

[Shri S. W. Dhabe]

Commission to re-allocate the reserved constituencies."

I would, therefore, appeal to the hon. Minister that this Bill should be brought and passed in this session so that the area restriction is removed and for having the final Consolidation Order of Delimitation, so that the Scheduled Castes and Scheduled Tribes population specially the Scheduled Tribes—are given adequate representation. I think, Sir, that if it is not passed, they will suffer by not getting proper representation.

Sir, a doubt was expressed about elections by the main speaker from the Opposition. Sir, he referred to the western Press. I do not consider that so much importance should be given to the western Press by referring to it every time in this House. Sir, the western Press never liked the development of developing countries. These vested interests and the imperialist forces always oppose everything which is done by a country like India or many other countries of Asia. Even when there was no emergency, some people of the Opposition in the House also have been staging 'dharnas'; 'gheraos' were taking place; they were paralysing the administration and the functioning of this Parliament by raising a number of abjections and the proceedings were not allowed to be continued. Sir, at that time it was criticised why the Government was not taking a firm action and bring discipline. But after the emergency was brought in, which has given immense benefit to our people, the same western Press is condemning us by saying that democracy is dead and that the emergency has been brought in to scuttle down democracy. We must have faith in what we do. Even after the emergency is lifted, the same western Press is going to condemn us. Even at the time of the Non-aligned Conference it has been criticising us. It has been criticising us because their own interest are involved in the developing economies of developing countries like India. Therefore, it is no use quoting the western Press and to say that elections will not be held, and so on.

I shall now make my last point.

There should be rethinking on 1 P.M. the question of reservation for

Scheduled Castes and Scheduled Tribes. The Anglo-Indian community has been given reservation in the Constitution. There is no reason why it should continue. Similarly, there are other minority communities like the Muslims and others. In this connection, I would like to quote one of the statements made by Mr. Kho-bragade, President of the Republican Party of India at Nagpur on 11th August. He said :

"We also do not like to be called Scheduled Castes. These should be listed community and non-listed community and the concession should be given on the criteria of economic backwardness of a particular person."

Therefore, I suggest that the interests of the Scheduled Castes and Scheduled Tribes should be safeguarded as has been done by the amendment to the Constitution in 1969. It is essential that they must have adequate representation. It can only be given by proper census of the population. I hope that in the new order the tribal seats which have been reduced will be given adequate representation in the Parliament and the Assemblies. With these words, I conclude.

MR. DEPUTY CHAIRMAN : The House stands adjourned till 2.00 P.M.

The House then adjourned for lunch at one minute past one of the clock.

The House reassembled after lunch at three minutes past two of the clock, Mr. Deputy Chairman in the Chair.

The Representation of the People (Amendment) Bill, 1976—contd.

MR. DEPUTY CHAIRMAN : Shri Mahavan—not here. Shri Rachaiah.

SHRI B. RACHAIAH (Karnataka) : Mr. Deputy Chairman, Sir, I rise to support the Bill which is under discussion. Sir, Hon'-ble Member Shri Bhupesh Gupta raised certain doubts in regard to the conducting of elections to the Lok Sabha. I only request him to look into the conditions that were prevailing two years back in the country which necessitated the declaration of emergency to restore law and order. Sir, I know that he also shares the view of the Parly in continuing this emergency and also to revoke the emergency at an appropriate time to have the elections. Sir, this Bill provides for preparing for the elections. Therefore, I say that this Bill should have been brought much earlier and with a wider scope. The scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, which has been mentioned by Mr. Dhabe, is still to come before this House.

