rate of increase should not be more than one and a half per cent. But it is not so actually. Between 1951 and 1961, the actual rate of increase was 2.15 percent and now, according to the provisional figures of the new census, it is 2.457. Another target is to bring down the birth rate from 40 per thousand to 25 within a decade or two. In this context we should see how other States which are implementing the family planning programme rigorously are affected.

Here is the State of Tamil Nadu or any other State in India which endeavours to present a creditable achievement in containing the growth in population. Instead of rewarding the State with increased participation in this House, this Parliament, and granting a bonus of seats in Parliament, we are curtailing the privilege and doing the exact opposite of justice by the population policy. Some seats have been lost to us. We lost two seats because of the last census figures, and proportionate damage is done to the State legislature—bodies like the Assembly and the Council. This is not a question of merely losing one or two seats here and there. Our system is described as a co-operative federalism. Members of the Treasury Bench often refer to it as a co-operative federalism, but if we go deep into it and remove this appendage attached to it, the sham facade put in front of it, you will see that ours is not a co-operative federalism but a bargaining federalism. Those who have more bargaining power receive more in the form of financial assistance and other help. In this context, it is not just one seat in this House. One seat is equal to one unit of bargaining power. Let us not minimise the value of one seat. During the last Parliament, history was created in the Rajya Sabha when the privy purses Bill was defeated not by one vote but by a fraction of a vote. So we can evaluate the value of a single seat at times of political controversy.

The census figures show that the South Indian population is getting decreased. According to the last census, the South Indian population was 27.2 per cent of the total Indian population. But according to the latest figures, it has come down to 24.7 per cent. That means, 2 or more South Indians will be missing in the All India picture out of every 100 persons. The increase in population is indicated by the difference between the natural birth rate and mortality rate. But if you look at the figures, you will find that the birth rate is too high in the northern zone of India, i.e. Punjab and Haryana where it is 43.6. In the southern zone comprising

[Shri Murasoli Maran]

Andhra Pradesh, Tamilnadu, Kerala and Mysore, it is 38.5 per cent. In the central zone comprising UP and MP it is 42 per cent. In the eastern zone comprising Assam, Bihar, Orissa and West Bengal, it is 43 3 per cent. In the western zone comprising Gujarat and Maharashtra, it is 428. per cent. So, the birth rate touches the rock bottom in the southern zone.

The death rate is lowest in the western zone and next comes the southern zone where it is 22 3 per cent. The highest rate of natural increase of population is in northern India—24 6. The lowest rate of increase of population is in southern India—16.2.

Another interesting figure is this. O all the Indian women, the women of Bihar be get more children According to statistics. In Bihar 8.50 children are born for every woman who is 47 years of age and who has had unbroken family life Next comes UP with 7.47. Next comes Mr. Piloo Mody's State i e. Gujarat with 7.07 Next come Punjab and Haryana with 6.76. The southern States have the lowest figures. In Tamil Nadu, it is only 5.79 and in Andhra it is 5.59. But in Bihar, it is 8.50.

So, they are increasing the population whereas some state, and among them the Southern States, are not doing so in the sense that they are vigorously and genuinely implementing the family planning methods. Why this situation of higher rate of birth in some States and lower rate of birth in other States, even though we are having family planning programme as the official policy ? Firstly although family planning is a State subject it is a Centrally sponsored programme. Yet, there is no uniformity in attaining the target. Because of poor performance or lethargy in some States the birth rate has increased and those States where there is lethargy in family planning programme are mostly in the north, namely Uttar Pradesh, Bihar and Rajasthan. They are not vigorously implementing the population control methods. Mr. B. P. Patel, Secretary of the Union Ministry of Health and Family Planning, while addressing the Conference of the State Health Secretaries and Family Planning Officers in Delhi during April 1970 observed as follows :

> "The three major states Uttar Pradesh, Bihar along with Assam have continued to show results which are below the national average considering that the population in these States constituted about 40 per cent of the total population of the country. Tremendous efforts are called for in these States to give a big push to this programme.

Here is a picture of India where while in the southern States the population is getting reduced in the northern States, because they have not vigorously adopted the family planning programme, the population is getting increased with the result that while our representation in the house of the people is proportionately getting reduced, the representation of those States which are not genuinely adopting family planning programme is increasing.

In the context of the language issue and in the context of representation in the Central services it is a grave problem. Already our share in the Central services is getting reduced. As Mr. Lakkappa correctly points out, unless we produce quality men our share in the Central services may become smaller still. States reorganisation, which is continuously taking place. is creating inequality between populous States and smaller States and it is one of the major problems of the seventies. The largest population of a single State is 90 million whilst that of the smallest State is less than half a million. The ratio between them is 1: 225. There is such a yawning gap between the big and small State.

Even though the States are considered equal in the National Development council and in the Governor's conference there is always a battle between the smaller States and the giant States. The northern States of U. P. and Bihar, which have

higher birth rates have increased their population while the population has decreased in the southern States Consequently, the southern States are discriminated against in the process in the matter of parliamentary representation. According to the provisional census figures the share of Tamilnadu and Andhra Pradesh will be reduced by one in the parliamentary representation. Of course, there will be no change in the case of Mr. Lakkappa's State, Mysore. West Bengal gains 1 or 2 seats; Rajasthan gains 1 seat; Gujarat gains 1 seat; Madhya Pradesh-the State of the Minister-gains 2 seats; Maharashtra also gains 2 seats. In the political field, this is the penalty we are paying for effectively implementing the family planning programme.

Let us look at the economic side of it. We are also penalised on the economic side. Let us think for a while about the consequences of not getting enough grants, allowances and assistance normally recommended by the Finance Commission only because that also follows the pattern of Population figures of the previous census.

My Bill provides remedy for the injury done by the Finance Commission which swears by the population figures. Articles 280 and 281 deal with Finance Commission. Actually, our Finance Commission are called as the umpires between the Union and the States in financial relations. But the pity is that they take into account the population figures while determining the distribution of income-tax and excise duty. Actually, the Finance Commission comes into being because of articles 280 and 281. But there is no mention of population figures in that article.

