

[19 May, 2006]

RAJYA SABHA

173वें और 175वें प्रतिवेदनों में अंतर्विष्ट सिफारिशों के कार्यान्वयन की स्थिति के संबंध में वक्तव्य सभा-पटल पर रखता हूँ।

**The Status of Implementation of Recommendations contained in
Seventh, Eighth and Ninth Reports of the Department-related
Parliamentary Standing Committee
on Health and Family Welfare.**

THE MINISTER OF HEALTH AND FAMILY WELFARE (DR. ANBUMANI RAMDOSS): Sir, I beg to lay a statement regarding status of implementation of the recommendations contained in the Seventh, Eighth and Ninth Report of the Department-related Parliamentary Standing Committee on Health and Family Welfare.

PRIVATE MEMBERS' RESOLUTIONS

**Re. Providing Employment to Educated Youth and relief to unemployed
Youth till they are employed—*contd.***

MR. DEPUTY CHAIRMAN: Hon. Members, the Mover of the Resolution Shri Datta Meghe, wishes to withdraw the Resolution. The Mover, Shri Datta Meghe, is not present in the House today. If the House agrees, I shall now put the Resolution to vote. The question is,

"Having regard to the fact that the number of unemployed youth has been increasing year by year and the Government have not been able to generate sufficient employment in the country even for those who possess technical qualifications like engineering, medical etc., this House urges upon the Government to come up with some schemes for providing employment or in the alternate provide relief to all unemployed youth till they secure employment."

The motion was negatived.

**Re. Removal of difficulties being experienced by various States while
Delimiting Constituencies**

SHRI V. NARAYANASAMY (Pondicherry): Sir, I beg to move the following resolution:—

"Having regard to the fact that:—

1. the Delimitation Act was passed by Parliament and the process of delimitation has already started in various States and they are facing a lot of difficulties in implementing the provisions of the Delimitation Act;
2. several representations have been received from various States and even from the legislators stating that since population was the criteria adopted for delimiting the constituencies, ignoring other conditions prevailing in various States, the basic structure of the constituencies is being changed;
3. in North-Eastern States there are various districts covering larger area of lands with less population;
4. if population criteria is adopted for delimiting the constituencies, the cities get more representation than the rural areas because of the high concentration of the population; and
5. the elected representatives who have become Associate Members of the Delimitation Commission have not been given the powers of voting at the time of taking decision under the Delimitation Act, which infringes the rights of the Members.

This House resolves that--

- a. the Government should look into the practical difficulties being experienced by various States while delimiting the constituencies.
- b. apart from the population criteria, topography of the area, ravines, rivers, districts and communities should also be considered for delimiting the constituencies;
- c. the elected representatives who are Associate Members, should also be provided with voting power so that their views are properly represented in the Delimitation Commission; and
- d. the Delimitation Act should be amended accordingly.

MR. DEPUTY CHAIRMAN: Now, Shri Jesudasu Seelam.

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SHRI V. NARAYANASAMY: Sir, I wish to speak on the Resolution.
...(interruptions)...

MR. DEPUTY CHAIRMAN: The Resolution itself contains a lengthy explanation.

SHRI RAVULA CHANDRA SEKAR REDDY (Andhra Pradesh): Sir, he must be allowed to explain, otherwise, nobody would support it.
...(interruptions)...

SHRI V. NARAYANASAMY: For the benefit of the House, I shall have to explain it, Sir.

Sir, this is a very important Resolution, where I can say that the political parties are together. They are together, irrespective of whether they belong to the Ruling Party or the Opposition Party, whether they belong to Delhi or to Andhra Pradesh, because the issues involved are very serious in nature. The Government of India, from time to time, appoint a Delimitation Commission, for the purpose of giving representation to the Scheduled Castes and Scheduled Tribes and also, to the backward regions and city limits. Moreover, it takes twenty years to delimit constituencies. In 2002, the Delimitation Act was passed by Parliament for delimitation of constituencies and it was adopted by both the Houses of Parliament.

Sir, the point is that while delimiting constituencies, the Government never interferes; it is to be done by the Delimitation Commission with assistance from the Election Commission of India. The process has been notified in the Act and the procedure has been envisaged.

Sir, the reason why I was prompted to bring this Resolution to this August House, is that while implementing the provisions of the Delimitation Commission, the guidelines enunciated, the procedure to be followed, and the rules to be implemented are not being properly followed. The hon. Law Minister is present in this August House. The kind of representations that the Law Ministry has received, and the hon. President of India has received from public representatives, whether it be Members of Parliament or legislators and also from the common public, is a matter of concern for all of us. There is no quarrel that the constituencies have to be delimited on the basis of population in view of population explosion. But, Sir, there is one criterion that needs to be considered by the Government and also the Delimitation Commission. Take the case of North-Eastern States. In the

North-Eastern States, the State capital, the population is concentrated. If one goes to the other districts, the population is scattered, where in a village, there are only 50 families and in another village, there are 100 families. In another villages, there are hundred families. The area is so spread that the constituency has become very big. In the case of city, in the North-Eastern States, whether it is Meghalaya, Manipur or Mizoram, the constituency in the town limit is increasing, and the constituency in the rural area is decreasing because the population has been considered as a criteria for the purpose of delimiting the constituency. It is not only with the North Eastern States, it is also with other States whether it is Delhi, Mumbai, Kolkata, Chennai, Bangalore or Hyderabad. Now, there are eight constituencies in the urban limit in Bangalore. It has become twelve constituencies. The limit has been frozen; the total number of constituencies has been frozen. If they are 224, then they are 224 only. But, Sir, more representation has been given to the urban areas are compared to the rural areas. The Government has to find the balance for this. In the urban limit of Delhi, there is one constituency, that is, outer Delhi. Its total population is more than 25 lakhs. But in the other constituencies, it is only ten lakhs. For example, in Hyderabad the population is more in the city limit and the population in the semi-urban area is less. The division is on the basis of population alone. In the urban limits, the constituencies are being increased and in the rural areas the constituencies are being reduced. The Delimitation Commission decides the size on the basis of Section 9 of the Delimitation Act. Section 9 of the Act very clearly mentions," The Commission shall, in the manner herein provided, distribute the seats in the House of the people allotted to each State on the seats assigned to Legislative Assemblies of each State has readjusted on the basis of 1971 Census to single member territorial constituencies and delimiting them on the basis of Census figures as ascertained in the Census held in the year 2001 having regard to the provisions of the Constitution, the provisions of the Act specified in Section 8 on the following provisions, namely, all constituencies shall, in as far as practicable, be geographically compact areas and delimiting them on the basis of physical features, existing boundaries of administrative units, facilities of communication and public convenience." This-is one version. Secondly, every Assembly constituency shall be delimited as to fall wholly within one Parliamentary constituency. The constituency in which seats are reserved for Scheduled Castes and the Scheduled Tribes shall be