If that Bill is passed, Sir, I think there would be a lot of changes in the population of the Scheduled Castes and the Scheduled Tribes and, as a result of that, I think, there will be either an increase in the number of seats in Lok Sabha and State Assemblies or there will be some decrease. Therefore, the Government will once again have to t?ke the trouble of bringing forward an amendment to the Representation of the People Act. That being so, it would have been better if the Minister had taken the earliest opportunity to bring forward this Bill and take the approval of both the Houses. Sir, the Bill seeks to increase the number of total seats in the Lok Sabha >om 522 to 542; in the case of the Scheduled Castes from 77 to 78 but in the case of the Scheduled Tribes there is a decline from 41 to 38. Mr. Dhabe has already said that there has been some decrease in the number of seats so far as the Scheduled Tribes are concerned. I think there can be two reasons for this decrease. Firstly, the census figures might not have been taken accurately and, secondly, there might have

been some conversion of people belonging to the Scheduled Tribes to other religions, namely, Christianity and others. As a result of that there might be some decrease in their numbers. Then, again, Sir, I have an apprehension that in the rural areas, in many pockets of the country, the enumerators do not go on the spot and find out rtre actual details. They obtain some information from third persons and that is why the census figures are not accurate. A thorough investigation is needed before the census figures are arrived at and delimitation of seats decided.

Sir, some talk has been going on in the country that the age-limit of the voters has to be reduced from 21 years to 18 years. Does it mean that the Government is not thinking of reducing the age-limit to 18 years or shall we take it that 21 years is the age for any member to get into the voters" list? This leaves a doubt in my mind and I want an answer from the bin. Minister on this point.

Sir, reservations made in favour of the Scheduled Castes and the Scheduled Tribe? should not be continued in one and the same constituency continuously. A reference was made to this effect by one of the hon. Members, Mr. Sana, here. The same thing applies to the general seats also. Most of the Scheduled Castes people feel that in the general constituencies they have no opportunity to contest for the general seals and get elected. In the earlier elections also, Sir, Dr. Ambedkar, Mr. Tri-pure and late Mr. Sanjivayya contested but unfortunately they could not succeed. This only shows that we are not free from community and caste feelings in India. Therefore, Sir, this reservation will have to be continued so long as the social evils are there and economic inequalities are there. Therefore, instead of these rotations, the inequalities which prevail in the society, have to be wiped out as early as possible.

[Shri B. Rachaiah]

Therefore, Sir, the Prime Minister, Shri-mati Indira Gandhi thought it fit to introduce this 20-point programme and see that these weaker sections and the Scheduled Caste people get a major share out of it.

Sir, with regard to implementation of this programme, I find in many tehsils and districts that most of the people in our administrative machinery are not very much interested, but there may be one or two party men or one or two local leaders who may not be interested also in the implementation of this programme because it comes in the way of vested interests and seeing the circumstances in which we are placed. I do not have much faith whether these differences will be wiped out in the near future. The way in which they are being implemented these differences will continue unless we take a very drastic action in bringing about social revolution in the country. Therefore, Sir, this reservation will, according to me, give us strength to place our views in the Assemblies and in the Parliament.

Sir, we have reservation only in the Lok Sabha and in the Legislative Assemblies ! and sometimes, in the local bodies also j some reservations are made. But in the / Rajya Sabha and in the Legislative Councils, I we have no reservations. We have to be I at the mercy of the party leaders or at j the mercy of some local leaders. Therefore, Sir, I would take this opportunity to urge uron the Government to make provision for a reservation of seats in the Legislative Councils and in the Rajya Sabha for the Scheduled Castes and the Scheduled Tribes in the same manner as has been done in the case of lower Houses.

Sir, I have got one more point. There j are some religious minorities and also some non-religious minorities. For example, in the Karnataka Stale, recently, the Government appointed a committee to go i