Whatever disagreement we may have with our Indian Constitution, it cannot be on the score at sufficient attention has not been given to details. As Ivor Jennings has said, "Our constitution abounds in too many details." But somehow or other, the Finance Commissions use population figures as one of the determining factors to fix allocation of divisible taxes and duties.

I want to tell the House how the Finance Commission have divided the divisible taxes. The First Finance Commission based its calculations, regarding income-tax, on the basis that 80 per cent should be on population basis and 20 per cent on collection basis. The Second Finance Commission fixed it in a different manner. It fixed at 90 per cent on population basis and 10 percent on collection basis. But the Third and Fourth Finance Commission differed with the Second Finance Commission and, agreeing with the First Finance Commission's formula, it fixed at 80 per cent on population basis and 20 per cent on collection basis.

This question is being asked from the days of Sir Otto Niemeyer in 1936 down to the latest Finance Commission. Every time, the Finance Commission opens the subject and closes it. But the succeeding Finance Commission reopens it. So, the inquiry is going on and on every five years. The Fourth Finance Commission felt strongly about this procedure. The Fourth Finance Commission headed by Dr. P G. Rajamannar says like this

> "Taking these two factors of population and collection, here can be divergence of opinion as to the relative proportion to be assigned to those two factors. Though we discussed various proportions, we were eventually impressed by the fact that a sense of certainty and stability as regards the principles to be adopted in the distribution of income-tax should prevail. It is not desirable that every time a new Finance Commission is appointed, there should be re-opening of the basis of distribution."

This is the opinion of the Rajamannar Commission. Is it necessary that we should leave the tax share to the decision of five wise man of the Finance Commission every five years ? The answer is in the negative.

[Shri Murasoli Maran]

Firstly, there should be a sense of certainty and stability in the division of income-tax and other divisible taxes. The best thing would be that the Constitution may fix the percentage of share, without going deep into the population figures and thus do justice to those States which are adopting family planning methods. We can fix the percentage in the Constitution itself. It will not be very difficult because we have a wealth of information and the experience gained by five successive Finance Commission

Dr. Rajamannar in his note in the report of the Finance Commission, 1965 agrees with it and says:

> "As regards distribution *inter se* among the several States, the general principles and criteria may be laid down by the Constitution. Here again, there has been a great divergence in the suggestions but forward by the States before the Finance Commission, relative financial weakness, social and economic backwardness, *per capita* income are some of the different criteria urged by one or other of the States. Since it is such an important matter as determination of the resources which will be available to each State as a result of a scheme of devolution, there should not be a gamble on the personal views of five persons or a majority of them."

He has used strong words and he has said:

> "There should not be a gamble on the personal views of five persons or a majority of them"

There is no constitutional bar, nor is there a constitutional sanction for taking into consideration the population figures while distributing the divisible taxes and excise duty.

Secondly, we should consider whether population basis is a sound criterion for distributing resources among the States.

SHRI CHINTAMANI PANIGRAHI (Bhubaneswar). Are we discussing all the aspects of Centre-State relations under this Bill.

SHRI MURASOLI MARAN Naturally' the Bill concerns them Let him go through the Bill.

MR DEPUTY-SPEAKER; Only two hours have been allotted for this Bill.

SHRI MURASOLI MARAN: But I have not finished my arguments yet.

MR DEPUTY-SPEAKER If the hon. Member himself is going to take one hour, then where is the time left for other Members?

SHRI MURASOLI MARAN. It is a very big issue, because we are losing our representation.

MR DEPUTY-SPEAKER My only point is that I am inhibited by the time restriction.

SHRI M KALYANASUNDARAM (Tiruchirapalli): I beg to move that the time be extended for this so that this may be carried over to the next day

SHRI N. K. P. SALVE (Betul): That should also be on population basis.

SHRI DINEN BHATTACHARYYA (Serampore): But the other Bills are also very important.

SHRI MURASOLI MARAN: We do not want to encroach on the time allotted for other Bills. They can be taken up on the next day.

MR DEPUTY-SPEAKER : I am only appealing to the hon. Members to be very brief.

SHRI MURASOLI MARAN: Secondly, we should consider whether population basis is a sound criterion for distributing the resources among the States in an equitable manner. The answer here is 'No', since it requires that more *per capita* income assistance should be given to poorer States and less to the richer States.

Now, what have the Finance Commission done ? They are fixing a certain share of the income-tax and excise duty, so that they may be distributed to the States according to the population. But what is the result ? The rich States become richer, and the poor States become poorer. The sharing of these revenues and taxes by way of excise duties perpetuates inequities in the growth pattern of the States. So, I think that the *per capita* need rather than the size of the population should be the ideal criterion.

Regarding Tamil Nadu, I want to quote another set of figures. The percentage of Tamil Nadu's population to all India's is getting reduced census after census During 1951, we were 8.3 per cent; in 1961, it came down to 7.7 per cent and now, according to the 1971 census, we are only 7.5 per cent. We begin to think that if we were as we were in 1951, we would have got a larger share of the national pool of resources, the total resources flow would have increased by nearly 10 per cent per year. According to one calculation, our share of central taxes would have been Rs. 5 crores more. That means, we are losing Rs. 5 crores per year because of the division of taxes and excise duties on the population basis. So also Central assistance would have been greater in that order. *In toto*, we are losing early Rs. 10 crores annually on this account, just because we are adopting family planning methods. This is a rough calculation.

What is the alternative ?

SHRI K. LAKKAPPA (Tumkur) : Madras has got the lion's share. Recently the Prime Minister visited Madras.

