

**SHRI BHADRESWAR BURAGOHAIN:** Madam, I have got a very serious and important matter concerning Assam.

**THE DEPUTY CHAIRMAN:** About Assam, can we not take it up after the Constitution (Amendment) Bill?

**SHRI BHADRESWAR BURAGOHAIN:** This is a different one.

**THE DEPUTY CHAIRMAN:** What is that?

**SHRI BHADRESWAR BURAGOHAIN:** Assam is in turmoil again. It is on the verge of explosion.

**THE DEPUTY CHAIRMAN:** We can take it up later.

#### RE. SITUATION IN ASSAM

**SHRI BHADRESWAR BURAGOHAIN:** Madam, the All Assam Students' Union leaders have resorted to a hunger strike since the 25th of this month. It has already crossed 87 hours, and most of the students' leaders have fainted and they are now in the hospital. The State Government in Assam is challenging the students. They are not heeding to the demands of the students. Therefore all the people, the men and women, are likely to come to the street. I urge the Government to save the situation in Assam. The students are demanding judicial enquiry into the incidents of excesses and atrocities committed by the army in Assam at various places. We visited those places. The students are also demanding withdrawal of army from Assam. In order to press their demands, they are going on indefinite hunger strike in Assam for which we have full support. One Pallavi Parag, a girl student of Dibrugarh fainted and she is now in Assam Medical College hospital. The Vice-President of Nowgaon unit of AASU, Rajib Kumar Hazarika has been hospitalised since last night. All the four AASU leaders fasting at Borpeta were arrested by the police and are now kept in the jail with no medical aid provided of them. Since the State Government is in a

challenging mood, I would urge upon the Central overnment to rise to the occasion and save the situation in Assam forthwith.

**THE DEPUTY CHAIRMAN:** Now the Constitution (Seventy-first Amendment) Bill.

#### THE CONSTITUTION (SEVENTY-FIRST AMENDMENT) BILL, 1990

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI K. VIJAYA BHASKARA REDDY):** With your permission, I move:

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

Madam, the Bill .... (*Interruptions*).

**SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh):** Madam, we have two Amendment Bills before us, one is Seventy-first, and the other is Seventy-sixth. Just now I received a notice of amendment from the Government with regard to the Constitution (Seventy-Sixth Amendment) Bill, 1992, and the proposed amendment to be moved by the Law Minister says: "That at page, 1, line 3, for the word "Seventy-sixth", the word "Seventy-first" be substituted." We already have the Seventy-first Amendment Bill before us. My clarification to be sought is whether the Minister wants Seventy-sixth Amendment Bill to be known as Seventy-first Amendment Bill.

**SHRI KAMAL MORARKA (Rajasthan):** How can both the Bills relate to Seventy-first Amendment? They cannot. Please correct it.

**THE DEPUTY CHAIRMAN:** The Minister will explain.

**SHRI KAMAL MORARKA:** We never had such inefficiency from the office. Both the Bills are Seventy-first Amendment Bills!

**SHRI SHANKAR DAYAL SINGH (Bihar):** How are we going to participate?

**SHRI K. VIJAYA BHASKARA REDDY:** This Government cannot be as inefficient as the previous Government. We are aware of it. Madam, this is the Bill which was introduced in 1990 .... (*Interruptions*).

**SHRI KAMAL MORARKA:** Is it seventy-first or seventy-sixth amendment Bill? You have given us two Bills and both are going to be seventy-first amendment Bills! These two are different Bills. And you are commenting on the efficiency of the previous Governments.

**SHRI SHANKAR DAYAL SINGH:** You see the revised list of business ....

**SHRI KAMAL MORARKA:** We are not here at your mercy.

**SHRI SHANKAR DAYAL SINGH:** Now, Madam, he is going to move the Bill. Here is the revised list of business and you can see the last two items. You have already mentioned here items 1 and 2, that is, Seventy-first Amendment Bill and the other is Seventy-sixth amendment Bill.

**THE DEPUTY CHAIRMAN:** Let the Minister explain.

**SHRI K. VIJAYA BHASKARA REDDY:** I am moving the Bill as introduced by the previous Government in 1990.

**SHRI KAMAL MORARKA:** He must tell us whether it is Seventy-first Amendment Bill or Seventy-Sixth Amendment Bill. If he does not know the subject, somebody else can move the Bill .... (*Interruptions*).

**THE DEPUTY CHAIRMAN:** If one person asks the question, he can answer, but if three people are asking questions, how can he answer?

**SHRI DIPEN GHOSH (West Bengal):** He has questioned the efficiency of the previous Government.

**SHRI V. NARAYANASAMY (Pondicherry):** Without hearing the Minister, why are you putting questions? (*Interruptions*)

**THE DEPUTY CHAIRMAN:** Mr. Minister, what they are saying, as I understood, is that, there is the Seventy-sixth Amendment Bill and there is also the Seventy-first Amendment Bill. Now, an amendment has been circulated which says that the word 'Seventy-sixth' should be substituted by the word 'Seventy-first'. Their point is that how there can be two separate amendment Bills in the name of the Seventy-first Amendment Bill.

**SHRI KAMAL MORARKA:** Thank you Madam. (*Interruptions*)

**SHRI K. VIJAYA BHASKARA REDDY:** Please have patience to hear me. The Seventy-first Amendment Bill, 1990, is being amended to read as Seventieth Amendment Act, 1992. (*Interruptions*)

**SHRI KAMAL MORARKA:** The Minister must apologise for this error. (*Interruptions*)

**SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra):** The Minister has explained the position. There is nothing in this. (*Interruptions*)

**SHRI KAMAL MORARKA:** We are not here at your mercy. (*Interruptions*)

**SHRI K. VIJAYA BHASKARA REDDY:** I would like to refer to the amendment. It says 'That at page 1, line 3, ....' (*Interruptions*) If you do not understand, what can I do?

**SHRI DIPEN GHOSH:** Madam, on a point of order.

**THE DEPUTY CHAIRMAN:** According to the Secretariat, the papers, along with the amendments, have been circulated in today's *dak*. You must have received it. I will read out the amendment, as circulated. It stands in the name of Shri K. Vijaya Bhaskara Reddy. It says: '2. That at page 1, line 3, for the bracket, word and figure (Seventy-first) Amendment, 1990, the bracket, word and figure (Seventieth) Amendment, 1992 be substituted. (*Interruptions*)

**SHRI KAMAL MORARKA :** Ministers cannot think that Parliament is at their mercy. We are not at their mercy. You must know it. *(Interruptions)* I am not here at their mercy. The Minister should have answered. He should have apologised for the error. *(Interruptions)* You have the cheek to tell us. *(Interruptions)*

**THE DEPUTY CHAIRMAN :** Mr. Kamal Morarka, why are you so agitated? Now, the matter is clear.

**SHRI DIPEN GHOSH :** Madam, you have said that an amendment to the Constitution (Seventy-first) Amendment Bill has been circulated. But the Revised List of Business, which was also circulated along with the reported circulation of the amendments, lists two Bills, namely, the Constitution (Seventy-first) Amendment Bill, 1990, and the Constitution (Seventy-sixth) Amendment Bill, 1992. If the amendment, as you have said ....

**THE DEPUTY CHAIRMAN :** As I have read.

**SHRI DIPEN GHOSH :** As you have read.

**THE DEPUTY CHAIRMAN :** I do not say. I only read what is before me.

**SHRI DIPEN GHOSH :** If the amendment was circulated to the Members, with the Parliamentary papers, this should also have been corrected. *(Interruptions)*

**SHRI P. UPENDRA (Andhra Pradesh) :** We have to adopt the amendments.

**THE DEPUTY CHAIRMAN :** I am getting the explanation from the Secretariat. I will explain to you.

**SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu) :** The complaint was that it was not circulated. I would like to know whether it was circulated or not. *(Interruptions)* The question of apology comes in only if the paper was not circulated at all. Therefore, I would like to know whether it was circulated or not.