into the social and economic conditions of the minority sections in the State. The people who, in the option of the Government according to which some of the communities are far behind even the Scheduled Caste people with regard to their education and economic well-being. Sir, it is high-time we saw to it that certain representations are given to those groups of people who, in the opinion of the Government, are educationally and economically backward. I would request the Minister to see that these points are taken note of and given due consideration. We are at a time now when we are having a relook at our Constitution and we want to bring in some amendments to the existing Constitution. While suggesting amendments to the Constitution, these matters have to be considered and I think in a way we will be accelerating the progress of the weaker sections and economically backward sections of our population. Therefore, I plead that the Bill which has been brought before us, should have been brought after the Scheduled Castes and the Scheduled Tribes amending Bill was passed and that would have given a correct picture so far as the reservation of seats for the Scheduled Castes and the Scheduled Tribes is concerned and it would have given an opportunity to those communities which are known as the Scheduled Castes and the Scheduled Tribes in one part of the country and come under the general category in some other part of the country. In some States, Sir, particularly in my own State, some communities are declared as Scheduled Castes in one part of the State and in another part they are not, so much so that the economic benefits meant for them have not gone to them. Therefore, I want this Bill also to be brought during the current Session, if possible, so that those communities also could enjoy the benefits that accrue to the Scheduled Castes and the Scheduled Tribes.

With these few remarks, Sir, I support the Bill. Thank you.

श्री देवराव पाटील (महाराष्ट्र) : उपसभापति जी, यह जो लोक प्रतिनिधित्व (संशोधन) विधेयक है उसका मैं समर्थन करता हूँ। निर्वाचन आयोग ने अस्थापित संघ राज्य क्षेत्र के अन्दर संसदीय निर्वाचन क्षेत्रों के बारे में और विधान सभा निर्वाचन क्षेत्रों के विस्तार करने का आदेश निकाला। इसलिए समस्त आदेशों को समन्वित करना और उक्त अध्यादेश को विधेयक के रूप में प्रस्तुत करना और प्रथम अनुसूची और द्वितीय अनुसूची को संशोधित करना आवश्यक हो गया।

उपसभापति जी, मेरे पूर्व के वक्ताओं ने माननीय मंत्री जी का ध्यान प्रथम सूची और दूसरी सूची की तरफ खींचा है। प्रथम सूची और दूसरी सूची को देखने से पता लगता है कि लोक सभा की सीटें जो पहले 522 थीं अब 542 हो गई हैं यानी 20 सीटें बढ़ गई हैं। विधान-सभाओं के स्थानों की जो कुल संख्या थी पहले उससे 151 अधिक हो गई है। इसके अनुपात में अगर शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स के लिए जो रिजर्व्ड सीट्स का एलोकेशन है उसको देखा जाय तो लोक सभा के लिए पहले 41 सीटें थीं उससे कम हो कर आज 38 हैं यानी 3 कम हो गई हैं और विधान-सभाओं के लिए जो सीटें थी उनमें कोई फर्क नहीं पड़ा है, सिर्फ एक सीट बढ़ गई है। श्रीमन् और क्षेत्रों के बारे में देखा जाय तो स्थिति वैसी की वैसी है। मेरे मित्र ने इसका दोष गणना-प्राधिकारी पर डालने की कोशिश की है। मैं उनको दोष नहीं देता। इसका जो बुनियादी कारण है उसमें जाना चाहिए। मैं सहर्ष कहना चाहता हूँ कि तीन-चार सालों में प्रधान मंत्री इन्दिरा गांधी ने आदिवासी लोगों के बारे में और जन-जातियों के लोगों के बारे में जो शैक्षणिक और आर्थिक प्रोग्राम दिये हैं उनसे उनकी काफी हद तक आर्थिक और शैक्षणिक प्रगति हुई है। यह बिल उनको राजनीतिक अधिकार देता है और उस राजनीतिक अधिकार में जो कमी हुई है उसकी वजह देखी जाय। इसकी एक महत्वपूर्ण वजह यह है कि प्रेसिडेंट ने शेड्यूल्ड कास्ट और शेड्यूल्ड