SHRI MURASOLI MARAN : As Mr. Das Chowdhury says, we would have had to live with fewer things if we had a larger population. That is true, but according to art. 275, the Finance Commission, considering all these factors give a separate grant also. So even if we had kept quiet, even if we had not implemented the family planning programme effectively, we would not have suffered. It is after all a deficit gap. That would have been filled by the Finance Commission. Even by keeping quiet, be a supine attitude like Bihar and other States, we would hava got that amount. But we are implementing the family planning programme effectively.

So the alternative should be that those States which are implementing the family planning programmes should get increased representation in this Parliament. This is a straightforward case. As Australia has proclaimed that they will give a bonus for every additional child born, here we have, here and now, to do it in the reverse way.

I want to base my case on the census figures of 1951. I have these reasons for it. Firstly, we started our family programme after 1951. Secondly, we had an annual natural rate of growth of population in that year only. Thirdly, we began our democratic career with our republican Constitution in 1950-51. So I make bold to clinch this issue 1950-51 as the base year on the eve of the birth of democracy in India, as the bench-mark to measure our strength in the successive Houses of Parliament. Statisticians speak of index numbers and normal base years. In their language too, I should add that the index of the State's strength in Parliament should be in terms of the year 1951,

[Shri Murasoli Maran]

What stands in the way is the constitutional provision which protects, encourages and perpetuates the system of parliamentary representation on a principle which tantamounts to: "the more the children, the merrier the politicians"; "the larger the population, regardless of unemployment, illeteracy, backward agriculture or oppression by the crime of untouchability against the socially under-privileged, the larger will be the share of their parliamentary representation." I think this is an anti-social policy.

One question may be asked. Are we to close our eyes to the reality of 55,000 babies born every day in India? Are we to close our eyes to the reality that we are adding our population equal to all the population of Australia every year? The answer is, we should consider that factor deeply. So, the 1951 figure may be taken into account. Others have expressed different opinions. But, public opinion is being developed for this kind of idea. The Central Family Planning Council which met in Bhopal on November 7, 1969 have strongly recommended that the estimated population in 1968 should continue to be the basis of representation in Parliament and allocation to the States for the next 15 years. This is their recommendation.

Today, we read in the newspapers that the Rajamannar Committee on States' Autonomy have submitted a report. They have supported this idea. They say, the number of seats fixed for each State in 1951 should remain unaltered except where there was population increase snbject to a maximum. They have given out this report. They have said, let us fix a maximum. Beyond that let us fix it according to the population figure of 1951. That is the idea. Otherwise we should give a bonus to those States which are effectively implementing and genuinely implementing the family planning programmes. The question may be asked: How can they be given bonus? The answer is this: The number of representatives in this House of Parliament, that is, the strength of the House may be increased regarding allocation of seats, over and above the existing number. Well, let us arrive at some number. That number should be applied uniformly. Those States which are implementing family planning programmes resulting in reduction of population, to the marginal extent, they should be given a bonus of seats in this Parliament.

MR. DEPUTY-SPEAKER: You have taken more time. Kindly conclude.

SHRI MURASOLI MARAN: Sir, the aim of the Private Member's Bill is not that it is accepted by the Government: the idea is to focus the attention of the Government to this particular problem so that they may offer their point of view. I have the support of hon. Members of the House.

MR. DEPUTY-SPEAKER: But you should give some time for the Government to convey their views also...

SHRI MURASOLI MARAN: It seems the Union Cabinet—I understand from Press reports—discussed this problem and the question of modification of the criteria of plan assistance to the States in such a way that those States which had done good work in Family Planning and reduced the birth rate could get more. So, I understand this idea is receiving the consideration of the Government of India.

The former Union Health Minister (Mr. K. K. Shah) said about this On October 28, 1970, the Cabinet discussed this. I wish to read a report of the 'Hindustan Times' It says:

> "The Health Minister Mr. K. K. Shah who raised the discussion proposed that the population in 1966 should be the basis for allotment of funds to the States and any additional births should not be reckoned with.

AN HON. MEMBER : He is your Governor now.

SHRI MURASOLI MARAN : Formerly, he was your minister. I think the Government is also thinking about it. Moreover, he said this and I quote the same report of the 'Hindustan Times'. It says :

> "Mr. Shah argued that since the bulk of the Plan assistance was being determined on the strength of population, under the present dispensation, the States that lagged behind in family planning and had a higher birth rate could get more funds."

So this view has been endorsed by one of the Members of the Treasury Benches also. So, now we have to decide : Are we really interested in the Family Planning methods or not ? We should resolve this. Here, three things are involved. One is, the actual Family Planning Programme itself. The other is, fixation of representation in this House according to the population basis. And then comes the devolution of the revenues to be spent on the basis of population. These and the Family Planning programme as such are contradictory and conflicting with each other. So, we have to decide. We should strike at the root of this anomaly and thus pave the way for clipping of a few branches of intruding trees of injustice.

I think the hon. Minister will in his reply clarify the points I have raised, whether we are actually interested in family planning or not. In the situation is allowed to continue like this some recalcitrant States tomorrow may not necessarily adopt family planning methods; they may utilise these funds for some other purpose defeating the very purpose of this move.

SHRI R. D. BHANDARE (Bombay Central) : Mr. Deputy-Speaker, I have carefully listened to the speech of Mr. Maran. I quite appreciate his sentiments and arguments. His speech appears to be more of an evaluation of the family planning programme; he feels that the States which have failed to implement the family planning should be punished and those which have implemented it faithfully should be given bonus. I would certainly join him in his plea for bonus to States which implemented the family planning programme.

15.37 hrs.

[SHRI SI ZHIYAN *in the Chair*]

I do appreciate his view that States which have failed to implement the family planning programme should be punished. From the figures he gave, he has made out a good case for a bonus for his State. But his speech appears to be more in the nature of a grievance against the Finance Commission. I concede his point that the Finance Commission has laid down certain criteria which should not have been charged from time to time. I also appreciate the view point expressed regarding the Fourth Finance Commission. But I think, Mr. Chairman, your State should have pleaded more powerfully with the Finance Commission for getting more allocation on the basis of collection, backwardness of the State and other good things which your State has done. You should have raised your voice perhaps a little more loudly and strongly in order to get more allocations. His speech appeared to have a political grievance regarding language and quota in the services : because the Southern States are reduced in population. They may not be able to raise their voice whenever the language question is raked up in this House or outside. Similarly, in the Central Secretariat also because of the reduction in population, they may not be able to get a fair share.