distributed in different parts of the State and located, as far as practicable, in those areas where the total of their proportional population is the largest. Sir, this is not being followed. My complaint is that even this provision, which has been enunciated in Section 9, has not been followed. I received several representations as a Member of Parliament. The Delimitation Commission also received several representations from various Legislators, Members of Parliament and also from the general public because they have to consider one Parliament constituency as one unit or district as one unit or the whole State as one unit. Now, Sir, I come to the composition of the Delimitation Commission. There is one Chairman of the Delimitation Commission, one member from the Election Commission and the third is the State Election Commissioner appointed by the State Government. There are three members in the Delimitation Commission. Now what is the procedure that they follow? They compile the data and also maps. Secondly, they prepare the draft working paper on delimiting the constituencies and consult the State Election Commissioners. Thirdly, they consult with the associate members. Associate members are 10 from each State—five from Parliament and five from the Assembly appointed by the hon. Speaker of the respective Legislative Assembly. In the case of smaller States, it is only five members. The associate members have no voting right. They go for public hearing, where the view of all political parties and public are heard and then they give final notification. Then, they go to public hearing. There, all the political parties and public views are heard and finally, they give the final notification. So far, the Delimitation Commission has completed the delimitation process in some States, especially the States like Goa, Kerala, Tripura, Mizoram, Rajasthan, West Bengal and Union Territory of Pondicherry. The delimitation process in respect of Chhattisgarh, Himachal Pradesh, Maharashtra, Orissa, Punjab, Sikkim and National Capital Territory of Delhi is going on. In other States also, the process is going on. Sir, here, we find the constituency, take the case of State Capital, where the constituencies have been increased on the basis of population only—I stress the point 'only population'—leaving alone the topography and geographical conditions of the district. Thirdly, Sir, points like the river area, whether rivers are there, and moreover, whether the people can reach the other destination, if it is the North-eastern region, have not been considered. It is a very pathetic situation. When the public representatives go before the Delimitation Commission and when they represent the matter, it is heard only for the namesake. I want to tell the

hon. Minister when the Associate Members go there, they represent the grievances of the Members collectively, irrespective of the party, it is not being considered. It is totally ignored. Why? It goes to the advantage of the ruling Government because the recommendations and the drawing of the map, identifying of the constituencies, dividing of the constituencies is done by the State Election Commission. When it comes to the Delimitation Commission, they do only cosmetic changes. They don't go into the real nitty-gritty. They don't go into the real issues which are involved. Therefore, Sir, several representations have been received before the Delimitation Commission and also before the Government of India. Sir, what happened is that when the population is to be considered on the basis of SC and ST population, they go according to their own mercy. If there is 25 per cent SC population in a constituency which has to be notified as Scheduled Caste constituency for SC, they don't do it. They show it as 20 per cent only. It is the case with other States also. Not only that, in Pondicherry also, we have several difficulties. I appeared before the Delimitation Commission and we represented the case. What they have done is that in one area, they reduced the constituencies. When they take it as Parliamentary constituency unit, or a district as a unit, that number of the constituencies should not be reduced. Sir, we have got 21 constituencies in Pondicherry, six constituencies in Karaikal, two constituencies in Mahe, one constituency in Yanam. They simply take only population criterion. They have reduced one constituency in Karaikal region, one constituency in Mahe region and they have added two constituencies in Pondicherry against the wishes of the people of the State. Because they have fixed 27,000 population as one unit. That 27,000 population is available in that particular area. As ten per cent plus or minus is relaxable and when they have ten per cent plus or minus, for the purpose of the population alone, when exactly specified population exists, for the purpose of dividing the constituencies as six units, they have ignored the recommendation or suggestion made by the Associate Members and they have said that they would make five constituencies. In other area, they have taken away one constituency. The issue has flared up. Even the common people are sending their representations that one of their constituencies is being taken away. Therefore, Sir, there is a procedural malfunctioning because the procedure, that has been adopted, varies from one State to the other because the Delimitation Commission has to follow the guidelines, the rules and procedures for all the States according to the rules framed and

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the Act itself. As I said, Sir, section 9 very clearly mentions that the geography of the area has to be considered. When a State is scattered, the geography is very important. That has not been considered. It has been ignored. And, even when one constituency has population of 27,000 as a unit, when that specified population is available, they have cut one constituency in another area.

Sir, the public representatives, who represented before the Delimitation Commission, told me that the injury caused to them has to be compensated. But they did not bother, they simply said, this is our final decision. Unfortunately, Sir, the decision taken by the Delimitation Commission cannot be challenged in a court of law. When the hon. President gives his consent, it is Final. Sir, there are real issues which have been involved, and, one is about the North-Eastern States which are facing problems because of the urban concentration, which is there. Suppose, in one assembly constituency, they have to cover about one hundred square kilometres in the tribal area, and, if in another constituency, in one town itself, where there are three, four assembly constituencies, what will be the extent of the problems that those tribal people have to face. We will have to see from that angle also. We have to see to it because we cannot equate the North-Eastern States with the other States in the plain areas.

Therefore, Sir, this issue has become relevant. It has to be addressed very carefully because the tribal people are very sensitive people.

Moreover, when the representation given to the people in one area is taken away, the kind of revolt that is coming from that area has to be seen. You know pretty well about Bangalore rural, and, then Bangalore urban. Sir, urban constituencies are increasing while the rural constituencies are being reduced. Take the case of Hyderabad, our hon. Member knows, where this is the only issue where the Congress Party and the TDP are together in Andhra Pradesh. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: There also, you are ...*(Interruptions)*...

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, normally, if the Whip of the Ruling Party moves a Resolution, we feel it is an official resolution. I am here to oppose it.

SHRI V. NARAYANASAMY: Sir, this problem is there in Delhi also. Sir, there are about seventy assembly constituencies in Delhi and the population is about... *(Interruptions)*...

श्री जय प्रकाश अग्रवाल (राष्ट्रीय राजधानी क्षेत्र, दिल्ली) : कुछ हमारे लिए भी छोड़ दो ।

श्री उपसभापति : दिल्ली वाले भी बोलने वाले हैं ।

SHRI V. NARAYANASAMY: Okay, there is no problem. Sir, there is an inherent defect in implementation by the Delimitation Commission. The issues involved are sensitive issues. It is not only the question of drawing the boundaries on the map only. Various other aspects have to be seen. The sentiments of the tribal people have to be seen. The urban areas have to be seen. The geographical conditions of the places have to be seen. The ravine, rivers and also the accessibility of the people have to be seen. Apart from that, the Delimitation Commission has to consider the representation that is there.

Sir, here, I would like to mention a very important point. The associate members should also have the voting right. The reason why I am stressing this issue is that the Chairman of the Delimitation Commission, the members of the Election Commission take decisions by majority, and, the State Election Commissions join them. The representation, which has been made by the associate members, has been thrown into the dustbin. The genuine grievances, genuine issues that are raised by the elected representatives have to be addressed by the Delimitation Commission. Let the hon. Minister inform the House as to how many representations did the Law Ministry receive from various States, especially, Orissa, Madhya Pradesh, Tamil Nadu. Sir, in one State, the associate members resigned enmass. They don't want to participate in the Delimitation Commission because of — I don't want to use aggressive words — the attitude of the Delimitation Commission. Sir, the public representatives, whether they are the Members of Parliament or the Members of State Legislatures, represent the will of the people. Yes, they have some grievances because their constituencies are being ignored. I don't want to go into that aspect. I go into the common aspect, the common aspect of proper representation to the people in a proper manner as provided in the Delimitation Act. Therefore, they should also be given the voting right. The complaint that has been received from the public representatives has to be considered. The Delimitation Commission should not ignore it. Sir, in our party, the Congress Party, our hon. Member, Shri Seelam is coordinating with our Member States in the Delimitation Commission for the purpose of redressal of grievances. They are also aware how the representation has been received by the party from various States also. Therefore, it is a very serious matter

which has been a burning issue. The Delimitation Commission does not bother about anybody. They have finished it in six States. They will finish everything. In the next Parliamentary election, it has to be implemented. While implementing it, there will be hue and cry from the public, from the Members of Parliament and from the Legislators. At that time, there will be chaos in this country. Therefore, it is high time the hon. Minister should consider amending the Delimitation Act, giving the proper thought and following the proper procedure. All the sections of the society have to be given proper representation. The spirit of the Delimitation Commission has to be fully implemented. It should not be under whims and fancies of certain people, certain groups of people. Therefore, Sir, they should work in an unbiased manner in giving representation, hearing the representations of the various people and seeing that justice should be done irrespective of the political affiliations. This is my submission, Sir. Therefore, I move this Resolution, Sir. I want this House to adopt the Resolution unanimously, so that the hon. Minister may consider it. Thank you, Sir.