**THE DEPUTY CHAIRMAN :** There is some explanation regarding the Revised List of Business.

**SHRI MURLIDHAR CHANDRAKANT BHANDARE :** I have got the paper which was circulated. If others have not got, they have not cared to look at their papers very carefully.

**SHRI KAMAL MORARKA :** We are to go by what we are given

**THE DEPUTY CHAIRMAN :** I will make an enquiry and find out whether some Members did get and did not get. Now allow the Minister to go ahead. *(Interruptions)* It was circulated according to my information from the Secretariat.

**SHRI K. VIJAYA BHASKARA REDDY :** I have given notice of this amendment yesterday itself. *(Interruptions)*

**THE DEPUTY CHAIRMAN :** It is for the Secretariat to circulate and not for Mr. Vijaya Bhaskara Reddy.

**SHRI K. VIJAYA BHASKARA REDDY :** I have done everything possible according to law.

**THE DEPUTY CHAIRMAN :** And the Secretariat says that they have circulated.

**SHRI MURLIDHAR CHANDRAKANT BHANDARE :** Please listen to me because I think we are unnecessarily getting excited over nothing. The first question is, and for which I am responsible for causing some heat, whether that paper was circulated. Every time we get our papers in the morning. We have a memo which is issued by the...

**SHRI KAMAL MORARKA :** Madam, be can take the chais outside.

**SHRI MURLIDHAR CHANDRAKANT BHANDARE :** I object to that. This is most unparliamentary. I would request the Chair to give protection. We will not tolerate this, let me make this very clear. *(Interruptions)*

**THE DEPUTY CHAIRMAN :** I think a time will come when I will have to take everybody's class. Now let us finish the Constitution Amendment and then go to the other business.

**SHRI MURLIDHAR CHANDRAKANT BHANDARE :** As far as I remember, that memo clearly states that this was circulated. I will just point out what it says, "Notice of Amendments, the Constitution (Seventy-first Amendment) as introduced ...." Therefore, the notice of amendment was there. Also whenever papers are missing, I have immediately gone to the Secretariat and told them that the paper missing. I do not know whether Mr. Morarka, after seeing this, has lodged any complaint on that matter. Therefore, I will request Mr. Morarka not to say so and also avoid abrasive manner of .... (*Interruptions*).

**THE DEPUTY CHAIRMAN :** I will now ask Mr. Vijaya Bhaskara Reddy to ....

**SHRI KAMAL MORARKA :** Mr. Bhandare, I have never been arrogant when I was the Minister; nor will I tolerate the arrogance of any Minister.

**SHRI MURLIDHAR CHANDRAKANT BHANDARE :** We know and everybody knows it. Let us not go into it. (*Interruptions*). It is too well known.

**THE DEPUTY CHAIRMAN :** Okay, Mr. Bhandare, I am fully convinced and I am sure the House is also convinced.

**SHRI MURLIDHAR CHANDRAKANT BHANDARE :** One more thing I will add that on such small technical matters there is no question of one Member apologising to the other and vice-versa. This should be straightened out in a harmonious and amicable manner.

**THE DEPUTY CHAIRMAN :** All right. That matter is over. Yes, Mr. Vijaya Bhaskara Reddy. I hope there is nobody to pull the chain.

**SHRI K. VIJAYA BHASKARA REDDY :** Madam, I have given the notice on 28th and this is over according to law.

**THE DEPUTY CHAIRMAN :** We expect from the Law Minister to be law abiding.

**SHRI K. VIJAYA BHASKARA REDDY :** I take care of all this.

Madam, I beg to move :

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

Madam, the Members in both the Houses had been raising from time to time a demand for fresh delimitation of constituencies with a view to correct imbalances caused by uneven growth of population in various constituencies. The hon. Members would recall that based on the recommendations of the Committee on Electoral Reforms this Bill was introduced in this House on 30th May, 1990, to facilitate delimitation on the basis of 1981 census without increasing the total number of seats allocated to various States on the basis of 1971 census. The Bill also provides for rotation of seats reserved for Scheduled Castes on the basis of their population in the constituencies.

Since the introduction of the Bill on May 30, 1990 in this House, Census for the year 1991 has also been completed. The Government has accordingly decided to have a fresh delimitation on the basis of 1991 Census instead of 1981 Census as originally envisaged in the Bill. Necessary amendment to this effect shall be moved by me at the appropriate time. The proposal contained in the Bill would meet the long standing demand for fresh delimitation of the constituencies and for rotation of constituencies reserved for Scheduled Castes.

Madam, I commend the Bill for the consideration of the House.

*The question was proposed.*

THE DEPUTY CHAIRMAN : Shri M.S. Gurupadaswamy. I think we should have the voting at about 3.30 p.m.

SHRI K. VIJAYA BHASKARA REDDY : There is another Constitution Amendment Bill which the Business Advisory Committee agreed to pass without discussion. I hope the Business Advisory Committee has also agreed that both the Bills should be passed before 4 p.m.

THE LEADER OF THE OPPOSITION (SHRI S. JAIPAL REDDY) : In the Business Advisory Committee we agreed to complete the second Amendment Bill in one hour, and not without discussion.

SHRI K. VIJAYA BHASKARA REDDY : All before 4'o clock.

SHRI S. JAIPAL REDDY : Okay, all before 4'o clock.

.... (Interruptions) ....

THE DEPUTY CHAIRMAN : Between 3 and 3.30 p.m. It depends on how less the Members speak, how the speed of the speeches is, whether suddenly Mr. Morarka or you or somebody gets agitated or .... (Interruptions) .... She is not here I don't want to name people who are not in the House.

.... (Interruptions) ....

SHRI M.S. GURUPADASWAMY (Uttar Pradesh) : Madam Deputy Chairman, the issue of delimitation of constituencies and the rotation of constituencies has been pending since long. I was one of those who took some interest that there should be an amendmnt of the Constiution to bring about readjustment of constituencies, based on the 1981 Census. Before I say something on this, may I draw the attention of the House and my hon. friend, Shri Vijaya Bhaskara Reddy, to the fact that there used to be annual reports submitted by the Election Commission to the Government and the Government used to place those annual reports on the Table of the House since 1984? Earlier there used to be reports after each election, but Mr. R. K.

Trivedi who was the Chief Election Commissioner at that time, in 1984-85, changed this practice. He said that in future there would be annual reports, and for three or four years reports were placed on the Table of the House. I think, till 1986-87, beginning from 1984-85. After that period, till today no report has been placed on the Table of the House. I would like to know from the Minister what went wrong. It was a commitment made earlier by the Chief Election Commissioner himself. If the annual reports had been placed on the Table of the House or the earlier practice of placing the reports after each election on the Tables of the Houses of Parliament was followed, that would have given an opportunity for the Members of Parliament to debate and discuss the issues of elections. Unfortunately, the issue of election comes at random, the issue of electoral reforms comes at random. We ourselves do not discuss the electoral reforms or the reports of the Election Commission in regard to matters pertaining to elections. Now, that practice, I suggest, was a healthy practice which should be revived and should be adhered to by the Government. In future there should be annual reports, and an opportunity should be given to Parliament to discuss those reports.

Madam, I do not know why the delimitation of constituencies has given up. It was given up because of the amendment of the Constitution itself. There is a freeze on the number of seats for the Lok Sabha and, I think, also for the Assemblies. The number for the Lok Sabha is fixed at 525. Till the year 2000 this freeze will operate. I am not raising that issue at all. I do not know why the delimitation of constituencies or the adjustment or re-adjustment of constituencies after each census was given up under the amendment of the Constitution. That was wrong, and that is being remedied now.