Therefore, his speech deals with these three grievances : first, for not implementing the family planning programme in some of the States. Secondly, not giving

[Shri R. D. Bhandare]

justice and proper allocations to the Southern States because of the reduction in the population, by the Finance Commission, and thirdly, it dealt with political grievances in respect of language and the services.

The main question is, do these three types of grievances entitle the hon. Member to come forward with a measure which seeks to amend the Constitution which has laid down a principle that representation should be given to the people in States in accordance with the population figures? Mr Chairman, you are quite aware of the fact that our Constitution has accepted what is known as the principle of equality of the people. This principle has been accepted by various countries and enshrined in their Constitutions. The founding partners of our Constitution have also accepted the principle of equality of the people and that representation to be given in accordance with the population of a particular State in the legislatures and in Parliament. Should we give up that principle? Is it a new phenomenon so far as our country is concerned, namely, because of a reduction in pepulations we should go back to the out-dated census report of 20 or 30 years back?

Have the other countries given up this principle of equality of the people? What is the argument assigned, apart from the three grievances I have enumerated for the amendment of the Constitution? My first submission, therefore, is that these grievances are not sufficient enough to amend the Constitution and giving up the principle of equality of the people enunciated and incorporated in the Constitution under articles 81 and 82.

While I presume that hon. Members may be aware of similar provisions and similar provision about the equality of the people incorporated in the different constitutions of the different countries of the world, I may report with your permission that the same principle is found in the Constitution of the United States of America. Article 1, section 2 (3) of that Constitution provides that for enumeration of census at the interval of only 10 years in such a manner as the Congress may by law direct and the representation of the people should be given to accordance with the population existing in a particular State. This principle is there in the Constitution of the U.S.A.

The same principle is found, for giving representation to the people in accordance with the population basis, in the Constitution of the USSR. I have forgotten that article. Of course, the basis of the working of a people's democracy is totally different. According to that article—I think it is article 136—in the USSR Constitution, the party is the nucleus and the party alone has the right since it is the vanguard of the people and the working classes.

Therefore in a sense, representation is given to the people, may be according to the party basis, but the fact remains that the population of the people has been taken into consideration even in giving representation to the autonomous States or the federal State. That is the Constitution of the USSR.

Similarly, let me refer to the Constitution of Canada. The same principle is available there. It has been incorporated in the Constitution. I need not take the time of the House by reading the article *in toto*. But I will refer to some portions of it. Section 51 of the British North America Act provides to note "on the completion of the census in the year 1871 and at each subsequent decennial census, the representation of the four provinces shall be readjusted by such authority in such manner and for such time as the Parliament of Canada from time to time provides." The same principle is, therefore, incorporated there also. It is also found in our Constitution. The Constitution of Eire also has accepted the same principle. Our Constitution, therefore, or rather our founding fathers in their

wisdom have accepted and enshrined that principle.

According to the latest census figures and population, representation is given to that State or to that constituency which ought to be delimited according to the Constitution, and that constituency should be so delimited as to give proper representation on the basis of population, translating thereby the principle of equality of the people which has been the basis of article 81 and article 82. Therfore, if this principle has found acceptance over the world and accepted by the people all over the world in their different Constitutions, should we give up that principle because some of the States have failed to implement the family planning programme ? By increasing the population, should we amend the Constitution, or should we insist on such a remedy ? If there is to be a remedy, the remedy lies in the family planning programme vigorously. That should be the remedy, and the amendment of the Constitution cannot be considered to be a proper or wise remedy. Therefore, let us retain the provision as it is.

We have from time to time, according to the census figures, passed the Delimitation Act. The Delimitation Act 1952 came after the census of 1951 and after the census of 1961, Delimitation of Constituencies Act was passed in 1962.

Therefore, we are following a certain principle and certain methods of procedures which have been enjoined upon us by the Constitution itself.

Coming to the question of their grievance regarding the finance and distribution of revenue, I would appeal to the public men of the southern States to make out their case and fight it out with the Finance Commission.

AN HON. MEMBER: We have been fighting for so many years.

SHRI R. D. BHANDARE: Please continue to fight. Ultimately wisdom must prevail on the Finance Commission to take into consideration those four factors, namely, collection, population, backwardness and necessity of a particular State.

I have gone through the different reports of the Finance Commission and I have seen how they have changed and modified their views and principles from time to time. Now we are reaching some finality. I hope that before we reach the final stage of that finality, if you continue your efforts, you will suceed in getting certain specific, clear, principles, which would not be changed or modified in future.

I hope you will do it.

Now, regarding the bonus and the distribution of revenue and payment of grants by the Union...(*Interruption*) I do not find fault with your fight, Since you have not been able to succeed so far, I am advising you to continue your fight until you suceed. I appreciate your problem and the sentiments behind the speech made by the hon. Member. So far as the distribution of revenue and payment of grants by the Union is concerned, it is a matter to be dealt with by the National Development Council. Have we not evolved a forum, a nexus, between the Centre and the States in the gamut of Centre-States relationship that we thrash out certain problems in the National Development Council ?