The question was proposed

MR. DEPUTY CHAIRMAN: Thank you, Mr. Narayanasamy for bringing this important Resolution in the Council of States regarding the delimitation of the Councils. Hon. Members, time limit of speech is, no speech in Resolution, except the permission of the Chair, shall exceed 15 minutes in duration, provided, the Mover of the Resolution, when moving the same, when he is speaking for the first time may speak for 30 minutes. This is the rule. I am reminding you. Now, Mr. Jesudasu Seelam. You have not more than 15 minutes.

SHRI JESUDASU SEELAM (Andhra Pradesh): Hon. Deputy Chairman, Sir, I stand to support this Resolution. I agree with the hon. Member, Shri Narayanasamy, who gave a detailed account of difficulties which the various States have been facing. I have the fortune of associating with this work for the last four years. I would like to bring to your kind notice, without repeating the points which have already been brought to the notice of this House by hon. Narayanasamyji, Sir, why this delimitation exercise has been taken up. It is an obligation under the Constitution of India that every ten years, we have to delimit our constituencies, after the Census operations are over. But, for various reasons, somehow, we could not do the last delimitation exercise. The last delimitation exercise was taken up immediately after the 1971 Census. This exercise was completed in 1976 and the elections

in 1977 were conducted with the new Delimitation Act. So, for the last nearly 35 years, it has been due. We should have done this delimitation exercise. It has been long due, Sir. So, what is the rationale? The rationale is, some of the examples have been given by Mr. Narayanasamy, there are certain constituencies which have vast population, way, up to 30 lakh people, and there are certain Parliamentary constituencies which have a very limited population. So, there was a need for rationalising this population and making all the Parliamentary constituencies more or less equi-populous. That is number one.

Secondly, Sir, there is an obligation that the Constitution of India lays down, that is, the representation of the Scheduled Castes and the Scheduled Tribes should be in proportion to their population. So, there is a need to correct that imbalance which is presently existing to give proportional representation to SCs/STs according to their population. So, that is the second criterion. Based on these two principles, the Delimitation Act was passed by Parliament in 2002. But, because some objections were raised to take the 2001 Census, because the earlier amendment was passed on 1991 Census, again the Delimitation Act was amended and the Delimitation Act 2003 was brought in to take the figures of 2001 Census. So, that being the case, Sir, how to go about? Section 9 of the Act clearly indicates how the Delimitation Commission would be. As rightly pointed out by the Mover of the Resolution, the Chairman would be from outside. One of the Members of the Election Commission will be the Delimitation Commission Member and one Member from the State Election Commission would be ex-officio Member. There are three ex-officio Members, Sir.

Then there is problem regarding functioning the Commission. Sir, nobody is taking about the Act. Nobody is talking about the provisions. On how the Commission functions, how it associates members from each State, and what are the difficulties, the disparities, and the problems of the people, a detailed account has been given by the hon. Member. Basically, I would like to categorise these disparities in four ways. I do not share the hon. Members views fully, because wherever possible the Delimitation Commission does accommodate the genuine problems. Sir, problems are in both the ways.

Some of our hon. Members insist that they don't want to change their constituencies in any way. All the boundaries should be intact. Sir,

sometimes it is also unreasonable. Sir, we should also, while saying that this should be done, look at our own interpretation. Sir, I would submit that there is a lot much one can improve, because there is a way to get things done under the provisions. The ten per cent plus or minus is provided only to see that administrative units are not divided because one wants constituency in a certain way. That leverage, that cushion is given by the Commission itself. I compliment the Commission because it has been working day in and day out. I keep in touch with them on day-to-day basis. There are certain difficulties which the Commission itself cannot do away with, because the Act lays down that the administrative boundary should be kept intact. Administrative boundary varies from State to State. In some States, there is Patwari Circle; in some States, it is a Village; in some States, it is a hamlet; in some States, it is a Panchayat System; in some States, it is a Block System; in some States, it is Tehsil; and in some States, it is Mandal system. In such a situation, they go by the consensus of the associate members. How can we change a particular building block? If the members feel that village should be the building block, then the Delimitation Commission goes by it and the village is considered as the building block or the administrative unit. If it is decided that it should be the Community Development Block, they adopt the Community Development Block model. It can be that some associate members may decide that they want to go by the Patwari Circle, or the Revenue Circle Model. While we need to genuinely sort out the difficulties put forth by various hon. Members, I think we should understand the difficulty of the Delimitation Commission also.

I would like to submit before this august House that almost two-third work of the Delimitation Commission, as pointed out by the Mover of the Resolution, has been done. There are certain difficulties which even the Delimitation Commission wants to sort out. Basically, there are four areas. One is the urban-rural dichotomy. Since the 1971 Census, over a period of 30-35 years, the rural population has moved out of rural areas. The Census of 2001 shows that a lot of population growth has taken place in majority of urban cities. When you take population as a criterion, you get more number of seats in urban centres. To that extent, seats of the rural areas are reduced. He has cited the example of Bangalore. Right now, we have 16 seats, not 8 seats, Sir. It is going to become 24 seats. So much increase, of seats is there in Bangalore city alone. To that extent, the

seats in other parts are reduced. If we conduct delimitation after ten years, there will be further shift. If this process continues over two-three times, there is going to be total unrest amongst the rural areas. So, there is some requirement. How do you do it? You can point out that. What is the solution? Sir, the problem here is that in urban areas, density is more, and distances are small. In the rural areas, population is scattered, and distances are also more. So, we can have a slightly different criterion. It may be 20-30 per cent more population per constituency in an urban area, so that there is no large amount of shift or the pull factor or the push factor towards the urban centre.

that is one factor. Even the Delimitation Commission is also looking into it. This urban-rural problem is one area. Secondly, Sir, regarding hilly and plain regions. As you know, hilly terrain is difficult; houses are scattered; vast regions have to be covered if you equate the population that there should be two lakh per constituency which is equivalent to the same number in the rural plain areas. Here also, we need to say that it should be 20 to 30 per cent less per assembly constituency in hilly regions compared to plain regions so that we can take care of this. It is difficult to move in hilly regions if you link, put up and together vast area and put it as one constituency. So, in hilly and plain regions, this is the second difficulty this part has been facing.

The third is about the North-East. Sir, I would like to submit to the hon. Members who are well aware that in North-East, say Manipur and Nagaland which are border States sharing international border with other countries, we have this problem, in the last 30 years, there is division of States, creation of more districts, basing on the ethnicity, basing on the particular tribe. For instance, in Arunachal Pradesh, there are 16 districts. Each district is inhabited by a particular tribe. You see, what happens if you truncate the district or if you change the number of seats in a district, the tribe gets disturbed. They are saying that their identity is lost; you do delimitation, but don't disturb, what is called, the district identity where each district is made depending on the population of the tribals, like 16 major tribes and 16 districts. So, they suggested to the Commission that don't disturb the existing number of seats per district because, by doing so—by extending seats from one to the other reducing or increasing—our cultural identity is disturbed and this is very, very sensitive. After all, delimitation is done for what? The delimitation is done for the people's convenience and for the public good. That is why, I think, we need to take

the sensitivities into consideration and devise a method where the people's sensitivities and the people's feelings are not hurt, thereby create more problems, adding to the problems they already have.