When we were in Government, Madam, we wanted to pass this piece of legislation. Earlier I tried my best when Mr. Rajiv Gandhi was the Prime Minister to tell him that electoral reforms could wait for some

[Shri M. S. Gurupadaswamy]

time and that we should pass a delimitation. The present constituencies for the Lok Sabha and the Assemblies are based on the 1971 Census. After the 1971 Census there have been two censuses more, the 1981 Census and the 1991 Census. Already the population figures have become out-of-date. The population figure on which the territorial constituencies were carved out, has become outdated. Now this omission or lacuna is being corrected by this Amendment Bill. Under this scheme 1.00 P.M. there would be a new delimitation commission. If this Bill is passed, the Government has to bring in another Bill to constitute a delimitation commission. This amending Bill is only a permissive Bill. It takes away the bar preventing the Government from going to move a Bill for delimitation or re-adjustment of territorial constituencies. So, a Delimitation Bill has got to be introduced very soon.

In the past, when Delimitation Commissions were constituted, when they functioned, they were guided by certain criteria while delimiting the constituencies. In the year 1957 or 1958, when the first Delimitation Commission was formed, I think Mr. Sen was the Chief Election Commissioner. They went round the whole country and took public opinion, evidences. They took nearly two years to complete the delimitation of constituencies for State Assemblies and for Lok Sabha. In the Commission there used to be always Associate Members. Even in the future also there will be Associate Members from Lok Sabha and from Assemblies to assist the Commission. They do not have voting rights.

At present the constituencies, which have been carved out, are very old. They are not in tune with the composition of the population in each constituency.

One of the important things in the delimitation is rotation of constituencies or reservation of constituencies for Scheduled Castes and Scheduled Tribes, to be more precise. Since 1952, since the very first

election and afterwards, when there was delimitation in 1957 or 1958, the same Constituencies have been reserved for Scheduled Castes and Scheduled Tribes again and again.

In 1952 there used to be double-Member constituencies. That means there used to be very large constituencies, large than a single-Member constituency where both the general candidate and the Scheduled Caste candidate used to contest. The population for those constituencies was larger, more than double sometimes, than the single-Member constituencies. Double-Membership was given up when delimitation was taken up.

SHRI H. HANUMANTHAPPA (Karnataka) : When Shri V.V. Giri lost, Shri Shankaranand followed.

SHRI M.S. GURUPADASWAMY : Yes.

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI M.L. FOTEDAR) : No. It continued up to 1962. It was given up in 1967.

SHRI M.S. GURUPADASWAMY : There were double-Member constituencies

[The Vice-Chairman (Shri Shankar Dayal Singh) in the Chair]

for election. In 1952 there used to be double-Member constituencies and in 1957 also there used to be double-Member constituencies. Later on it was given up. So I agree with you that in the first two elections there used to be double-Member constituencies and later on it was given up. All became single-Member constituencies and reservation was given in certain constituencies for the Scheduled Castes and Schedule Tribes. Since then there seems to be no change at all in the reserved constituencies notwithstanding the fact that there has been change in the composition of the population.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH) : Please hear me. I don't want to interfere or correct you at all. But for your information, I only want to say here that in Bihar, I remember,

there were changes. After 1967 also changes have taken place. This is only for your information.

**SHRI M. S. GURUPADASWAMY:** They have been very marginal, not in the entire country.

**THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH):** You are right. May be possible.

**SHRI M. S. GURUPADASWAMY:** Very marginal, keeping in view the shift in population. But my point is that the reservation of constituencies was not changed for most of the constituencies in India. The same reserved constituencies continued one election after another, till now. So the Government consulted various political parties here. When we were in Government, we also consulted. Rajiv Gandhi Government also consulted. There is unanimity among all the leaders that there is a sound case for rotating those reserved constituencies and same constituencies should not be reserved election after election. They should be changed and there is no dissent on this. I am happy to say this; and we prepared the Bill. We wanted to bring the Bill and pass the Bill but there was no time. Earlier Mr. Bhardwaj had prepared the Bill. It went even to the Cabinet. Somehow the Cabinet did not consider that Bill. It lapsed. I am happy that the Bill has been brought and it has not to wait till you take up the electoral reforms as such. This is a different matter.

Sir, in this context, I would like to suggest on or two things. When the Bill is drafted soon for delimitation, there should be a provision in the Bill that not even one single constituency where reservation has been there should remain reserved. All constituencies should be changed. There should not be any marginal changes. Some other constituencies should be reserved. Those constituencies which are under reservation now should become general and that principle should be incorporated in the Bill itself; otherwise, the Delimitation Commission will play with it.

They are the Judges of the Supreme Court or the High Court with the Election Commissioner there being a Member. They will not have much knowledge and understanding of the constituencies and the associated Members were either from Lok Sabha or from the Assembly. They do not have voting powers. Therefore, I suggest that in the framework, in the format you are going to prepare for delimitation, there has got to be a specific provision that no constituency which has been reserved should be continuously reserved any more either for the Assembly or for Parliament.

Second, while readjusting the constituencies or changing the constituencies, there should not be a plea taken that in a particular area, the population of Scheduled Castes is a little less than the other therefore, the already reserved constituencies should continue as reserved constituencies. That danger is there.

**SHRI K. VIJAYA BHASKARA REDDY:** That does not arise at all.

**SHRI M. S. GURUPADASWAMY:** Quite right. I am only suggesting this out of caution. This has to be there. This has to be kept in mind.

Lastly, Sir, I would make a general suggestion. You should agree that after each census, there should be a delimitation in future. Now, the 1991 Census is also there. After each census, after every ten years, there has got to be a delimitation, a fresh delimitation of constituencies. Otherwise, it leads to a lot of heart-burning. And the composition of the constituency has got to be borne in mind, no doubt. But, as I said earlier, there has got to be a clean sweep and the present constituencies where reservation is there should be completely changed.

Now, as I said, the first Delimitation Commission took two years. I think the second Delimitation Commission also took a long time. There should be a time-frame for delimitation. Suppose elections come immediately. We should be ready with delimitation of constituencies. And this work

[Shri M. S. Gurupadaswamy]

should not be held over. Therefore, immediately after the passing of this Bill, I would like the hon. Minister to bring another Bill for constituting the Delimitation Commission and setting up a time frame for the Commission. I think within nine months or so, the whole work should be finished. Otherwise, I am afraid, in the existing situation you have, when the political situation is so fluid, we are not sure whether we will be ready or not. I was a member, an associate member of the Delimitation Commission. From my experience, I feel that it can be finished within nine months, even within six months, because it is not a fresh delimitation. The first delimitation was a fresh delimitation. It took a long time. I think the future delimitations can be finished within six months even.

With these words, Sir, I support the Bill.

**SHRI H. HANUMANTHAPPA :** Mr. Vice-Chairman, Sir, I do not think that there is anybody in this House who will oppose this Bill. Both the sides of the House have been waiting for this Bill for long and today, the Bill is before us.

I just continue with what M. Gurupadaswamy while, initiating, said. We should generally accept that all the reserved constituencies should be changed. Delimitation is to be attempted on two fronts. One is, the present assembly or parliamentary constituencies should be reviewed. There are certain places where for a population of one lakh, there is a constituency. And there are constituencies with a population of five lakh. Similarly in the case of parliamentary constituencies also, the population ranges from 10 lakhs to 25 lakhs. It is so because the nomenclature and the norms for the delimitation are old. Later on, there has been an increase in population naturally and by rehabilitation. In the outskirts of Bangalore, there is an assembly constituency which has got more than six lakhs of voters. This is the case of an assembly constituency, let alone parliamentary constituencies. So, delimitation should be on an equal basis to every constituency as far as possible. It may not be strict line that you can draw. But as far as

possible, they should be equally populated.