I have gone through the Report which was submitted only yesterday the extracts of which have been published in today's papers. The *Times of India* has given extracts elaborately. Ever since your Party has got certain powerful voice in the House and ever since Shri Manoharan spoke, for the first time, in the month of March, 1967, I was the first man to deal with the position of the

[Shri B. D. Bhandare]

Centre-States relationship incorporated in the Constitution. We have developed certain nexus. There is some constitutional arrangement and we have also evolved certain extra-ordinary-extra-constitutional methods whereby the nexus is established between the Centre and the States. For example, there is the Planning Commission or, to give you an other example, there is the National Development Council. If you want to fight for more money and finance, you should take up the matter in the National Development Council. I am certain that your Chief Minister is powerful enough to enable his voice to prevail upon in the National Development Council. I have no doubt whatsoever, not the slightest possible doubt about it. As a result of that powerful voice, the Central Government is also from time to time allocating certain sums which are the cause of grievances made by some of the other States. Anyway, I am not dealing with that problem at all. My appeal to you is that you should take up the matter with your Chief Minister and ask him to fight your Case in the National Development Council.

Sir, with these words, I think, no useful purpose will be served by amending the Constitution and I hope that my hon. friend will seek the remedy in the proper forum and withdraw this Bill if he can.

SHRI SOMNATH CHATTERJEE (Burdwan) : Mr. Chairman, Sir, the Bill that we are considering today relates to the amendment of the Constitution. Articles 81 and 82 are proposed to be amended to provide for representation in this House on the basis of 1951 census figures.

So far as we on this side of the House are concerned, we appreciate the sentiments that have prompted the hon. Member to move this Bill. But we wish to make an objective study of the proposed amendment. I request the hon. Mover of the Bill also to consider it on that basis. It is not a question of either north or south, or north vs—south. After all, what is being proposed to be done is to amend the Constitution itself which is the organic law of the country as a whole.

We cannot amend the Constitution and make a provision in regard to the representation in the House of the People on the basis of the failure or success of the family planning programme. It requires something more than that. So far as the total number of membership of the House of the people is not to be altered as is provided in article 81, we feel it will be creating an unreal situation if on the basis of the 1951 census figures we go on having representation in the House of the People. That will result in giving preference of weightage to particular States and creating an unreal situation so far as the total population is concerned. An increase or decrease in population may not be only due to the success or failure of the family planning programme. There may be diverse causes and reasons for it.

Coming from West Bengal as I do, there has been a great increase in the population of West Bengal for causes wholly beyond the control of the State Government. So many other factors are also there. I do not wish to place it before the House from the point of view of a particular State. Here, we are considering an amendment of the Constitution which is applicable to the country as a whole. Therefore, to consider representation in this House only on the basis of a particular census figures, and for that matter of 1951, will create an unreal situation. It will not take note of an increase or decrease in the population for diverse reasons. So far as we on this side of the House are concerned, we feel that a proper representation in the House depends on a completely different structure than as it is contained in article 81 of the Constitution. We feel

that until and unless the House represents different classes, different societies, as a whole, it does not truly reflect the representation of the total population in the country. This proposed amending Bill does not take that into consideration. It only seeks to retain the total number of membership. The basis of population is also maintained. The only difference that is sought to be achieved is to perpetuate the representation that has already been given on the basis of the 1951 census figures

Our submission is that so far as the question of representation in this House is concerned, it has to be related on the basis of population which is sought to be retained. But it must take note of the difference in the population, either increase or decrease in the population. For that purpose, the census figures have to be taken into account. For that matter, only the current census figures have to be relied upon. Therefore, we regret that we are unable to support the hon. Member who has moved this Bill. This is so far as clauses 2 and 3 of the Bill are concerned.

Clause 4 raises a very important question, namely, the allocation of revenues between different States. For that matter, we from our part of the country also feel very strongly about it. I am very glad that the Tamil Nadu Government has set up a Committee consisting of very high dignitaries and well-known persons. They have given a Report the extracts of which have appeared in today's papers. The Committee is asking or suggesting for re-orientation in the Centre-States relationship and suggesting a re-thinking on it. We do feel and we have demanded that the States must have greater resources that what they are being given now-a-days.

16.00 hrs.

We are at one with the hon. Mover, and in fact, We have demanded this, and if I may say so, we shall be asking the Central Government to reconsider the position, and if necessary, we shall also try to move appropriate Bills for the consideration of this House so that the entire Centre-State relationship and structure is reconsidered and the States are given their due position in the federal structure of India, so that we may not have to rush to Delhi for the purpose of meeting our own needs, when large amounts of resources are being realised from the States and given to Delhi and are not given back to the States from which they are coming. Therefore, it requires a complete overhaul of the entire Centre State relationship as now laid down in the Constitution of India, which does not fulfil the aspirations of the people of the different States.

We cannot be subservient to the centre for all time. We are providing the centre with funds, and we cannot bend our knees before the Centre for all time for the purpose of meeting our needs.

Therefore, I would request the hon. Mover not to press this particular amending Bill, but if necessary to come forward with a proper amendment to the Constitution which will take note of the maladies that have crept in because of certain provisions of the Constitution of India in the bodypolitic of India as a whole, and give a complete reorientation to the provisions especially the financial provisions as are enshrined in the Constitution of India today.

There is a provision in the Constitution for the setting up of an inter-State council, which has not been given a shape as yet. We have demanded that various subjects which are now either in the union or Concurrent List should be assigned to the State list only, because after all, the States are functioning in their areas and they have been given certain powers only, but not all the powers. They have their obligations, but they have not their rights. They have not the financial resources. Therefore, it requires considerable change and re-thinking about

[Shri Somnath Chatterjee]

how several articles of the Constitutions can be amended or altered.

The amendment which has been proposed by the hon Mover does not in our submission meet with the real equipments of the situation We feel that unless and until there is a real approach made to solve these problems, piece meal provisions like this would not help very much.