ट्राइब्स का जो आर्डर निकाला है उसमें एक एनो-मेनी है और यह यह है कि कुछ राज्यों में इन जनजातियों को आदिवासी और शेड्यूल्ड कास्ट कुछ एरिया में घोषित किया है, उनको सम्पूर्ण राज्य के अन्दर विधि-निर्दिष्ट नहीं किया गया है। इनका ही नहीं, एक राज्य में भी एक जिले और एक जिले में भी किसी एक तहसील में आदिवासियों को नांटीफाइ किया है और उस एरिया के बाहर जो रहते हैं वे हैं तान-आदिवासी। मैं आपके सामने यह बात कहना चाहता हूँ कि यह अजीब सी-बात है कि एक आदिवासी जो अनुसूचित क्षेत्र में रहता है अनुसूचित आदिमजाति का माना जाता है, परन्तु उसका भाई या उसकी बहिन जो अनुसूचित क्षेत्र के बाहर रहते हैं उसी जिले में उन्हें अन्य पिछड़े वर्गों में माना जाता है।

SHRI NABIN CHANDRA BURAGOHA1N (Assam) : I would like to know whether they lose their identity or they are deprived of the benefits. The application has been rejected on the ground that he resides outside the scheduled area'. There is a discrimination between a father and his son. A father living in a scheduled area is treated as a scheduled tribe. His son living in a non-scheduled area is treated as a backward class. इसमें पता लग सकता है कि कितना अन्याय हो रहा है। यह आज की बात नहीं है, यह 25 साल से अन्याय चला आ रहा है। उपसभापति जी, मैं आपके ध्यान में यह लाना चाहता हूँ कि पंडित जवाहरलाल नेहरू ने इसके बारे में ध्यान दिया था।

इस सवाल का मैंने पहले उठाया था। 1963 में हम एक डेपुटेशन में प्रधान मंत्री स्वर्गीय जवाहरलाल नेहरू से मिले। उन्होंने यह बात मानी कि इसको दूर करना चाहिए। प्रधान मंत्री इंदिरा गांधी ने उसमें दिलचस्पी ली और 1967 में एक बिल लाये और वह बिल सेलेक्ट कमेटी में गया। उसने अपनी रिपोर्ट दी और 1969 में वह

श्री देवराव पाटील : गैर-अनुसूचित क्षेत्र में रहने वाली आदिम जाति के विद्यार्थियों को स्कालरशिप भी नहीं मिल सकती है। एक उदाहरण मेरे पास ऐसा है—

fShri Deo Rao Patil.]

बिल संसद् में पेश हुआ। लेकिन संसद् भंग होने से वह बिल लैप्स हो गया। आदिवासी के इतिहास में यह पहला वक्त है कि जब गुजरात और महाराष्ट्र के बार्डर पर खांडवारा गांव में एक बड़ी कॉफेंस हुई थी, लाखों आदिवासी वहां जमा हो गये थे। प्रधान मंत्री इन्दिरा गांधी सिर्फ आदिवासी कार्यक्रम के लिए वहां गईं महीने में गई थीं। वहां प्रधान मंत्री को हमने बताया कि एरिया रिस्ट्रिक्शन से क्या आपत्ति होती है। शैक्षणिक सहूलियत नहीं मिलती, आर्थिक सहूलियत नहीं मिलती और केन्द्रीय सरकार की कोई योजना उन पर लागू नहीं होती है। 20 पाइंट आर्थिक प्रोग्राम जो आदिवासियों को दिया है वह भी कानून आदिवासी न होने से उन लोगों पर लागू नहीं होते हैं। इसलिए प्रधान मंत्री इन्दिरा गांधी ने गृह मंत्रालय को कहा कि बिल इसी मई सत्र में आना चाहिए। बिल लाया गया, लेकिन संसद् का समय दो तीन दिन रहने के कारण बिल पर डिस्कशन नहीं हुआ। इसलिए मेरी रिक्वेस्ट यह है कि कोई भी कारण क्यों हो, चाहे एम० पी० उसके बारे में नाराज हैं, नान-शैड्यूल्ड ट्राइब्स और नान-शैड्यूल्ड कास्ट एम० पी० उसका फायदा उठाने का इरादा किये होंगे जो कि इसको पास नहीं करना चाहते थे क्योंकि हर एक प्रान्त में जो सीटें हैं, अगर यह बिल पास हो गया तो शैड्यूल्ड ट्राइब्स और शैड्यूल्ड कास्ट्स की संख्या भी बढ़ने वाली है। आप देखिये, विदर्भ में 14 लाख पापुलेशन आदिवासियों की बढ़ने वाली है। 14 लाख आदिवासियों की पापुलेशन बढ़ जायेगी तो रिजर्व सीट हमारी बढ़ जायेगी और हमारे सरीखे जो लोग बने रहना चाहते हैं उनको धक्का लगने वाला है। मैं साफ बताना चाहता हूं कि इन दि ईंटरेस्ट आफ नेशन, देश के हित में पिछड़े हुए जो लोग हैं, जो शैड्यूल्ड कास्ट्स और शैड्यूल्ड ट्राइब्स लोग हैं, जो आदिवासी लोग हैं, उनके हित में यह बिल तुरन्त लाना चाहिए।