The second point is about rotation. All these constituencies have been reserved for the Scheduled Castes and the Scheduled Tribes for the last 20 years. Of course, the Minister responded by saying that all of them would be changed. Mr. Gurupadaswamy, while he was speaking, mentioned about the Delimitation Commission. Sir, I have a very bad experience with the Commission. The local parliamentarians or legislators who were associated with that Commission manipulated or managed in such a way that those political opponents or rival groups should not get a place. So they ultimately managed to see that the constituency became reserved. They had a man in their mind and they wanted to ensure that that man should not have a constituency. So they made that constituency a reserved constituency. For the last twenty years, they managed in such a way that the constituency became reserved. In my district, two constituencies were manipulated like that and they were reserved. I know the ulterior motive behind it. That thing should not happen.

Secondly, the delimitation work should not take so much of time as two years. There need not be one Commission for the whole country. There can be smaller Commissions for the States through which they can give their reports. Supposing, the Chairman of the Commission happens to be from Himachal Pradesh and he is required to go to Kanyakumari for this purpose, then it would be a bit difficult task. Let there be judges. Let there be a number of Commissions State-wise or with wider jurisdiction so that they can complete the work within three months. It can be done. It is not such a big thing. Mr. Gurupadaswamy referred to a fluid situation. We should be ready for any contingency. We are sure that we will complete the full term in spite of their expectations. (*Inter-ruptions*). It is okay. Though you want it, it may not happen in the case of Dr. Thulasi Reddy also.

Coming back to the reservation portion of it, a number of communities have been added to the Scheduled Castes and Scheduled Tribes list after the last delimitation



in 1960. So the very character of the constituencies has been changed. A number of people have been added to the list and a number of people have been deleted from the list. In fact, there is another Bill which is pending in the Welfare Department, wherein additions and deletions in the list have been mentioned. There are a number of castes which are claiming that they are Scheduled Castes. But they have not been included in the list. Thus they have been deprived of their political rights. There are a number of castes which have been included in the Scheduled Castes list but according to the norms, they are not Scheduled Castes at all. Just because their names were there earlier during the British rule in that list, on the date of independence, those States have sent that list to the Centre and their names have been included in the list though their entry in that list does not conform to the norms of the Home Department. Their names cannot be included in the Scheduled Castes and Scheduled Tribes list. I request the Law Minister to look into aspect and a Bill to this effect may be brought before the House so that we can do real justice to the people of the Scheduled Castes and Scheduled Tribes.

In Maharashtra, the converted Scheduled Castes and Scheduled Tribes people are called neo-Buddhists. As you are aware, Sir, recently, these neo-Buddhists have also been extended the reservation facilities in other spheres. So, while delimiting the adjacent areas of Maharashtra where a large number of Scheduled Castes and Scheduled Tribes have got converted into Buddhists, this has to be taken note of and certain seats have to be reserved to the neo-Buddhists, who now enjoy all the benefits of the Scheduled Castes and Scheduled Tribes.

With these suggestions, I support the Bill.

**SHRI M. A. BABY (Kerala) :** Thank you Mr. Vice-Chairman, for having permitted me to take part in the discussion on this Bill. Sir, it is true that due to a host of reasons, it is high time that we

undertake the exercise of delimitation of constituencies. But, Sir, I am constrained to state that more often than not, this exercise used to be undertaken with certain motives to see that the constituencies are delimited in such a way that it serves certain narrow political purposes. Already my colleagues who have spoken earlier from both sides have referred to this particular aspect. These had been similar experiences in other countries also and there is a term, if my memory is doing justice to me, "gerrymandering" which has come into circulation to denote the peculiar way in which constituencies have been carved out to ensure certain political interests of certain political parties or powerful individuals. Sir, we know that in spite of our commitment to the Constitution of our country and the system of parliamentary democracy which we are practising since independence, many undemocratic practices have been resorted to by powers that be, and there had been occasions when the very essence of democratic process was thwarted. As per the Constitution, there should be elections once in five years or if the ruling party decides to have elections earlier than its completion of full term of five years, there can be elections. We know, Sir, there had been an occasion during internal emergency when in a most undemocratic way, exploiting a captive Parliament, a constitutional amendment was moved to ensure that elections were not held after five years; but we also know how the democratic process could be restored in our country. Thanks to the courageous resistance of democratic forces in our country, and also due to the unfortunate experience of the powers that be believing in astrology—anyway, I don't want to go into those details. Therefore, the danger to the democratic process has always been there. Taking into account all these experiences when in a most responsible way we pass this constitutional amendment for delimitation of constituencies, we should see to it that like statesmen of high stature we, through the Commission for Delimitation, endeavour to see that the process of delimitation takes place, not keeping the narrow political interests in mind but allowing the larger democratic spirit come

[Shri M. A. Baby]

into play. And we have limitless narrow political interests operating in the political arena of which we cannot be oblivious when we discuss the question of delimitation. Sir, having said so I would like to remark that clear-cut principles should be spell out regarding the way in which we propose to undertake the delimitation process. This should be very clearly stated; it should be stated in unequivocal terms. There are occasions when constituencies are being carved out without any consideration other than the narrow political interests to which I have already referred. No administrative unit is taken into account. In the case of parliamentary constituencies it may perhaps be difficult because a particular constituency may spill over to another constituency. But even then such things can be avoided. For example in the case of assembly constituencies, there is a possibility of one assembly constituency being restricted or confined to a particular sub-division or a part of a sub-division. Even then there are occasions when two or three sub-divisions are cut across and a particular constituency is carved out. I don't to go into the details because of paucity of time. So such undemocratic and uncalled for exercises should not be resorted to. The principles on the basis of which the delimitation would be undertaken should be spelt out. I suggest that there should be committees with representatives of national political parties and recognised regional political parties to supervise the process of delimitation at national level as well as State level. This is very important. I would like the hon. Minister to take special note of this suggestion and reply. I very strongly demand and plead that there should be committee—committees with top leadership and representatives of political parties at national level and State level—to oversee and supervise this process of delimitation, the working of the commission. I agree with Hanumanthappaaji that there should be State level commissions as well to expedite the process. While having a commission at national level there should be a commission at State level also. But it is very important to constitute committees with representatives of political parties at

national level and State level to oversee and discuss and sort out whatever controversies and differences of opinion are there regarding the delimitation. This the Government should ensure.

Similarly, there is a question of rotation of reserved constituencies. A grievance has been expressed by many that since certain constituencies are reserved for Scheduled Castes and Scheduled Tribes for quite a long time other sections are not getting an opportunity to represent the people. We are not discussing in terms of reducing the number of seats enshrined in the Constitution as far as the reserved constituencies for Scheduled Castes and Scheduled Tribes are concerned. But, instead of 'A' constituency we are deciding 'B' constituency should be reserved for Scheduled Castes and Scheduled Tribes. My suggestion is that when we make such provisions we should ensure that only such constituencies are selected where the percentage of Scheduled Castes and Scheduled Tribes population is sufficient. I hope, any sensible Government will work only on those lines. But I want to caution that if we don't take sufficient care on this particular aspect there can be widespread complaints and bitterness. We should be very much careful about this aspect.