Before I conclude, I would like to assure the hon. Mover that we have been considering these proposed amendments from a purely objective point of view Although we appreciate his sentiments, yet, I whould like to submit that this is a matter which must depend upon an objective assessment of the situation I wish to assure my hon. Friend that we have got nothing against the State of Tamil Nadu on the contrary, we have the most fraternal feelings for the people and the Government of Tamil Nadu, and I would request my hon Friend not to treat our opposition from the point of view of any particular State or any particular parts of the people of any particular State From an objective point of view, we feel that this Bill will not be worth-while That is why I would request the hon Mover not to press this Bill in its present form He can bring forward new legislation to meet the requirements of the situation, and we shall certainly consider it on a proper and objective basis

SHRI N. SHIVAPPA (Hassan) I rise to make some salient constitutional points for the consideration of the hon Mover of the Bill. I think that he has completely lost sight of the very objective with which this Bill ought to have been brought forward, namely the economic point of view. I am glad that he ventured to exploit the achievement made by Tamil Nadu so far as the success of the family planning operations are concerned, and my hon. friend who spoke earlier has already complemented him on this, I think this particular aspect is mostly regressive in nature. After all, we are living in a world of progress and committed to progressive policies and programmes When that is our commitment when that is our aspiration, I do not know why we have to go back from 1971 to 1951 Considering what is basically in the mind of the hon Member in adducing this argument, may I quote to him a little bit of statistics? The States reorganisation took place in 1956 With that, Madras State lost one or two seats But it was not because of any significant result in the family planning drive but mainly because of the loss of certain areas from that State Some areas formly in the State were divided, some portion was added to Madras from Andhra, some have been given to Mysore For example, the South Kanara district which was in Madras and many other parts which were in Madras were given to Mysore That means loss of a town or area with a population sufficient to elect two MPs It was a considerable loss of population. That being so, to think in 1971 that it is the success of the family planning drive that has been responsible for this decrease in population and so we should go back to the year 1951 when the position was not so, and to make it the ground for such a constitutional amendment looks too small a point for this August House to consider.

I hope my hon friend will also bear with me if I give him some more information. Take the Andhra Pradesh and Madras (Alteration of Boundaries) Act of 1959. Under Parts I, II, III, and IV thereof, something like 300 villages had been left out from the area of the Madras State. This would constitute not less than one big parliamentary constituency. How can this be compensated by bringing the argument of the reduction of population by the family planning drive. That argument brought as a reason for the amendment of the Constitution in a Private Member's Bill like the one we are considering does not seem to have any bearing on the point,

Again, under the SR Act of 1956, Madras lost a considerable part of Chittoor district to Andhra and also some parts of South Canara and some other parts to Mysore.

SHRI DHANDAPANI (Dharapuram): In 1962 our representation was 41; in 1967 it came down to 39.

SHRI N. SHIVAPPA: After 1956, whichever party may have been in power, whatever may be the legal aspect, both the concerned Governments, the partner Governments committed themselves to exchange the boundaries and in the process, the Madras Government lost a considerable part of its erstwhile population. That means you are going back to 1951. You are bringing forward this Bill now and say that we have to go back to 1951: If you have got a population problem, let us see what you say? What is the real shortage of the population which has really hit your representative character? Where is the case? The word is: the preceding census. It is a constitutional provision. For that you want to have the census held in 1951. You want the Constitution to be stagnant and there should be no flexibility. But some other committee to be formed now and then once in ten years or so for giving representation to the people as and when population grows. Either on the family planning front or on some other front, it is not desirable for Parliament to have it rigid as in 1951. What case has been made out that it should be 1951? There is no reason why it should be 1951. No case has been made out.

The financial aspect comes under 281. We are glad our great stalwarts, educationists, retired judges and sitting judges contribute all their intellect and experience to certain things in the Constitution. When we want to change it for the progress of the really deserving people, whenever socialist programmes and policies are introduced or implemented we find them not co-operative from that corner. If there are some committees at the instance of Madras or Mysore or U.P. and if they do these things, what will be the fate of this supreme body? I want to inform the hon. Mover that he should have brought before this House a Bill in a different manner. He may want to appoint some other committee to probe into the feasibility or economic viability as to what should be done in respect of a particular matter, whether a quota should be taken out from the Central Government for that part of the country. We have a programme to encourage backward areas, whether in Madras or Mysore. That is our policy. If the Opposition people are co-operative with us, schemes will be implemented and we shall welcome that. There should be financial allocation from the Centre through constitutional methods by means of investigation, feasibility, etc. on a national basis. Why should there be a constitutional amendment for article 280 or 281? All the resources that the Centre is getting are to be distributed through the agency of the people and we are the voice of the people here and we are sitting here. Are we to be guided or directed to by some small minor committee which is to be set up by some State?

We take strong objection to it. When we see some States are developing some disintegrating tendencies, methods and manners in a federal or unitary structures of our country, when we have got our own structures, when we have got our own unitary system, and this Central Parliament, why should we not ask the Parliament to deliberate this, at our own instance, and ask that a Committee be appointed to proble into the matter? Instead of that, for a particular State, for a particular reason, if one such amendment is to be made, then some of my friends are opposing the amendment and rightly so on the ground that the Constitution is in the interests of the nation and its progress. When some talk of more power, nobody will raise his hand and say that the Constitution should be amended. When it is a talk for the sake of some Supreme Court judges or high court judges or some others, the privileged class, then of course the fundamental

[Shri N. Shivappa]

right is always there, the green signal is to be given, nothing to be touched This is how we are thinking These are smaller things. Let us be broad and let us have a broader thinking let us have a broader outlook to see that something is done only within the ambit of the Constitution

There is absolutely no necessity for a Bill like this to amend the Constitution on this ground There is every opportunity, there is every provision, which is enshrined in our Constitution through which we can constitute anybody, we can constitute somebody at the instance of the Government, with the co-operation of all sections of the House, and thereby some relief can be given to the government or the people concerned Or, this Delimitation Commission will come again within 10 years to go into it If you are interested in raising the population, you will so deal with family planning and raise the population and take a greater quota. But is it our intention to see that Parliament should give representation by having say, a thousand Members here ?