मैं आपको बताना चाहता हूं कि हर एक स्टेट में, महाराष्ट्र में, कर्नाटक में, उत्तर प्रदेश में काफी सीटें बढ़ जाती हैं। आप देख लीजिए पृष्ठ 5 पर। उत्तर प्रदेश कितना बड़ा एरिया है और उसमें आदिवासियों की सीटें कितनी हैं? रिजर्व सीट—एक है जब कि वहां 425 विधानसभा की सीट्स हैं।

श्री श्यामलाल यादव : (उत्तर प्रदेश) : बड़ा नहीं है एक भी।

श्री देवराव पाटील : बड़ी तो नहीं हैं, लेकिन एक सीट हो सकती है क्या वहां? वहां शैड्यूल्ड ट्राइब्स और शैड्यूल्ड कास्ट्स आर्डर अमेंड हुआ नहीं। ट्राइब्स हैं या नहीं? ..

श्री श्यामलाल यादव : बहुत कम हैं।

श्री देवराव पाटील : दूसरा सवाल मेरे भाई ने उठाया था कि क्या फैमिली प्लानिंग हो गया है। वहां की पापुलेशन थोड़ी बहुत तो बढ़ी होगी तो वह क्यों नहीं दिखाई गई है? होता क्या है कि शैड्यूल्ड एरिया में रहने वाले लोग अपना धन्धा करने के लिए दूसरी जगह चले गये तो वहां वे शैड्यूल्ड कास्ट या शैड्यूल्ड ट्राइब माने नहीं जाते। इसलिए वह संख्या दिनों दिन कम हो रही है। इसलिए बुनियादी सवाल यह है कि अगर यह बिल तुरन्त पास हो गया तो काफी दिक्कतें दूर हो सकती हैं और मैं मंत्री महोदय से बिनती करूंगा कि आपके डिपार्टमेंट का इसमें हाथ है, ला मिनिस्टर उसको अप्रूव करता है, आप कंसल्ट डिपार्टमेंट को हमारी बिनती भेज दीजिए। सरकार ने मान लिया, सेंट्रल गवर्नमेंट ने मान लिया, सब राज्यों ने उसको मान्यता दी है, प्राइम मिनिस्टर ने उसको ओ० के० किया है, इसलिए जो प्रोसीजर हैं उसमें देरी मत कीजिए और बिल को पास कीजिए, यही मेरी आखिरी रिक्वेस्ट है। उपसभापति जी, यह भी कहा गया है कि गोवा, दमन, दीव की विधान सभा में एक सीट शैड्यूल्ड कास्ट के लिये दी जाएगी। हमने इसको देखा है इसमें यह भी नहीं दिया गया है कि इस चीज को कौन देखेगा। हम यह समझते हैं कि जो निर्वाचन अधिकारी रहता है वही शायद उसको देखेगा। हम चाहते हैं कि जितनी वहां की पापुलेशन है उसके मूताबिक वहां उनको सीटें मिलनी चाहियें।