Sir, the fourth and the last area, which we have been trying to sort out and where we have been facing lot of problem, is the tribal and non-tribal areas. Sir, while doing the delimitation exercise, we have a responsibility to keep the tribal character of a particular constituency. The Constitution also recognises special tribal areas and the Government of India spends lot of money on tribal sub-areas because tribes are characterised by specific area. So, I think, we need to take into consideration these sensitivities, the character of the tribal constituencies, the special difficulties of hilly regions and the feelings of the rural population. But, Sir, what is the solution? This issue has been deliberated in consultation with the hon. Law Minister and with a large number of people's representatives who come to our office and express this problem and who have given in writing to the Prime Minister, to the Delimitation Commission and to the associate members, giving a copy to us. What we told them was that we requested the Government to come up with some modification where the district seats could be frozen as we have frozen the State seats. It is not the reorganisation of the constituencies. The present exercise of the Delimitation Commission is that is not the total reorganisation, but it is only to cut and paste and make the composition of the constituency equi-populous. It is only rearrangement and not reorganisation, not a fresh exercise, because by an amendment, this House has frozen the total number of constituencies till 2026 within the existing number. Now, we cannot increase the number, either Lok Sabha or Assembly seats. Within the total number, we have to do this rearrangement of the constituencies to achieve the twin objectives of equi-populous constituencies on the one side and giving representation to the SC/ST on the other - proportionate to their population, basing on 2001 Census.

So, the sum and substance of my submission to this august House, and through the House to the hon. Minister, is that we have to bring a small amendment, wherein, the district seats are to be frozen, and with the seats, we have to make each seat more or less equi-populace. Why am I saying so? Sir, this has a small limitation, and this may result in small disparity. What is the disparity? The disparity would be that it will not be equi-populace throughout the State. It will be equi-populace within

the State. There may be variation of some seats in the urban and rural areas within the State, but, that variation, I am sure, you will appreciate was there when the last delimitation exercise was done. The last delimitation exercise done in 1976, also adopted the same procedure, same guidelines. But, I would like to submit that by freezing of the seats at the district level, we need not create this much heartburn, we need not disturb the sentiments of the tribal people, we need not disturb the geographical concentration of district-wise tribal settlements in the North-East State, and we need not worry too much that by doing so, the rural population will be at a disadvantage because, there may be a marginal increase in the urban centres, but not the extent which is being contemplated at present. So, this is the small amendment. But there are difficulties in passing this amendment. We have to amend the Constitution itself because, article 82 of the Constitution of India provides that throughout the State, the quantum of population should be more or less the same. That is the prescription. That needs to be slightly modified. We need to go in for a constitutional amendment. It is not simply sufficient to amend the Delimitation Act. So, that is the limitation. If the hon. House feels that we have to do the freezing of districts only after amending article 82 we have to replace the word 'district' in place of 'State'. That is the only amendment which is required to article 82 of the Constitution of India, and subsequently, section 9 of the Delimitation Act, 2003 also needs to be amended.

The third point is that the hon. Member has mentioned about the role of the associated members. Sir, most of the associated members for the last two years have been looking at the submissions they are making before the Commission. I may say that it was observed that most of the associated members are concentrating on their own constituencies rather than taking the States interest as a whole. That was one of the allegations made by the non-associated members who also came and placed their views. So, there was a consensus that the national parties should have a representation, and at each stage, they should be heard by the Delimitation Commission to take care of the feelings of the non-associated members, who did not have an opportunity to place their difficulties before the Commission. I agree with the hon. Member who moved the Resolution, Shri V. Narayanasamy, that the associated members should be given more importance. It is not only the question of recording their views as a dissent note, but it should also be gone into in letter and spirit because they do represent the people, and they could have received a large number of representations before the Commission.

Finally, in States like Chhattisgarh, Uttaranchal and Jharkhand, the three newly formed States, what happened before the States were bifurcated. The seats of the two States put together, were allotted to those three States. Now they have become 6 States. What happened in Chhattisgarh? The Scheduled Tribes seats are getting less because of demographic reasons, and not because the Delimitation Commission has done something wrong. The Scheduled Tribes seats are calculated by a specific formula. They divide the total population of the State by the Scheduled Tribes population into total number of seats and something to arrive at the number of the Scheduled Tribes. So, whereas the Scheduled Tribes seats are increasing in Madhya Pradesh, the Scheduled Tribes seats are decreasing in Chhattisgarh. This needs to be corrected. This disparity needs to be addressed. Had they been taken together, there would not have been an adverse effect. Because they are bifurcated the Scheduled Tribe seats are getting reduced in Chhattisgarh. Similarly, in Bihar and Jharkhand, since taken together, there was no problem. When the seats were bifurcated, some of the areas were included. The calculation of population has been done. So, I think, the Delimitation Commission is also expecting a direction from the Government that there can be an increase in the SC/ST seats because of the delimitation exercise, but the existing seats should not be reduced because it will send a negative message to the tribal areas especially. So, these are my submission. Sir I would like to sum up by saying that we need to approach the Delimitation Commission with an amendment to article 82 of the Constitution saying that the population for each constituency should be, more or less, the same within the district, not necessarily within the State. Secondly, there should be a guideline that there can be an increase in the SC/ST seats because of the delimitation exercise, but the existing seats should not be reduced because of this problem. Thirdly, having regard to the special problems that the tribal, the hilly region, the urban and the rural people face, we need to freeze the constituencies at the district level, and this exercise needs to be expedited because we are already late by 30 years. I think, the seats reserved for SCs/STs are to be increased. They have been denied, for the last three decades, their due shares. With regard to the guideline, we can increase, plus or minus the cushion to 20 per cent so as to accommodate some of the difficulties. And fourthly, under any circumstances, whatever the administrative unit may choose, it should not be bifurcated, it should not be divided and it should not be trunacted. Taking an overall view, I think, the district freeze would be an ideal one.

4.00 P.M.

With these observations, I once again congratulate the hon. Mover of the Resolution, for bringing before the House such an important Resolution, and I support this Resolution.