Sir, in relation to the Bill I have already made my main suggestions which I wanted to make. But I would like to make use of this opportunity to mention a few more points, with your kind indulgence, in relation to the general electoral reforms which are required. We have been demanding that we should switch over to the method of proportional representation instead of the kind of election that is being practised today. It may be recalled that a Private Members Bill has been introduced keeping this in mind. But I don't know whether that will be taken up for discussion or not. That depends on luck. But this is very important because even today in our country we are faced with a political crisis. We have a minority Government and this is viewed as an annoyance. My submission is, since independence in election after election, we have been having Governments not with majority support, not with a

majority of people voting for a particular political party. We have representation in Lok Sabha disproportionate to the percentage of votes a particular political party has obtained. If we switch over to the proportional representation, we can have a Lok Sabha where in proportion of the influence of different political parties representation is ensured and on the basis of principle political parties can come together and Governments can be formed. Secondly, Sir, when we discuss the question of Anti-Defection Bill, if somebody switches over his or her loyalty to another political party he or she is declared as one who has forfeited his or her right to represent of party in Parliament. If we have this proportional representation system based on list system, the last one who did not get representation earlier can be nominated automatically without having another election. In this way we can save money by way of avoiding constant re-elections in different constituencies. I don't want to go into details. When we have a full discussion on electoral reforms we will be in position to discuss this matter. My only submission is that it is high time for us to have a fullfledged discussion regarding total electoral reforms. I strongly plead for switching over to the system of proportional representation. With these submissions I request the Minister to categorically react to my two submissions. Number one : to have committees with representatives of National political parties and, number two, in the case of State Commission recognised regional political parties' representatives so that all issues related to all controversies related to, delimitation can be thrashed out at the committee level. This is very important. Thank you.

**SHRI MURLIDHAR CHANDRAKANT BHANDARE :** Mr. Vice-Chairman, Sir, I rise to support the Bill. The necessity of the Bill arises because of the alarming growth in the population. In fact, when one looks at the delimitation and other problems of rotation of the constituencies for the Scheduled Castes and the Scheduled Tribes, I think, if we tackle the most fundamental problem of our population growth then

there will be no need for this amendment because census will not show any growth in the population. Unfortunately, we have not been giving sufficient importance and emphasis to one factor which can negate all our policies, which can frustrate all our efforts and I only take this occasion to reiterate my personal commitment which should really be a national commitment to control population growth in our country. I want to congratulate the Law Minister for introducing this Bill because he has been promising very earnestly that he would implement all the electoral reforms. I think that this is his first instalment and to the extent that he has done it so rapidly, one must welcome it. He has substituted the 1981 census in place of the 1971 census. I do not know whether it is not possible for him to include 1991 census and avoid one step.

**SHRI K. VIJAYA BHASKARA REDDY :** I am moving amendment to include the 1991 census.

**SHRI MURLIDHAR CHANDRAKANT BHANDARE :** That is right. I am glad that we are on the same wave-length. We can clearly miss a step. And I am grateful and since the report of the 1991 census is already out and since the hon. Minister has said that he is moving an amendment, I would request the House to accept the amendment and I am happy that we have saved one step.

Then comes the question of rotation of the reserved constituency. That was the original provision. It was removed only by the Third Constitutional Amendment Act. I think that it was wrongly done because it was never the concept of anyone that there should be a fixed reserved constituency. That kind of a thing where one constituency becomes permanently a constituency for these vulnerable and deprived sections is bad. It unnecessarily creates bad blood between the vulnerable and the deprived Dalits or Harijans or by whatever name you call them, and the other sections of the population. And to that extent, I welcome it. Even without an amendment it could have been done. But since it had

[Shri Murlidhar Chandrakant Bhandare] been done, *majora cotela* by way of abundant caution, one must welcome it. Let me also take this occasion to again reiterate our complete commitment to the restoration of political power to the weaker sections, removal of social and economic inequality and ushering in a society which is egalitarian and which is fraternal. I am glad that at least on one occasion, very recently dealing with the party elections, the Prime Minister was honest and I compliment him for that. It shows that our commitment to these weaker sections is only surface deep and when it comes to doing something for them, we lack the necessary political will. I hope the message which he has sent will be taken up by all and that there would be no repetition of such an aberration in future. One thing I want to point out,—Hanumanthaji pointed it out—earlier because Dr. B.R. Ambedkar had embraced Buddhism and over 40 lakhs of people in Maharashtra itself embraced Buddhism and they were not treated as a Scheduled Caste or Scheduled Tribe for the purpose of reservation of seats. Consequently in 1962 these sections had lost three seats in the Lok Sabha and 36 seats in the Legislative Assembly of Maharashtra. I would like the Law Minister to look into that aspect also. There is a proposal to decentralise the delimitation process. It is a very good suggestion. But it is a very complicated and complex suggestion. I think the Law Minister would give his attention to it. And I can only say that this may be the last occasion when we bring in such a Constitutional amendment because though we have frozen the seats in the Lok Sabha and the Legislative Assemblies of the States, let us hope that in the years to come, we are equally successful in freezing the population of our country. Thank you.

SHRI KAMAL MORARKA : Sir, at the outside, let me congratulate the Government for deciding to pass this long-pending measure which was introduced by my late friend, Shri Dinesh Goswami, to whom I pay my humble tribute. He made a lot of effort to arrive at a consensus on electoral reforms and whatever little consensus

emerged at the all-party meeting, he brought that in the shape of this Bill.

I am also thankful to the Law Minister for bringing forward this amendment for delimitation of seats on the basis of the 1991 census since the 1991 census results are now available.

Sir, there are a few points which I would like to mention for the attention of the Law Minister.

First of all, the freezing was done by the Forty-second Amendment, as we all know, and there were two purposes that were there in mind. The first purpose was that since the Government was to step up the family planning programme, it was felt that all those States which carried on that programme more efficiently should not be put to a disadvantage and their number of seats should not stand reduced and there should be some sort of protection against not proceeding with the family planning programme.

The second purpose was that it was felt at that time by the late Mrs. Gandhi that if the family planning programme was vigorously pursued, it was likely that our Scheduled Caste and Scheduled Tribe brethren might be adversely affected because of the zeal and enthusiasm of the officials and, therefore, they should be protected and the reserved seats should be frozen at the present level. What happened in the last few years has, unfortunately, brought out the fact that the family planning programme has hardly made any dent. My friend, Mr. Murlidhar Bhandare, has very rightly pointed out that family planning is one of the most important things to be done and I would like to quote Mr. Madhu Limaye who had raised this issue. Mr. Madhu Limaye had a running correspondence with the late Prime Minister, Mr. Rajiv Gandhi, and Mr. Rajiv Gandhi seemed to agree with his analysis. Unfortunately, I have to say that there were people in the Congress (I) Party at that time who talked very loudly about social justice, but who advised Mr. Rajiv Gandhi

against this and the thing got stuck up. Therefore, it is all the more important that with the enthusiasm generated at that time, it should have gone ahead with this programme.

Now, Mr. Madhu Limaye had said at that time like this—and I would like to quote him :—

“This proposal is to reverse representation of the States and the Scheduled Castes and the Scheduled Tribes in the Lok Sabha and the Assemblies till the end of the century on the basis of the 1971 census. It is said that freezing of this representation will act as an incentive and the States and the Scheduled Castes and the Scheduled Tribes will take to family planning more readily as a result of this stabilisation of popular representation at the 1971 census level. But by itself this will not have much impact on the population problem unless there is a concrete and comprehensive programme of family planning, unless it is applied vigorously to all States and classes of people, etc., etc. If all this is done, then, probably, freezing of representation will help.”

Unfortunately, this has not happened. So, my first submission is that, basically, they have a relook to find out whether freezing should continue. We should annul the Forty-second Amendment and defreeze and go back to the pre-Forty-second Amendment position. In fact, when the Forty-sixth Amendment was brought forward by the Janata Government, only that part of the Forty-second Amendment could be reserved which was agreed to by consensus. Unfortunately, on this there was no consensus at the time. Now the Government should seriously consider whether it should be defrozen. Another aspect of this is that the freezing which was supposed to protect the Scheduled Castes and the Scheduled Tribes is today working against them. In the 1991 census, if you keep the figures as they are and if the freezing continues

on the total number of Parliament seats, at least the *inter se* representation between the general seats and the reserved seats, that freezing should be removed. On the basis of 1991 census, the Scheduled Castes and Scheduled Tribes representation will, in my calculation, go up by 3 to 4 seats in the Lok Sabha. And, therefore, the Scheduled Castes and Scheduled Tribes will get about 3 to 4 seats more if the total number of seats is kept as they are. Even if the total freezing is not de-frozen, at least the Delimitation Commission should restore the balance according to the general population and the Scheduled Castes and Scheduled Tribes population, so that the freeze which was done to protect the Scheduled Castes and Scheduled Tribes, which is now working against them, should be corrected.