DR. V. A. SYED MUHAMMAD : Mr. Deputy Chairman, Sir, I am thankful to all those Members who participated in the debate today, though some of them had some critical remarks to make about the proposed Bill which is before the House. There is one question which Mr. Bhupesh Gupta raised. Though it is not directly concerned with this Bill, since he raised the important question, I thought I would reply to that. Of course, the ques-

tion was about the holding of parliamentary elections. It appears Mr. Bhupesh Gupta listened to some of the whispers and rumours current in the Central Hall in the corridors and the lobbies of the Parliament House. One such thing he heard was that there would not be any elections for years to come. One of the Congress Members had said that since we are going to have socialism, no elections are necessary. and another rumour he heard was that Lok Sabha term will be extended for two more years, or one more year. These whispers, I can tell Mr. Bhupesh Gupta, are definitely not inspired or supported by the official stand of the Government or the Prime Minister's statements. If the Government has taken a particular stand, they do not have the necessity of conducting a whispering campaign or doing things in *sub rosa* or *in camera*. We will certainly come forward under the Constitutional framework exercising the powers we have under the Constitution and state what our position is. If Mr. Bhupesh Gupta had spent a little more time in ascertaining the correct facts instead of listening the rumours and whisperings, he would have found the position unambiguous and clear both on the question of lifting of the emergency and holding of the elections. The Prime Minister has on more than one occasion stated clearly that the emergency will be lifted as soon as possible. Similarly, about the elections, she has said (that the elections will also be held at reasonably early time. All of us know that deciding a particular point of time rests with the Prime Minister. And the Prime Minister herself said : I cannot give the exact time when either the emergency will be lifted or the elections will be held. You know from the parliamentary practices in other countries, it has now become established that calling for a general election, dissolution of the House, etc. are entirely political decisions to be taken solely by the Prime Minister. In England we have found occasions more than one when even without informing the Cabinet the Prime Ministers have declared the holding of elections. It is not as if in order to

decide the date of election the Cabinet has to take a decision. It has become almost the prerogative of the Prime Minister to decide at what exact point of time the election has to be held. It is a political decision depending on various factors which the Prime Minister of the concerned country has to take into consideration. That being the position, it is unequivocally clear that the rumours and the whisperings have no foundation whatsoever. If some of the foreign papers have taken those rumours and whispers seriously and started another maligning campaign against us, it is none of our fault. The evil lies in the eyes of the beholder. If they want to malign us, they will do so. If they want to whisper, they will do it. So the honourable Member should not be overawed or over-worried about what is being whispered or what the foreign papers forecast—talk about the conditions in this country and what is going to happen in the country.

So, the position is clear that the election will be held just like the emergency will be lifted, at an early date. But as I said, the exact date of holding the election is entirely the prerogative of the Prime Minister, as is well established in the parliamentary practice and convention in other countries.

MR. DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, you are a bit late. He was replying to you.

DR. V. A. SEYID MUHAMMAD : We have also to see that the Prime Minister of this country has got that prerogative, if I may use that word—some of the constitutional *pundits* have used that word 'prerogative'—namely, of deciding on what date the election should take place. It is a political decision. So, if our Prime Minister takes that stand, I do not know why anybody should cry over it and say that democracy is being discarded in this country, that parliamentary democracy is being tampered with or is being trampled upon.

It is very refreshing to hear the passionate plea of Mr. Bhupesh Gupta for par-

[Dr. V. A. Seyid Muhammad.] liamentary democracy in this country. But if it was intended to be addressed to the Government or the Congress Party, I can only tell him that his pleas are just like carrying coal to New Castle because nobody is more concerned and nobody is more committed to parliamentary democracy in this country than the Government, the Prime Minister and the Congress Party. Anyway, as I said, it is very refreshing and it is also reassuring that Mr. Bhupesh Gupta has made such a passionate plea for democracy in this country, reassuring because. I am sure, a person, like Mr. Carter, the American Presidential candidate, would not dare to make an allegation about the Indian Communist Party, the CPI, as he has made about the Communist parties of West Europe. Mr. Bhupesh Gupta must have read that allegation. So, his passionate plea on behalf of democracy is reassuring; not only to the House . . .