श्री लक्ष्मीनारायण शर्मा (मध्य प्रदेश) : उपसभापति महोदय, श्री नारायणसामी द्वारा आज जो संकल्प प्रस्तुत किया गया है, मैं उसका लगभग समर्थन कर रहा हूँ। डिलिमिटेशन कमीशन, जो केवल आबादी के आधार पर कंस्टीच्युएँसीज़ का पुनर्गठन कर रहा है, उससे निश्चित रूप से imbalance बढ़ेगा। जितना ट्राइबल एरियाज़ है, वहाँ पर पॉपुलेशन तो कम है, लेकिन क्षेत्र इतने बड़े हैं कि उनमें सम्पर्क करना, घूमना और वहाँ प्रचार करना एक कठिन कार्य होता है। इसलिए निश्चित रूप से इस बात का हमें ध्यान रखना पड़ेगा, डिलिमिटेशन कमीशन को भी ध्यान रखना पड़ेगा कि ऐसे क्षेत्रों को डिस्टर्ब करने से वहाँ की जो स्थिति है, उसमें बिगाड़ आएगी। इससे ट्राइबल्स के जो सेंटीमेंट्स हैं, वे भी हिट करेंगे। मैं उदाहरण के लिए मध्य प्रदेश के बारे में निवेदन करना चाहता हूँ।

[उपसभाध्यक्ष (प्रो० पी०जे० कुरियन) पीठासीन हुए]

मध्य प्रदेश में छिदवाड़ा एक ऐसा जिला है, जहाँ लगभग सभी सीटें ट्राइबलस की हैं। वहाँ पर सीटें कम होने वाली हैं। भोपाल जैसा राजधानी का जिला, जहाँ अभी तक 4 सीटें थी, वहाँ 7 सीटें होने वाली हैं। आबादी के हिसाब से शहरी क्षेत्रों में सीटें बढ़ेगी और ग्रामीण क्षेत्रों में सीटें कम होंगी। यह निश्चित रूप से एक प्रकार से असंतोषजनक कार्य होगा। इस पर डिलिमिटेशन कमीशन को पुनर्विचार करना चाहिए। यद्यपि डिलिमिटेशन कमीशन ने दो तिहाई से अधिक काम कर लिया है, इसमें कठिनाई जरूर है, लेकिन अगर इस पर विचार करेंगे, तो निश्चित रूप से इनका लाभ हमें मिलेगा। जैसा कि नारायणसामी जी ने कहा है कि पूर्वोत्तर राज्यों में कई जिले ऐसे हैं, जो बड़े क्षेत्र हैं, लेकिन जहाँ जनसंख्या कम है। यदि निर्वाचन क्षेत्रों के परिसीमन हेतु जनसंख्या का मानदण्ड अपनाया जाता है, तो ग्रामीण क्षेत्रों की तुलना में जनसंख्या के अधिक घनत्व होने के कारण शहरों को अधिक प्रतिनिधित्व मिलेगा। निश्चित रूप से यह बात सही है।

उपसभाध्यक्ष महोदय, नारायणसामी जी ने जो कुछ सुझाव दिए हैं, उन सुझावों में से 'ख' में यह कहा गया है कि निर्वाचन क्षेत्रों के परिसीमन हेतु जनसंख्या के मानदण्ड के अतिरिक्त समुदायों पर भी विचार किया जाना चाहिए। मैं इस बात से सहमत हूँ, लेकिन उन्होंने भाग "ग" में जो बात कही है कि निर्वाचित प्रतिनिधि जो सहबद्ध सदस्य हैं, को भी मतदान की शक्ति प्रदान की जानी चाहिए ताकि परिसीमन आयोग में उन के विचारों को समुचित प्रतिनिधित्व मिल सके। महोदय, जन-प्रतिनिधि को निर्वाचन का अधिकार देना कतई उचित नहीं होगा क्योंकि इस में वे अपने ही बारे में सोचेंगे, पूरे निर्वाचन क्षेत्र के बारे में नहीं सोचेंगे। इसलिए उन का यह सुझाव मुझे उचित नहीं लगता।

[19 May, 2006]

RAJYA SABHA

उपसभाध्यक्ष महोदय, कुल मिलाकर मैं यह निवेदन करना चाहता हूँ कि इस से ग्रामीण क्षेत्रों में रहने वाले ट्रायबल्स, अनुसूचित जाति के लोग, जैसे हमारे यहाँ झाबुआ, छिंदवाड़ा जिला है — उनमें एक प्रकार का imbalance होगा और जनता में असंतोष भड़केगा। इस बारे में डिलिमिटेशन कमीशन विचार करे।

मुझे इतना ही निवेदन करना था। महोदय, आप ने मुझे समय दिया, इस के लिए धन्यवाद।

SHRI MOINUL HASSAN (West Bengal): Sir, I rise to take part in the discussion on the Resolution moved by the hon. Member, Shri V. Narayanasamy. While I take part in the discussion, I would like to say that I am not fully agreeing with the Resolution which is already placed before the august House, but I must say that there are some valid points in the Resolution which is moved by my learned friend.

Sir, you know that the Delimitation Act was passed by the Lower House and the Upper House, and, already, the law has been enacted. The Delimitation Commission, according to the Act, has already done the delimitation work in some States, including in my State of West Bengal. Firstly, when the Bill was introduced in the Lower House, the population basis was 1991. After that, it was amended. It was decided by both the Houses that so far as the delimitation was concerned, the population basis would be 2001; after that, the Delimitation Commission would start their work. I have seen the notification from the Delimitation Commission that the delimitation exercise in West Bengal, particularly, which I am very much concerned about, is already over. It is already notified in the different newspapers and in the Government Gazette also, But I firmly believe that there is, today, some anomaly in the complete work which they have done. When we have discussed, in the House, regarding the anomalies of the geographical situation of a constituency and the voters or the population of a constituency, there are two or three important factors so far as the population is concerned. We have seen that in a particular constituency, there are only two or three lakh voters but in other constituencies there are 13 or 15 lakh voters. Obviously, it is an important anomaly. This is one of the first anomalies which we have seen at the time of the discussion, held earlier. We have raised, for example, two constituencies which are very much known to us, which are situated in Delhi, Chandni Chowk and Outer Delhi. The difference between these constituencies is big. So, it is very much necessary to delimit the constituencies in our country. The last delimitation exercise has taken place four years ago. It is the right time to delimit out constituencies. But when we discussed the matter earlier, we

had discussed the matter in a way that a unique type of delimitation would happen this time. It would be different from the earlier ones. The constituencies or the seats so far as the Assembly is concerned, it will be State-wise and so far as the Parliament is concerned, it will be nation-wise—will not exceed the existing number, but realignment will take place. This is the unique feature of delimitation this time, which has already taken place in two or three States. In this regard, I would like to say that geography is one of the main points. My colleague has mentioned that in many places geography was not maintained. This is a good point. Suppose there is a river or there is a hilly area. The people have to cross the river to go to other places to cast their vote and attend to their constituency works. I think, this is not considered properly by the Delimitation Commission. Why is it not done? From my practical knowledge I would say that the Delimitation Commission, while doing it, does not consult the district Collector also. This point was raised repeatedly at the meetings of the Delimitation Commission. On behalf of our party, the Communist party of India (Marxist), we have written several letters to the Chairman of the Delimitation Commission. As regards my concern, I would like to say that there is a lot of increase in the development of science and technology. Sitting right here we must be able to know about the composition, geography, population and ethnicity of a remote village of our country. But I feel that it is not enough. I feel that the local people and the political parties should be consulted while delimiting or taking a final decision because ours is a big nation with diversity. We must consider this point squarely.

Sir, another point which I would like to say is that so far as the system is concerned, after the completion of the official work, there is a system called "public hearing by the Delimitation Commission". There is a system that if anyone appeals before the Delimitation Commission in writing, the Delimitation Commission will hear their arguments and settle the disputes. We have seen a newspaper report a few days ago in West Bengal. I would like to cite some examples before the august House. They organised public hearing. They organised public hearing at three places to hear the common people. A public notice was issued in the Press and they had also made an announcement asking the people to appear before the Commission and make their submissions. In West Bengal, no public hearing actually takes place. I was present myself at a public hearing. The hon. Chairman of the Delimitation Commission, within less than a minute,

declared as the hearing was completed and the meeting was postponed. I firmly believe that the procedure or the system under the delimitation provisions should be reviewed. I would request the hon. Minister to take note of this point. There is another point, which is already raised here. I would also like to raise that there is some disparity. The issue of some disparity between villages and towns, hilly areas and non-hilly areas, North-Eastern States and mainstream States will come up.