The other point that I want to mention is about the seats of Bombay and Delhi which, I think, your present amendment will take care of. The one-man-one-vote and one-woman-one-vote has already been negated in a great measure, because in Delhi there is the New Delhi constituency and there is the Outer Delhi constituency. The voters' ratio is 1 : 5. The same problem is in Bombay. I may humbly submit that due to the influx of population from the rural areas to the urban areas there is deludation in the rural areas and the concentration of the poor in the urban areas is increasing. The result is that that population is not getting adequate representation because they are concentrated and delimitation is frozen. So if you want a fair representation on the basis of one-man-one-vote and one-woman-one-vote—especially in growing cities, Bombay, Delhi, Bangalore, Calcutta and Hyderabad this problem has assumed menacing proportions—I would like the Law Minister to react and I hope the Delimitation Commission will correct that also. This is not only a question of rotation. I hope the Delimitation Commission will correct that also. This is not only a question of rotation. I hope the constituencies would be re-demarcated in a manner that there is more even balance of the voters throughout the country.

**SHRI JAGESH DESAI** (Maharashtra) : In one constituency in Bombay there are 19 lakh votes.

**SHRI KAMAL MORARKA** : Finally, I can only say that though this measure we happily support, we request the Government to look into the total de-freezing. Within the present if you do not de-freeze the total, allow the Scheduled Castes and Scheduled Tribes to get more number of seats as per the 1991 census.

And, of course, the largest issue, and that is, if you want this to act as an incentive for family planning, Sir, I feel that the Health and Family Welfare Ministry should take up a more vigorous programme because forceable family planning has already failed, and I think we have all accepted it. How to do it is a totally different matter. I don't think that such a welfare measure can be attached to this small thing, which is only creating more distortions.

Thank you.

**SHRI GOPAL SINGH SOLANKI** (Gujarat) : Thank you, Mr. Vice-Chairman.

I rise to support the Bill, but at the same time I would also like to say something about the delimitation of constituencies. The delimitation of constituencies has taken place nine times after independence, and all the time these have increased. Now, it is the question of rotation of Scheduled Castes and Scheduled Tribes' constituencies. But at the same time I would like to submit that there are such constituencies which comprise two districts, where as after having been elected the Member has to attend to one District Co-ordination Committee. And if this aspect is looked into—for example, in Baroda, in Khera, in Gujarat, particularly in Panchmahal, every one constituency is having some amalgamation of another district's Assembly constituency, therefore after election a particular representative or Member of Parliament, does not look at that particular constituency so far as

national interest is concerned. So this view also may be taken at the time of delimitation. Not only that. In Assembly also it happens that on one taluk or two taluks there may be one or two MLAs. So the person who is belonging to a specific part of that taluk will look after the interest of that part and the other part is neglected, and it is not represented. So that is also a political dispute. Not only that. At the time of delimitation the political interest is also seen. If we take a particular instance, particularly in Gujarat, there is the Godra constituency which covers a part of Panchmahal district and the Malarsen taluka of the Khera district which has always complained that nobody looks after it after having been elected. So, such complaints could be avoided only when an impartial delimitation is done.

With these words, with this precaution, I would like to request the hon. Minister to look into this particular aspect so that the interests of the people could be preserved. I support the Bill. Thank you, Sir.

**DR. NARREDDY THULASI REDDY** (Andhra Pradesh) : Sir, better late than never. This issue of ...

**THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH)** : Hon. Minister, today everybody is supporting you.

**DR. NARREDDY THULASI REDDY** : This Amendment should have been brought much earlier. Anyhow, I am complimenting the Minister for bringing this Constitution (Amendment) Bill today.

Sir, coming to delimitation, due to unequal industrialisation, due to unequal urbanisation, there is unequal growth of population in the constituencies. There are some Assembly constituencies with one lakh population, there are some Assembly constituencies with five lakh population. There are some Lok Sabha constituencies with ten lakh population, some with 25 lakh population and some with still more. So, there is a need to readjust the constituencies. So, here, my suggestions are as follows. There should be a time-frame—either three

months or four months or six months. There should be a maximum of six months' time-frame. The second point is that there should not be any scope for manipulation, for management by influential politicians, specially politicians belong to the ruling party either in the States or in the Centre. So, there should not be any scope for manipulation. Then there are some constituencies with more population and larger area, some constituencies with more population and smaller area, some constituencies with lesser population and larger area. Some Scheduled Tribes constituencies have larger area and lesser population. So, all these factors should be taken into consideration while delimiting the constituencies.

Sir, just now, Mr. Solanki has said that some parliamentary constituencies in his State are falling in more than one district. For example, in Andhra Pradesh, the Bhadrachalam constituency falls in three districts. So, while going to the Planning or the Zila Parishad, there is a problem as to which Planning Board or the Zila Parishad the Member should go. So, the Member is facing problems. So, this aspect should also be kept in mind while delimiting the constituencies.

Then, coming to the rotation of the Reserved constituency, it is very important to rotate because there is dissatisfaction, discontent in the other categories in the Reserved constituency. So, there is a need to rotate. But here also, there should not be any scope for political manipulation.

Sir, I totally agree with Mr. Baby that there should be clear-cut, proper, specific guidelines for delimitation and rotation. And there should be a Committee either at the State level or if possible at the district level, with the representatives of all the recognised political parties to oversee and to give advice on these issues.

Finally, I request the hon. Minister to bring a comprehensive Bill on electoral reforms.

With these few words, I support the Bill and I compliment the Minister. Thank you, Sir.

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PROF. SAURIN BHATTACHARYA (West Bengal): Incidentally, Mr. Vice-Chairman, I have come at the nick of the moment. I hope I will be strongly supported by Mr. Salaria. I will only take five minutes, and I need his support.

So far as I could understand, the Bill is not a controversial one. But the problem is that with the incessant amendments to the Constitution, even the Government has been unable to keep pace with the number of amendments made to the Constitution. As for us, Mr. Vice-Chairman, we call the Constitution a bourgeois Constitution which we want to change. But those who swear by this Constitution from A to Z, have amended it from what it was at the beginning, during all these forty years since the introduction of the Constitution in 1952. Frequent amendments to the Constitution is always not very healthy and does not show the seriousness on the part of the Government of the day. I do not mean this Government alone of the present Minister, as he himself said that he is coming with a Bill which was introduced in 1990, that is, he is coming two years later. I have with me copies of the Bills, Seventy-sixth Amendment and Seventy-first Amendment Bills. Arithmatically speaking it is totally topsy-turvy. We go from Seventy-first amendment to Seventy-sixth amendment. In between, there have been other amendments that have overtaken. But according to the object of the Bill, the Bill has not come a day too soon.

On the question of delimitation, Mr. Gurupadaswamy pointed out that it is not delimitation in that sense; it is re-delimitation. This task may be taken up rather quickly if the Government has the intention. And the Government has the intention of reflecting the people's will properly. That is the idea behind delimitation. After delimitation, the position has become to a large extent anachronistic. This anachronistic nature has to be remedied with the help of the enabling clauses in this Constitutional amendment.

So far so good. There can hardly be anything to object, and I also cannot object

[Prof. Saurin Bhattacharya]

to it if the TDP Member, Dr. Thulasi Reddy compliments the Minister from his own State, on this count. But more important thing would be to undertake the concrete task in this regard so that the position is not the same again, at least in the matter of similarity between the constituencies, the Lok Sabha constituencies, the Vidhan Sabha constituencies, the constituencies in the other stages of elections also, because all will be covered by the same principle. I hope all these things will be taken up in right earnest. As soon as the Parliament approves it in the appropriate form and the President approves it and thereby enacts it, the task of the Ministry should begin without any further delay.