So, this is not the object with which we have to function Therefore I request the Mover to withdraw this Bill in the broader interests of the nation and to safeguard the Constitution and the intention of the framers of the Constitution

I thank the Chair for the opportunity given to me to spell out my thoughts on this Bill

श्री आर० वी० वडे (खरगोन) यह जो कांस्टीट्यूशन बिल हाउस के सामने लाया गया है इसके जो उद्देश्य है उनमे यह लिखा हुआ है

"It is seen that the main reason for decrease in population in the State was the effective implementation of the Family Planning Programme by this State,'

इसका मतलब यह है और माननीय सदस्य का कहना यह है कि तमिलनाडु में चूंकि फैमिली प्लानिंग सफल हो गया है और उस कारण से उसकी जन संख्या कम हो गई है, इस वास्ते 1951 की सैंसस फिगर्ज को लिया जाना चाहये। यह जो कारण बताया गया है ठीक कारण नही है। 1951 से लेकर 1971 तक मध्यप्रदेश या दूसरे प्रदेशो मे पापुलेशन बढ़ गई है। चूंकि वहाँ की पापुलेशन बढ़ गई है इस वास्ते वहा के लोगो को प्रतिनिधित्व देने मे वंचित रखना ठीक नही होगा। उनका प्रापर रिप्रिजेंटेशन हाउस मे न आए, ऐसा करना ठीक नही है। इन स्टेट्स का यदि इस बिल का यह उद्देश्य है कि प्रतिनिधित्व देने मे वंचित रखा जाये तो मै उसको अपील करता हू उसका विरोध करता हू। मुख्यत इस बिल को लाने का एक कारण यह बताया गया है कि 1951 के बाद तमिलनाडु मे फैमिली प्लानिंग प्रोग्रेस की वजह से जनसंख्या कम हो गई है। मै नही समझता हू कि जनसंख्या कम होने का यही कारण है। इसके और भी कारण हो सकते है। मद्रास मे बेरोजगारी होने की वजह से बहुत से लोग, बहुत सी वहाँ की पापुलेशन वहाँ से मध्य प्रदेश मे आ गई है बम्बई मे चली गई है तथा अन्य प्रदेशो मे चली गई है। इस कारण भी हो सकता है कि तमिलनाडु की पापुलेशन कम हो गई हो। मै नही कहता हूँ कि वहाँ फैमिली प्लानिंग सक्सेसफुल नही हुआ है। हुआ होगा। लेकिन उसका रिवार्ड उसकी बख्शीश क्या यह देनी चाहिये कि 1951 की जो पापुलेशन उसकी थी उसका मान कर उसको रिप्रिजेंटेशन दिया जाए ? इस तरह से करना गलत होगा। ऐसा करना बाकी प्रदेशो के प्रति अन्याय करना होगा।

1951 रखने का क्या कारण है ? इससे इनको फायदा होता है इनके सिवा और कोई कारण नही बताते है। 1949 क्यों नही रखते है ? जो मुख्य उद्देश्य सविधान मे लिखा हुआ है, मै समझता हू कि उसको ही ये खत्म करना चाहते है। यह उद्देश्य—81 वें आर्टिकिल मे लिखा हुआ है —

"There shall be allotted to such State a number of seats in the House of the People in such manner that the ratio between that number and the population of the State is so far as practicable the same for all States"

इक्वेलेटी का जो प्रिंसिपल सविधान म दिया हुआ है, इस इक्वेलेटी के प्रिंसिपल को ही ये खत्म करना चाहते है।

इसलिए मै समझता हू कि 1951 के सैन्सस को आधार बना कर यह बाकी प्रदेशो के साथ अन्याय कर रहे है। वह कहते है कि कुछ प्रदेशो मे पापुलेशन के बढने का कारण यह है कि वहा के लोगो ने फैमिली प्लानिंग को नहीं अपनाया। मेरे विचार मे पापुलेशन बढने के और भी कई कारण है। उदाहरण के लिए चूंकि आदिवासियो मे बहुपत्नी प्रथा प्रचलित है, इस लिए उनकी पापुलेशन ज्यादा बढने की संभावना है। मध्यप्रदेश की पापुलेशन बढने का एक कारण यह भी हो सकता है। मेरा कहना यह है कि जिन प्रदेशो की पापुलेशन बढ गई है, उनके प्रति अन्याय क्यों किया जाये। यदि माता-पिता फैमिली प्लानिंग न करें, तो उनके बच्चों को उन के अधिकारो से वंचित नही किया जाना चाहिए। चूंकि यह बिल मूलभूत इक्वेलिटी के प्रिंसिपल के खिलाफ है, इस लिए मैं इस का विरोध करता हूँ।

1949 मे कॉस्टीट्यूएंट एसेम्बली के सामने भी यह सवाल आया था। उस की डीबेट्स के पेज 408 पर यूनियन कॉस्टीट्यूशन कमेटी की रिपोर्ट का यह भाग दिया गया है,

"The Committee did not go into the details of the revised scheme of allocation of seats in the Council of States prepared by office, as owing to mergers of various types the position of the Indian States is still unsettled. They were of the view that it was advisable to postpone consideration of the detailed allocation of seats to a later date The Committee while reiterating their previous decision that the representation of units in the Council of States shall be on the scale of one representative for every million of the population up to five millions of the population plus one representative for every additional two millions of the population thereafter, considered it unnecessary to adhere to the other decision that the Maximum number of representatives from any one unit shall be limited to twenty five It was found that only two States, namely, Madras and United Provinces would be affected by the imposition of such a limitation and that an abrogation of this limit while securing uniformity would involve only an increase by seven seat in the total number of seats which would be well within the overall maximum of 250 members provided for in article 67 (1) of the Draft Constitution."