I would like to cite here one example. Everybody knows about Kolkata, the Capital of West Bengal. Now Kolkata comprises 21 Assembly seats. After this delimitation, it will be left with only 12 seats. So 9 seats will be reduced. It will become very difficult to manage the entire population of the Kolkata city. This disparity is going to come here. I do not know what will happen tomorrow or day-after-tomorrow, but this type of disparity will certainly be there. That is number one. Secondly, I came to know from a notification of the Delimitation Commission that so far as the administration is concerned, they will try their best not to divide the Constituency into different administrative set ups. At least, our desire is that there should be Parliamentary Constituency within two sub-divisions. I know that there is a Parliamentary Constituency in our country which belongs to five districts. At present, I am saying that they have toppled the entire administrative set up, district set up and one Parliamentary Constituency belongs, maybe, to two districts, but belongs to 3-4 sub-divisional set ups. It should be made squarely, I propose this before the august House. I would like to request the hon. Minister, who is sitting here, to take note of it and discuss it with the Delimitation Commission.

One point is about Tribal and non-Tribal areas. In West Bengal, one Tribal or Scheduled Caste seat was decreased. It is having a big impact on the downtrodden and backward people. We should take care of it. I am not going into the details as to why it has been done. But we should take care of it.

My last point is about Associate Members. I had an opportunity to be an Associate Member of the Delimitation Commission in West Bengal. What is the role of the Associate Members? They are just spectators. They will only be giving papers. They will only be giving some suggestions. It has not yet been decided as to what is the role of the Associate Members in the Delimitation Commission meeting. I am not agreeing with this opinion that the Associate Member is only related to his own constituency. Associate

Members relate to the whole State. They are very much responsible. I firmly agree with this Resolution that the Associate Member should be a voter in the Delimitation Commission meeting. With these words, I conclude.

श्री जय प्रकाश अग्रवाल (राष्ट्रीय राजधानी क्षेत्र, दिल्ली) : उपसभाध्यक्ष महोदय, मुझे खुशी है कि नारायणसामी जी ने यह रेजोल्यूशन यहां पेश किया। इस समय वह नहीं है, एक मजबूत इंसान है। मैं समझता हूँ कि एक घंटे बाद यहां खड़े होकर यह कहेंगे कि मैं इसे वापस लेता हूँ। एक प्रोसीजर है, लेकिन जो बात उन्होंने रखी है, वह बात सरकार जरूर माने, ऐसा मैं चाहता हूँ। कुछ बातें ऐसी हैं, जो उन्होंने रखी हैं और जो खास खामियां हैं इस सारे प्रोसेस में, पाइंटस वही हैं, जो सब कह रहे हैं, उनमें से कुछ पाइंटस मैं भी रखना चाहता हूँ। जैसा अभी माननीय सदस्य ने एसोसिएट मैम्बर्स के लिए कहा, यह ठीक है कि डिलिमिटेशन होना चाहिए, कंस्टीट्यून्सी में बहुत फर्क है। दिल्ली के बारे में आपने भी कहा, उन्होंने भी कहा। हम यहां दिल्ली में पैदा हुए हैं, हमने देखा है कि पहले चारदीवारी के अंदर की दिल्ली होती थी, पांच लोक सभा के लिए सीट होती थी, जो सात हो गई और लगभग 50 सीट की मेट्रोपोलिटन कांसिल होती थी, अब 70 की असेम्बली है। डिलिमिटेशन होना जरूरी है। चांदनी चौक में एक पार्लियामेंट का मैम्बर 3.5 लाख में से चुनकर आता है, जबकि आउटर दिल्ली में वही आदमी 32 लाख में से चुनकर आता है। हमारे यहां 4 असेम्बली के मैम्बर हैं, उनके यहां 21 असेम्बली मैम्बर हैं, ईस्ट दिल्ली में 20 असेम्बली मैम्बर हैं, सदर में एक पार्लियामेंट मैम्बर के नीचे 5 असेम्बली मैम्बर हैं। तो यह होना जरूरी था और इस प्रोसेस में जो डिलिमिटेशन कमीशन बनाया गया, जिसमें एक चेयरमैन है और दो मैम्बर हैं और बाकी एसोसिएट मैम्बर्स हैं, उन एसोसिएट मैम्बर्स का रोल क्या है? क्या वे वहां जाकर सिर्फ अपनी बात कह दें और वापिस आ जाएं? जो कुछ इस प्रोसेस में हुआ, वह एक बड़ा अजीब सा मजाक बनकर रह गया कि जो लोग जानते हैं अपनी स्टेट के बारे में, जो लोग 20-20, 25-25, 30-30 साल से दिल्ली में राजनीति करते हैं या किसी भी स्टेट में करते हैं, उनकी राय सिर्फ राय बनकर रह जाएगी और जो चेयरमैन है, उनकी मर्जी है कि वे उस बात को मानें या न मानें, जिनको उस बात की बिल्कुल जानकारी नहीं है। मैंने उस प्रोसेस को भी देखा जिसके अंदर एसोसिएट मैम्बर ने अपनी इन राइटिंग राय दी, उस मीटिंग के अंदर और मुझे वह ऑब्जरवेशन भी मालूम है, उन चेयरमैन साहब की, जिन्होंने यह कहा था कि मेरी मर्जी है, मैं इसे मानना चाहूंगा तो मानूंगा, नहीं मानना चाहूंगा तो नहीं मानूंगा। यह जरूरी नहीं है, जो राय आप दे रहे हैं, उस राय को मानने के लिए मैं बाध्य नहीं हूँ। मुझे इस बात पर बहुत सख्त ऐतराज है। प्रजातंत्र क्या है? प्रजातंत्र में हम चुनकर आते हैं, चुनकर आने के लिए हर स्टेट में कुछ सीट्स मुकर्रर हैं और अगर कोई भी आदमी उसके बारे में सबसे अच्छी तरह से जानता है, तो वह वहां का चुनाव नुमाइंदा ही जानता है, उसके अलावा किसी और दूसरे आदमी की राय उसमें मानी नहीं जा सकती। तो मेरा मानना यह है कि जो यह