SHRI BHUPESH GUPTA : Why does he answer me ? I did not sav anything I. said that I heard some of your party people say. .

MR. DEPUTY CHATRMAN : He had referred to that.

DR. V. A. SEYID MUHAMMAD : I have replied to him.

MR. DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, you raised certain points and he has answered them. You came late.

DR. V. A. SEYID MUHAMMAD : I did answer him. With your permission, Sir, I will say in two sentences what I said before. The position *vis-a-vis* the Prime Minister and the ruling party, the Congress, is that in spite of the whispering you have heard, the Prime Minister on various occasions made it clear both regarding the lifting of the emergency and the holding of the elections that they will not be postponed, indefinitely that they will be held at an early date. Further, I was saying that the exact date of holding the elections is entirely the prerogative of the

Prime Minister, that she will take all political factors into consideration and decide that. That is my answer, there cannot be any ambiguity about it.

Sir, there is another point which has been raised by a large number of hon. Members based on a certain misunderstanding. Their allegation, or doubt or apprehension is that there was a reduction in the seats allotted to the Scheduled Tribes . . .

SHRI BHUPESH GUPTA : Hon. Law Minister, very good, you are saying that. Anyhow, you are speaking with a lot of gusto. The simple question is : Are you aware that somein the party to which you belong, want the Constitution to be amended in order to extend the life of the Lok Sabha from five years to seven years, that they also want the postponement of the elections and that at least one of them said—and you would not be unaware of it, I think, being a knowledgeable person— that 'If you want socialism, forget about election.' Are you aware of this thing? Only I ask you. You are entitled to be ignorant.

DR. V. A. SEYID MUHAMMAD : I have replied to that. Unfortunately, Mr. Bhupesh Gupta was not here. What I said is this : It is quite possible that some misguided Congressman must have said like that. But neither the Prime Minister nor the party nor the Government can be held...

SHRI BHUPESH GUPTA : I have not said about the Prime Minister or your party. Perhaps you have somebody in mind. I have asked if you are aware of any such report. This is all. A very simple thing.

DR. V. A. SEYID MUHAMMAD : I was not aware but I was made aware today, Sir.

MR. DEPUTY CHAIRMAN : By Mr. Bhupesh Gupta.

DR. V. A. SEYID MUHAMMAD : Yes, about socialism, when we are even amending the Constitution to include the word "socialist" and making it "democratic socialist republic", when the Prime Minister has time and again declared, when the party has declared, that we believe in parliamentary democracy and that is the best form suited to this country, I do not know why somebody should juxtapose them as if socialism and democracy are contradictory to each other. I do not understand that philosophy.

SHRI BHUPESH GUPTA : I also do not understand.

DR. V. A. SEYID MUHAMMAD : I do not know. I can say that if somebody said that, he is definitely speaking for himself, not for the party, not for the Government, not for the Prime Minister and not for the philosophy of the party at all.

Now, Sir, another point which I wish, with your permission, to deal with is the apprehension that the number of seats reserved for the Scheduled Tribes has been reduced by this new Act from 41 to 38. And many reasons have been put forward. It was said that since obviously there was increase in their population, there must have been some mistake in the calculation made by the Census Commission or the Delimitation Commission. Another reason which was put forward was that possibly there was conversion to Christianity and thereby some reduction had taken place. Another reason mentioned was that the census had not been taken properly. Since this apprehension has been expressed on a large scale and in a wide circle, with your permission, Sir, I shall read out a statement clarifying the position. To make sure that I do not make any mistake, I have noted it down and I will read it out with your kind permission.

SHRI K. K. MADHAVAN : It is so glaring, for instance, in Karnataka.