इस म कहा गया है कि इस प्रोविजन से मद्रास और उत्तर प्रदेश के साथ थोडा अन्याय होगा, लेकिन फिर भी कॉस्टीट्युएन्ट एसेम्बली ने इक्वेलिटी को कायम रखने क लिए आर्टिकल 81 और 82 पास किये।

माननीय सदस्य 1951 की सैन्सस को आधार बनाना चाहते है। अगर 1949 या

[श्री आर० वी० बडे]

उससे पहले की पापुलेशन फिगर्ज ले, तो मध्य प्रदेश को लाभ हो सकता है। मैं समझता हू कि माननीय सदस्य 1951 के सैन्सस की बात इस लिए कह रहे है कि इससे उनकी स्टेट को फायदा होता है।

माननीय सदस्य ने यह सशोधन रखा है कि स्टेट्स को जो ग्रान्ट दी जाती है, वे 1951 की सैन्सस के आधार पर दी जाये। मै इस बात से सहमत हू कि स्टेटस को ग्रान्टस देने मे अन्याय होता है। मध्य प्रदेश को मिलने वाली ग्रान्ट के बारे मे हमने कई बार आवाज उठाई है कि केन्द्र से हमको पूरा पैसा नही मिलता है। लेकिन उस का मतलब यह नही है कि हम उस बारे मे 1951 की सैन्सस को आधार बना ले। ग्रान्ट्स के सबध मे जिन स्टेट्स के साथ अन्याय होता है उनको अपनी ग्रान्ट्स मे वृद्धि कराने के लिए प्रयत्न करना चाहिए। मै नही समझता कि ज्यादा ग्रान्ट्स प्राप्त करने के लिए कास्टीट्यूशन मे अमेन्डमेंट किया जाना चाहिए। इसके और तरीके है।

चूंकि इस बिल मे दक्षिण प्रदेशो के साथ यह कह कर अन्याय किया जा रहा है कि वहां फैमिली प्लानिंग सक्सेसफुल नही हुआ है, इस लिए मैं इसका विरोध करता हूँ।

SHRI N. K. P. SALVE (Betul): Mr. Chairman, I rise to oppose this Bill totally, not because I am opposed to any large representation to the State of Tamilnadu in this chamber, nor am I opposed to more just and equitable allocation of funds from the Centre to Tamilnadu—in fact, it would be over-simplification of the entire matter to say that the Bill purely seeks these two added facilities and concessions for Tamilnadu, namely, larger representation in the House and better allocation of funds from the Centre—but because the Bill dislodges and dispenses with a cardinal and a very basic and fundamental concept on which our entire polity and our Constitution has been built up.

This Bill in fact hits at the root of the equality of people to which Mr. Bhandare referred. He brought in a lot of erudition in his speech, I wish to confine myself to the common point only. The object has been fairly well explained in the purpose of the Bill. I was wondering whether there is a case to be considered. After I heard the arguments of the learned Mover of the Bill I am ever more convinced that this Bill deserves out right rejection, the sooner we do it, the better it will be.

Sir, I can understand the grievance of the Mover of the Bill. His grievance to my mind, is this. That is, the people of Tamilnadu were sensible enough after 1951 to implement the teachings of the Family Planning Department, they behaved with certain caution and restraint and discipline in the bedroomms after 1951 and as a result of that there is a direct penalty to the people of Tamilnadu.

SHRI MURASOLI MARAN: We took it up only after 1951.

SHRI N. K. P. SALVE: That is, ought we to penalise anybody retrospectively? Why did they not do it before 1951?

Why should they not be penalised retrospectively?

SHRI MURASOLI MARAN: I said, we took it up only after 1951 ...

SHRI N. K. P. SALVE: If all the States want to undo the damage, how can they do it retrospectively now? That is the point. There should be a fair chance. That is his grievance. I appreciate the

argument. His point was this. The Tamilnadu citizens, as responsible citizens took the Famil Planning programme more seriously. There are other States also. They took this programme seriously and therefore they must not be penalised. That is absolutely clear. All right; but then, is this the only way?

Is this the only manner, the only method, by which the grievance—if at all genuine—could be redressed? Would it make any difference if insted of 30, there would be 32 Members here? My responsible submission is that that by itself would not make any difference such.

Nor, Sir, do I see any point in the contention raised by the Mover of the Bill that the existing provisions of Art. 81 in the Constitution is giving a tremendous incentive to the success of family planning. This is contrary to human psychology. Can a man behave himself, because he is worried that as a result of his misbehaviour there is going to be lesser representation or more representation to the Lok Sabha? As I said, it is a common-sense point of view. I am not a constitutional lawyer.

Argument have been advance. It has been said that Art. 81 as it is enshrined postulates or contemplates representation to States on the basis of population. People would not take family planning teachings very seriously, for, if they take it seriously, representation in this chamber would be less. Sir, rarely have I heard arguments which are more fantastic than this. They have no idea; it makes little difference to people whether there are 30 representatives of Tamilnadu or 31 or 32, 33 or 35. 35 of them can do as good work as all 520 of us put together. So, there is no qualitative evaluation.

After all, the Mover seems to reduce the entire human problem to a simple mathematical formula like the Malthus theory. He worked this out with some geometry and came out with certain Malthusian proposition on population—someone said he propounded this theory without consulting his wife and that is why the human aspect was completely forgotten. But. Sir let us not be guilty of amending the Constitutions without proper consultations. If one were to see carefully and examine the scheme of Article 81, one would find that in terms of Article 81, the entire country is divided into territorial constituencies in different States.

There are 500 such constituencies and 25 constituencies for the Union territories. The Constitution as such does not speak of so many seats per state. It postulates that five hundred people would be elected to this Chamber and would consider the interests of the country or the national interests Over and above any parochial or narrow interests. My very serious objection to all that has been stated today is this, Voluminous statistics have been quoted by my hon. friend. I was simply overwhelmed by it; I am a student of accounts, but I was overwhelmed by the statistics I was reminded of the saying that there are three types of lies, namely lies, damm lies and statistics.

MR CHAIRMAN : The hon. Member may continue his speech on the next occasion.

16.31 hrs.

The Lok Sabha adjourned till Seventeen of the Clock

The Lok Sabha reassembled at Seventeen of the Clock

[MR. SPEAKER *in the Chair.*

GENERAL BUDGET, 1971-72

MR. SPEAKER : The hon. Finance Minister.