प्रोसैस है, यह अभी पूरा नहीं हुआ है और इस प्रोसैस के अंदर यह जरूरी है कि जो एसोसिएट मैम्बर्स हैं, जो इलेक्ट्रिक रिप्रजेंटेटिव्स हैं और जो डिलिमिटेशन कमीशन के साथ जुड़े हुए हैं, उनको पूरे अख्तियार होने चाहिए उस कमेटी के अंदर ताकि वे अपनी राय को उसमें तब्दील करा सकें और सही राय दे सकें, सही फैसला करा सकें। मुझे कुछ MPs के साथ, MLAs के साथ, जो एसोसिएट मैम्बर थे, बात करने का मौका मिला और मुझे यह जानकर बड़ा ताज्जुब हुआ कि वे जब मीटिंग अटेंड करके बाहर आते हैं और उनसे यह पूछा जाता है कि आप आज क्या करके आए हैं, तो वे यह कहते हैं कि हमें कुछ नहीं मालूम कि इस पर क्या होने वाला है, हम सिर्फ अपनी बात कहकर आए हैं और समझने वाला क्या समझ रहा है, हमें यह भी मालूम नहीं है। मैं एक छोटा सा इंग्लैम्पल इसके बारे में देना चाहता हूँ। बड़ा अजीब-सा मज़ाक है, हमारी दिल्ली के, यमुना पार के, दूसरे हिस्से को ईस्ट दिल्ली कहा जाता है, ईस्ट दिल्ली की जो पार्लियामेंट्री कांस्टिट्यूएन्सी बनाने वाले हैं, वे 16 में से 8 एक तरफ हैं, 8 तरफ हैं, उधर भी 2 ही कांस्टिट्यूएन्सी मिलानी हैं और इधर भी मिलानी हैं। बजाए इसके 16 में 10 मिलाने के बाद बाकी 6 में 4 जैसे पहले मिली हुई थी, वैसे मिलाते, अब इन्होंने, क्योंकि 10 असैम्बली एक के नीचे आनी है, निजामुद्दीन और ओखला को ईस्ट दिल्ली में मिला दिया, जबकि ओखला का ईस्ट दिल्ली से कोई संबंध ही नहीं है, निजामुद्दीन का ईस्ट दिल्ली से कोई संबंध ही नहीं है। उसके बाद तिमारपुर का, जो दूसरी कांस्टिट्यूएन्सी मिलाई गई है, उससे कोई संबंध ही नहीं है। उसके बाद तिमारपुर का, जो दूसरी कांस्टिट्यूएन्सी मिलाई गई है, उससे कोई संबंध ही नहीं है। उसके बाद वसंत कुंज का हिस्सा बिजवासन में मिला दिया कहां वसंत कुंज और कहां बिजवासन ! इसी तरह और कई कांस्टिट्यूएन्सीज हैं, मैं उनका नाम यहां नहीं लेना चाहता। तो यह सिर्फ इसलिए हो रहा है कि जो लोग वहां बैठे हैं, वह एक बड़ी अजीब — सी अथॉरिटी की तरह, एक डिक्टेटर टाइप रवैया उन्होंने अख्तियार कर लिया कि आप जो कहना चाहते हैं, हम उसे मानने के लिए तैयार नहीं हैं। इस दौरान कुछ ऐसे फैसले भी उन्होंने किए हैं, जो किसी न किसी के इन्फ्लुएंस में किए गए हैं। पहले एक फैसला हुआ, माना गया कि एक राय शामिल है। मान लीजिए कि अगर सारी पार्टी के आदमी उसमें शामिल हैं, एसोसिएट मैम्बर्स हैं और उन्होंने एक होकर कोई बात कही है, तो उसे मान लेना चाहिए था, लेकिन इलेक्शन कमीशन यह कहता है कि मैं उसे मानने के लिए तैयार नहीं हूँ, डिलिमिटेशन कमीशन के जो 3 मैम्बर्स हैं, वे यह कहते हैं कि हम इसे मानने के लिए बाध्य नहीं हैं। आप अगर सारा फैसला कर आते हैं, तो यह जरूरी नहीं है कि हम उसे मानें। जो रवैया अख्तियार किया गया है, नारायणसामी जी ने जो बात कही है, मैं अपने शब्द उनके साथ जोड़ता हूँ और आशा करता हूँ...(व्यवधान)... नारायणसामी जी, आप इसे वापिस मत लेना, तब मैं आपके साथ हूँ, अभी एक घंटे बाद वापिस लेने वाले हो आप। आपने बिल्कुल सही बात कही है, यह बिल्कुल सही है, यह प्रोसैस बड़ा अजीब है और बड़ी तकलीफ हुई है इस सबको देखकर; बल्कि जो दूसरी स्टेटस के बहुत से मैम्बर आफ पार्लियामेंट हैं, जिनसे बात होती है, उनको भी यह तकलीफ है। कई जगह तो कांस्टिट्यूएन्सी के हालात ही बदल गए हैं। उसकी जो परिधि होती है, वह ही बदल गई कांस्टिट्यूएन्सी का करेक्टर ही बदल गया। सर, जैसे हमारे यहां पहले दिल्ली में तरह सीट्स एससीज की थी, उन्होंने एक फॉर्मूला अख्तियार कर लिया कि

16.3 परसेंट में जो काँस्टीट्यूएंसीज़ आएंगी हम उतनी ही काँस्टीट्यूएंसीज़ लेंगे, तब उन्होंने कह दिया कि दिल्ली में एससीज़ की सीटें घट कर 12 हो जाएंगी। सर, मुझे इस बात पर बहुत सख्त ऐतराज़ है। आप कोई भी फॉर्मूला बनाएं, यह अवश्य पता चलना चाहिए कि उससे आप क्या कहना चाहते हैं, क्या दिखाना चाहते हैं। एक तरफ तो हम उन्हें रिज़र्वेशन दे रहे हैं, उन्हें प्रोटेक्शन दे रहे हैं और दूसरी तरफ किसी एक फॉर्मूले को अख्तियार करके आप उन सीटों को कम करना चाहते हैं। मैं यह समझता हूं कि उनके साथ बेईसाफी होगी और ऐसा बिल्कुल नहीं होना चाहिए। नारायणसामी जी, मेरी यह मांग है और मैं आशा करता हूं कि आखिर में जब आप बोलेंगे, तब इस बात पर भी जोर देंगे कि ये सीटें हैं, जो आपने करके रखी हैं, रिज़र्व करके रखी हैं, उनके अन्दर किसी तरह की कटौती नहीं होनी चाहिए। आपका पैरामीटर बदल जाए तो कोई हर्ज नहीं है, लेकिन आपने उन लोगों को जो छूट दी है, जो इज्जत दी है और जो ताकत दी है, उस ताकत को कम नहीं किया जाना चाहिए। इससे लोगों में रिसेंटमेंट होगा और यह उचित भी नहीं होगा। वैसे ही हमारे यहां पर एससीज़ की सीटें हैं, एसटी बहुत कम है या न के बराबर है। जबसे दिल्ली बसी है, तब से दिल्ली का पूरा स्ट्रक्चर ही ऐसा है। इसलिए आप चाहे दोनों को मिला कर करें या जैसे भी करें, मैं आपसे आशा करता हूं कि इन सीटों में कमी नहीं आनी चाहिए, किसी भी सूरत में कमी नहीं आनी चाहिए।

इसी तरह से कई जगहों के नाम भी बदले गए हैं, चांदनी चौक का नाम तो उन्होंने माना है कि एज़ इट इज़ रखेंगे, लेकिन नई दिल्ली है, करोल बाग है। जब से दिल्ली बसी है, तब से करोल बाग एक काँस्टीट्यूएंसीज़ का नाम है और उसी के नाम से वह जानी जाती है। मैं आशा करता हूं कि जो नयी रिज़र्व्ड काँस्टीट्यूएंसीज़ बनेगी, उसका नाम वे करोल बाग ही रखें, नॉर्थ दिल्ली, ईस्ट दिल्ली या इसी प्रकार के अलग-अलग किस्म के नाम जो वे रखना चाहते हैं, उन नामों पर मुझे बहुत सख्त ऐतराज़ है। ये सब पुराने नाम हैं। बहुत समय से यही नाम चले आ रहे हैं और ये काँस्टीट्यूएंसीज़ भी इन्हीं नामों से जानी जाती है। दिल्ली के बहुत सारे पुराने लोग इन्हीं काँस्टीट्यूएंसीज़ के नाम से ही जाने जाते थे, जैसे कृष्णा तीर्थ के फादर-इन-लॉ, श्री टी.सोहन लाल जी, जो लोक सभा के मैम्बर रहे जब भी टी. सोहन लाल का नाम आता था, लोग कहते थे कि करोल बाग वाले टी. सोहनलाल। इसी तरह से चौधरी ब्रह्म प्रकाश, जो दिल्ली के बड़े ताकतवार नेता रहे हैं, उनका नाम आउटर दिल्ली वाले चौधरी ब्रह्म प्रकाश के नाम से जाना जाता था। श्री एच.के.एल. भगत का नाम ईस्ट दिल्ली वाले एच.के.एल. भगत के नाम से जाना जाता था। इसलिए यह जो हमारी धरोहर है, जो हमारे नाम हैं, मैं आशा करता हूं कि इन नामों को इसी तरह रखा जाएगा और उन्हें बदला नहीं जाएगा।