2.00 P.M. With this submission, I only want to reiterate that the matter has already been delayed too long. This delay, I would not say, is the responsibility of any one single Government. Government is, after all, continuous. I do not mean any particular Government. Now, those who are in the Government, who have undertaken the responsibility to amend the Constitution, have to take up this task. My earnest hope would be that the hon. Minister would assure us that this task would be taken up urgently, and in right earnest, so that representation of the people, really, has a meaning. Thank you.

[The Vice-Chairman (Shri M. A. Baby) in the Chair]

SHRI SHABBIR AHMAD SALARIA (Jammu and Kashmir): Mr. Vice-Chairman, Sir, this Bill is designed to take into consideration the colossal increase in the population since 1949, when the Constitution was adopted. It is an effort to enable the Government to redelimit the constituencies, so that the number of voters from a State, who elect Members to the Lok Sabha, is increased, but the number of seats that a State has in the Lok Sabha remains the same. It is, in that sense, a halfhearted effort to cope with the situation, by providing for the 1981 Census as the basis for determining the number of voters in any constituency, in any State. Therefore, in various States, the increase in population being not the same the number of voters

would differ from constituency to constituency, from State to State. The number of voters, throughout the country, is not going to be uniform. However, the number of MPs to be elected to the Lok Sabha from each State continue to be the same.

In the circumstances, there should have been an increase in the number of seats in the Lok Sabha. That would have been a case where the constituencies would not be unwieldy. Even now, today, many constituencies are so unwieldy that it is not possible for a candidate to properly reach the people. Therefore, there is a strong case for bifurcation, or even trifurcation, of the Lok Sabha constituencies. I hope the Government would, in due course, take this aspect of the matter also into consideration and bring forward an appropriate Bill to amend the Constitution, so as to provide for bifurcation or trifurcation of constituencies from various States, taking into consideration the population, the geographical condition, and the unwieldy nature of the various constituencies.

So far as the Scheduled Caste constituencies are concerned, it has come to my notice, as a political worker, that many of the constituencies which have been reserved for the Scheduled Castes have remained so far years together, thereby giving much cause for grievance of the other people living in those constituencies. It is, therefore, proper that there should have been a provision, as has now been provided in article 327, for rotation of the constituencies reserved for the Scheduled Castes. In fact, in the original text of the Constitution, provision for rotation of constituencies and making of such law for that purpose was not given in article 327. It is a laudable insertion, but I would like to have an amendment to the effect that a proviso should be added to article 327. I have given that amendment to the Rajya Sabha office and that may be coming up before the hon. Minister for consideration. The amendment is that no constituency shall remain reserved for the Scheduled Castes for three consecutive elections to the Legislative Assembly. That is number one



Secondly, that no constituency, where the population of the Scheduled Castes is less than 10 per cent, shall be reserved for the Scheduled Castes. This is the amendment I have already given, but the office is taking time to place it before the House. Therefore, I submit that that amendment may also be taken into consideration. If it is not possible for the hon. Minister to accept for any reason that amendment at this stage, he may kindly take it into consideration because that is also a logical thing and it will be in the interest of the country, the voters and the democratic process on which our whole system is based.

With this submission I support the Bill and I say that it should be passed and the amendment that I have moved also be accepted.

**SHRI PRAKASH YASHWANT AMBEDKAR (Nominated) :** Sir, I won't make a speech, but I would like to know from the hon. Minister whether they have fixed the census figure of 1981. There has been a lot of controversy about this 1981 census.

**SHRI K. VIJAYA BHASKARA REDDY :** I am going to bring an amendment for 1981 census. It has been circulated.

**SHRI SHABBIR AHMAD SALARIA :** We should have been told that this amendment was going to be moved.

**SHRI PRAKASH YASHWANT AMBEDKAR :** There is a suggestion that I would like to make to the hon. Minister. As far as Adivasis were concerned they had enjoyed rights only in those areas which were known as Adivasi zones, but in 1978 there was a Presidential order passed by which the restrictions or facilities that were reserved for the Adivasis in those zones were removed. These zones were removed and even those Adivasis who were living in the plains or in other parts other than the zones, were also entitled to the facilities that were being granted to the Scheduled Tribes. The 1981 population figures for the Adivasis reflect only that

portion of Adivasis which was in the Adivasi zone. It does not reflect the figures of those Adivasis who were in the plains or outside the Adivasi area. But 1991 census figures do reflect Adivasi population as a whole. I will come to one particular State, the national capital of Delhi. May I mention here that there was a Presidential order as far as the question of identifying Adivasis in Delhi was concerned? I know, in the beginning there were no Adivasis in Delhi. The 14 or 15 villages which Delhi is consisted of did not have the Adivasi population, but today Adivasis from different States have migrated and settled down in Delhi. Even for 1991 census there was a Presidential order putting a bar for getting the figures of the Adivasis not only for Delhi but for Chandigarh and other two areas. It is for the other two areas also. I may tell the hon. Minister that since we have a large number of Adivasi population in Delhi, and if my information is true, the eastern Delhi Lok Sabha constituency, if you go into the population Adivasi-wise, would be entitled for one additional Lok Sabha seat according to the population.

My second suggestion is, the seats were fixed for the Adivasis according to the 1951 Census when their population was determined only on the basis of the Adivasi zones. Now even the plains Adivasis are entitled to reservation facilities after 1978. Their population has increased. On the basis of their population, may I request the Minister to increase the number of seats allotted to the Adivasis, population-wise?

My third suggestion here is that in 1990 the Presidential Order of 1951 was amended as far as Scheduled Castes and Scheduled Tribes were concerned. The Buddhists all over the country, specially those who embraced Buddhism, are given all kinds of facilities. I can quote that from Maharashtra, after the 1956 conversion, the Scheduled Caste population had lost nearly three Lok Sabha seats and 36 State Assembly seats. In 1990, as I have been saying, the concessions granted to Scheduled Castes and Scheduled Tribes had been extended

[Shri Prakash Yashwant Ambedkar]

to convert Buddhists. Therefore, may I request the Minister to restore those lost seats to the Scheduled Castes, that is, three Lok Sabha seats and 36 Assembly seats? A similar exercise was undertaken in other States also where the number of seats reserved for the Scheduled Castes was reduced in 1960. Since their position has been restored in 1990 by the constitutional amendment to the Presidential Order of 1951 so far as Scheduled Castes and Scheduled Tribes are concerned, I may ask the hon. Minister to restore that position so that whatever is lost by the Scheduled Castes is gained and we can have an effective gain over that.

The last thing I may add here is that in my State we have a very large population which is known as nomadic tribes. These nomadic tribes have a history. Their history dates back right up to the British period which started in 1857 during the Mutiny. The Britishers couldn't win them over, the Britishers couldn't, may I say, conquer them. In 1883, what are known today in Russia as concentration camps, were started for them as far as Gujarat and Maharashtra were concerned. Every evening these people had to report to the police chowki and from evening till morning they had to stay in a pen and only in the morning they could leave it. This went on for a century. In 1962, at Sholapur Pandit Jawaharlal Nehru and symbolically cut the bar of the pen in which they were made to stay, thus signifying their liberation. In the State of Maharashtra they are known as "nomadic tribes." They are known as "Gusak" also. Till today we have not given them any facilities. May I request the hon. Minister that the population of these nomadic tribes should be included either in the Scheduled Castes or in the Scheduled Tribes for calculation of the number of seats reserved for the Scheduled Castes and the Scheduled Tribes. The population that is there is something not less than 90 lakhs. This is a vast population which has been denied rights right from the British period till today.