DR. V. A. SEYID MUHAMMAD : Please listen. 17RSS/76—5

There is a widespread misapprehension that as a result of the new delimitation of parliamentary constituencies and Assembly constituencies in the States, reservation for the Scheduled Tribes has been reduced despite an increase in the total number of members in the Lok Sabha from the States and Union Territories from 525 to 545. The correct position is as follows. As on January 1, 1973, the number of seats for the Scheduled Tribes from the States and Union Territories in the House of the people was 41. The Delimitation Commission has formally notified the total number of seats reserved in the House of the people for the Scheduled Tribes as 38, that is, an apparent reduction of three. Four seats formerly reserved for the Scheduled Tribes from the areas now constituted into the State and Union Territories of Meghalaya, Mizoram and Arunachal Pradesh, were de-reserved by Parliament as a result of the Constitution (Thirty-first Amendment) Act, 1973. While the areas of Meghalaya and Mizoram formed part of the erstwhile State of Assam, it was necessary to reserve seats for the tribal people from these predominantly tribal areas. When these areas were reconstituted into a State and Union Territory and were given representation in the House of the people in their own right, it was obviously no longer necessary to reserve seats for the tribal people from these areas which were predominantly tribal. By the Union Territories (Amendment) Act, 1975, Arunachal Pradesh got two seats instead of one as earlier allocated. The representatives, elected from these predominantly or wholly tribal areas will obviously always be people belonging to the tribes. Taking into account these five seats also, the number of seats to which representatives will always be elected from among the members of the Scheduled Tribes will be 43. This will mean an increase of two seats for the Scheduled Tribes over the previous reservation of 41. Actually it has increased by two.

Similarly, the number of seats reserved for the Scheduled Tribes in the Legislative Assemblies as on January 1, 1973, was 317. The Delimitation Commission formally noti-

[Dr. V. A. Seyid Muhammad.] fied 282 seats in all the States and Union Territories as being reserved for the Scheduled Tribes.

Fifty seats were formerly reserved for Scheduled Tribes in the area which is now the State of Meghalaya. These were Je-reserved by Parliament under the Constitution (Thirtyfirst Amendment) Act, 1973 as Meghalaya is predominantly tribal and the persons elected to the Meghalaya State Legislature will be predominantly tribal people. This has removed the necessity for reservation for Scheduled Tribes in Meghalaya. Taking these 50 seats also into account in addition to the formally reserved 282 seats, the total number of seats in State Assemblies to which persons will be elected certainly from among members of the Scheduled Tribes will be 332. This is an increase of fifteen over the earlier number of 317 reserved for Scheduled Tribes.

The apparent anomaly in reservations by the new delimitation has been explained in the foot-notes at pages 44 and 46 of the Report of the Election Commission on the General Elections to Legislative Assemblies in 1974 and 1975 and the Presidential and Vice-Presidential Elections of 1974.

I hope that with this clarification the apprehension that there was reduction in the seats of Scheduled Tribes is removed.

There were other points which were raised. Some of them related to the curbing of money power in the elections and the others were regarding the reduction of age, etc. Even though they are very relevant points in the context in which they were raised, for the purposes of the Bill I do not think I should deal with them. Most of the main points clustered around the reduction of seats for Scheduled Tribes and since they have been answered, I do not propose to take any more of the time of this hon. House. Sir, I commend the Bill for consideration.

MR. DEPUTY CHAIRMAN : The question is :

"That the Bill further to amend the Representation of the People Act, 1950, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN : We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 7 were added to the Bill. Clause 1, the Enacting Formula and the Title were added to the Bill.

DR. V. A. SEYID MUHAMMAD : Sir, I move :

"That the Bill be passed." *The question was put and the motion was adopted.*

THE CODE OF CIVIL PROCEDURE (AMENDMENT) 1976

THE MINISTER OF STATE, IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD) : Sir, I move:

"That the Bill further to amend the Code of Civil Procedure, 1908, and the Limitation Act, 1963, as passed by the Lok Sabha, be taken into consideration."

You are aware that the Code of Civil Procedure (Amendment) Bill, 1974, was referred to a Joint Committee of both Houses of Parliament. After examination of the Bill in depth, and in the light of the memoranda and evidence received by it, the Joint Committee have suggested certain changes in the Bill.

You are aware that, at the time when the Code of 1908 was enacted, the society was feudal in character; people had ample leisure and the litigation in