I may state further that we have police training camp, and in that police training camp which is going on for the IPS officers, these communities which are known as "nomadic tribes," were classified by the Britishers as "criminal tribes." Even today after independence, the police record, the police teaching and the police coaching that is going on, classifies these people as "criminal tribes." May I ask this of the hon. Minister? They have been part of the liberation war, there is no doubt. History bears record to it. For 4 years we have not been able to do justice. Since we are going in for delimitation and rotation, this population should be included either in the Scheduled Castes or the Scheduled Tribes, as I stated, and the increased number of seats in view of that should be allotted to the nomadic tribes. I think, Sir, this will be one wonderful service that this nation will be doing to these nomadic tribes which, during the 1857 mutiny period, were with the rulers or later on with some of the Congressmen who had revolted against the British rule. I think, Sir, this will be a memorable justice that we will be doing to them.

With these words, I take leave. Thank you.

**SHRI K. VIJAYA BHASKARA REDDY:**

I thank the hon. Members who have taken part in this discussion and supported the Bill. This has the support of almost the entire House.

In the beginning when I introduced this Bill, some of the Members objected that I had not brought it up-to-date or that I was trying to use the Bill that was introduced in 1990. I deliberately did it. I could have come forward to the House with all the latest things incorporated in the Bill. But I had Mr. Dinesh Goswami in mind. I thought that I should get it passed as it was with amendments updating the Bill. He has done such good work not only in the electoral reforms but also in bringing in this. So, that should be taken in that spirit.

The House wants—there is a freeze—that there should be no delimitation till the twentieth century is over. But it has

been found necessary, taking into account the growth of the population, that without increasing the seats frozen under the Forty-second Amendment, we should readjust the constituencies. A number of Members have pointed out that in some cases it has gone beyond anybody's imagination. Particularly in urban areas the growth has been fantastic, and it is impossible for one Member to go through the whole constituency not only at the time of elections but even in the entire five-year period. So, it is necessary that we re-adjust the constituencies on the whole. In the process, two or three conspicuous points have been pointed out by all the Members, most of them. Almost every Member has mentioned some of these points.

One is that it should be done at the earliest and that this should be done not by bringing politics into it. Sir, as far as the time is concerned, we assure the House that we will see that it is done at the earliest. As far as the Commission is concerned, we have the previous experience. The Commission will be headed by a judge and some other judges will be there. In addition, the Parliament and Assemblies would coopt Members. They will guide the Commission when they go to respective areas. In order to see that political influence is not there in delimiting it, the original Delimitation Commission framers have decided to leave it to a Commission headed by a Supreme Court Judge. I think there cannot be a better thing than that. So, we continue the same thing. A Supreme Court Judge would head it and other Members would go into it. Because they are not politicians, there is no question of political influence. They would go as per the guidelines given to them after they are approved by the Parliament. That is the best thing we could do.

**SHRI SHANKAR DAYAL SINGH :** Please excuse me. "Politicians" means what? You are going to allow the Members of Parliament and also the Members of the Legislative Assemblies over there. In the last Delimitation Commission also there was a fixed quota for the Members of Parliament and also for the Members of the

Legislative Assemblies. I had been a Member of the last Delimitation Commission. The Chairman was an ex-Home Secretary. So, if you are committing here that only an ex-Judge of the Supreme Court will be there as Chairman, it is your announcement here. Kindly also tell us if you are committing that only an ex-Judge of the Supreme Court will be its Chairman.

**SHRI K. VIJAYA BHASKARA REDDY :** As far as the Chairman is concerned, it would be a Supreme Court Judge. But there will be other Members who are retired officers. In regard to the Chairman I am committing that it would be a Judge or a retired Judge of the Supreme Court. In that process a Committee consisting of all parties ....

**SHRI SHANKAR DAYAL SINGH :** In regard to politicians, I think it would not be representatives of the political parties. You will only include Members of Parliament.

**SHRI K. VIJAYA BHASKARA REDDY :** I am not committing on that. The hon. Member, Shri Baby, mentioned that we should have a Committee of all the political parties to supervise the actions of the Commission. I am not for it. To be impartial, I am committing to have a Supreme Court Judge to head that. The Parliament and Assemblies also will coopt. So, there will be some political people represented in the Commission. To see that it is impartial and to see that they are not influenced by politics in delimitation work, we are thinking of that. That has been followed even earlier.

As far as the time-frame is concerned, I will see that it is taken up and done at the earliest.

In addition to readjustment of constituencies, it is also the opinion of all political parties as reflected in the opinions expressed by the hon. Members today that there should be a rotation of Scheduled Castes seats. A number of seats, as some Members

[Shri K. Vijaya Bhaskara Reddy]

have said, have been reserved for Scheduled Castes from the time the Constitution was framed. For example, my seat in Kurnool district of Andhra Pradesh was reserved not only when the Constitution came into force, but even earlier from the 1935 Act till today it has been a reserved Constituency. So, it is not fair for the voters of that Constituency to give facility only to Scheduled Castes. That is the opinion of all the Members and the parties. So, we have decided to rotate it. The rotation will not be increasing the number of seats. Mr. Prakash Ambedkar said that Buddhists who are converts will be treated as Harijans and their numbers will increase when the redistribution of Constituencies is taken up. Here I point out that the number of Harijan seats also will not increase. The number of Parliament seats will not increase, the number of Assembly seats will not increase and the number of Scheduled Castes seats will also not increase. That will be only after the year 2000, when the Parliament again agrees to defreeze it and allows it to increase. As far as the present Amendment is concerned it limits only to the existing number. This rotation is only for the Scheduled Castes. Scheduled Tribes seats are not taken into consideration for rotation. It has a peculiar problem and it is difficult to do it now. It can be considered after the year 2000 A.D.

**SHRI PRAKASH YASHWANT AMBEDKAR :** Will you yield for a minute? My specific question was that the population of the Adivasis has increased after the 1981 Census. The jump has been nearly by 10 per cent. As I said the plains Adivasis have been given the advantage. With that increase in population will the number of seats increase?

**SHRI K. VIJAYA BHASKARA REDDY :** It will not be within the purview of the present Bill. It will be after the year 2000. The existing number of seats whether those of Scheduled Castes and Scheduled Tribes or not is not going to change.

I assure the House that at the earliest I will see that readjustment of the Consti-

tuencies is done I also assure you that no political influence will be there in it. Delimitation Commission Act provides specific instructions under which the Commissioner has to act. There also I will see that it is done.

I once again thank all the hon. Members for having given their opinion and I recommend to the House to approve it unanimously.

**THE VICE-CHAIRMAN (SHRI M.A. BABY) :** Actually only after the reply voting has to take place. But I would like to seek the indulgence of the House to take up the next Constitution (Seventy-sixth Amendment) Bill, 1992. Mr. Minister.

#### **THE CONSTITUTION (SEVENTY-SIXTH AMENDMENT) BILL, 1992**

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI K. VIJAYA BHASKARA REDDY) :** Sir, with your permission I beg to move :

"That the Constitution (Seventy-Sixth Amendment) Bill, 1992, further to amend the Constitution of India, be taken into consideration."

Hon'ble Members would recall that as a follow up of Government's acceptance of certain recommendations of the Committee on Reorganisation of Delhi Set-up (known as Balakrishnan Committee), two bills, namely, (i) the Constitution (Seventy-Fourth Amendment) Bill, 1991 and (ii) the Government of National Capital Territory Bill, 1991 were enacted by Parliament last year. The new laws, *inter alia*, provided for a Legislative Assembly and a Council of Ministers for the National Capital Territory of Delhi.

One of the recommendations of the Committee relates to the inclusion of the members of the Legislative Assembly for the National Capital Territory of Delhi in the electoral college for the election of the President of India. It may be relevant to