इन्हीं बातों के साथ, अंत में मैं यह कहना चाहता हूं कि हमें आपकी प्रोटेक्शन चाहिए। श्री नारायणसामी जी हमारे लीडर हैं और मैं यह आशा करता हूं कि जो बातें मैंने रखी हैं, वे मानी

जाएंगी, सरकार उन्हें मानेगी। आदरणीय सिब्ल साहब भी यहां मौजूद है और मैं इनका भी प्राटेक्शन चाहता हूँ और उम्मीद करता हूँ कि यह भी मेरी राय से सहमत होंगे और इस संबंध में कोई न कोई कदम अवश्य उठाएंगे। धन्यवाद। जय हिन्द।

श्री तरलोचन सिंह (हरियाणा) : उपसभाध्यक्ष जी, धन्यवाद। सर, मैं श्री नारायणसामी जी को धन्यवाद देता हूँ कि उन्होंने आज हाउस के सामने बड़े ही महत्वपूर्ण सब्जेक्ट को डिस्कशन के लिए रखा है।

सर, जब से भारत आजाद हुआ है, यह दूसरी बार है कि डिलिमिटेशन कमीशन बना है। डिलिमिटेशन कमीशन के सामने जो सबसे मुश्किल काम है, वह यह कि 527 पार्लियामेंटरी और हजारों असेम्बली सीट्स की रीडिमार्केशन। यह एक ऐसा काम है जिसमें देश का हर पॉलिटिशियन इन्वॉल्व्ड है, सीलिंग एम पी भी इन्वॉल्व्ड है और आने वाले समय में जो आना चाहता है, वह भी इन्वॉल्व्ड है। असेम्बलीज में भी ऐसी ही बात है, इसलिए यह जरूरी नहीं कि सभी संतुष्ट हों। हर एक पॉलिटिशियन का यही इंटरैस्ट होता है कि मेरी कॉन्स्टीट्यूंसीज सेफ बने और इसके लिए वह अपना व्यू प्वाइंट, चाहे खुद रखे, चाहे एसोसिएट मैम्बर से रखवाए या फिर पब्लिक हीयरिंग से रखवाए।

मैं इस बात की प्रशंसा करता हूँ कि भारत सरकार ने डिलिमिटेशन कमीशन का चेयरमैन सुप्रीम कोर्ट के एक रिटायर्ड जज को बनाया है, जिनकी देश भर में इतनी अच्छी रेपुटेशन है। जिसके जिम्मे यह काम है कि वह हिन्दुस्तान के लोगों को खास करके पॉलिटिशियंस को पूरा इंसाफ दे। अभी जो प्रोपोजल हमारे सामने हमारे माननीय मंत्री ने रखी है वह यह है कि डि-लिमिटेशन कमीशन के तीन मंत्री हों और यह डिजीजन मेकर खुद नहीं होने चाहिए। मैं इससे सहमत नहीं हूँ। अगर एसोसिएट मंत्री के वोटिंग राइट हों, तो फिर यह होगा कि यह तीन मंत्री एक तरफ और 10 मंत्री एक तरफ और कई स्टेट्स तो ऐसी हैं कि जहां 10 के 10 एक ही पॉलिटिकल पार्टी के हैं, तो फिर तो डिजीजन मेकिंग बाँड़ी तो पॉलिटिशियन होगा और पॉलिटिशियन का इंटरैस्ट पहले अपना होगा और जो मंत्री बैठता है उसका सैल्फ इंटरैस्ट होगा। तो इससे देश को जो जस्टिस मिलना है वह नहीं मिलेगा। अकेला यह कमीशन नहीं, बहुत जगह एडवाइजरी कमेटीज बनती हैं, सरकार उनकी राय लेती है, वह बाइंडिंग नहीं होती। पहले कोर्ट में भी ऐसा होता था कि जजेज भी, मजिस्ट्रेट भी ऐसे लोग बुलाते थे और उनकी राय लेते थे। मैंने तो यह देखा है कि नेशनल कमीशन — चाहे मॉनोरेटरी कमीशन है, चाहे शैड्यूल कॉस्ट कमीशन है, ये भी एडवाइजरी बाँड़ी हैं, इतने बड़े कमीशन बनकर भी राय देते हैं तो सरकार की मरजी है कि उनको माने या नहीं माने। हालांकि बाहर लोगों में इनकी बहुत बड़ी मान्यता है कि ये इतने बड़े कमीशन हैं। मैं इस बात को एग्री नहीं करता कि हम एसोसिएट मंत्री को ऐसी पॉवर दें कि उनका डिजीजन बाइंडिंग हो। कमीशन तो जो अखबारों में हमने देखा है इससे आगे जा रहा है। वह पब्लिक हीयरिंग भी करता है और पब्लिक हीयरिंग में सारी पब्लिक को भी एलाउड है और उसके बाद वह अपनी राय लेते हैं और एसोसिएट मंत्रियों की मीटिंग एक नहीं कई-कई बार होती है। तो मैं इनकी राय से मुतफिक नहीं हूँ। दूसरे, यह जो कमीशन बना है, इसके सामने भारत सरकार ने अंडर दि पार्लियामेंट एक्ट यह कहा है कि नम्बर आफ कंस्टीट्यूंसीज वही रहेंगी और यह भी कहीं लिखा गया कि जिन स्टेट्स में अपनी पॉपुलेशन बढ़ गई उनको यह इंसेंटिव नहीं मिलेगा कि उनको नम्बर ऑफ कंस्टीट्यूंसीज बढ़ा दी जाए ताकि इससे यह न हो कि पॉपुलेशन और बढ़ जाए। यह एक क्लॉज ऐसी रखी

कि नम्बर ऑफ कंस्टीट्यूंसीज असेंबली की और पार्लियामेंट की लिमिटेड है उसमें एक भी नहीं बढ़ सकती। लेकिन यह बात मुझे समझ नहीं आई, इसलिए नहीं कि मैं किसी दलित की बात के खिलाफ हूँ। इस क्लॉज में यह कहा गया कि जहाँ दलित की पापुलेशन बढ़ेगी। तो उनकी कंस्टीट्यूंसी बढ़ेगी। तो **one section of society has been allowed** . अगर उनकी पापुलेशन बढ़ती है, तो उनकी नम्बर ऑफ सीट्स भी बढ़ सकती है। हालांकि यह ऑल इंडिया पैटर्न नहीं है, यह कानून में मुझे समझ नहीं आता। इसके अलावा यह जो क्राइटेरिया हमारे सदन में अभी बताया गया कि यह जो स्टेट की पापुलेशन होगी, वह इक्वली बांटकर हर कंस्टीट्यूंसीज में बराबर होगी। यह ठीक उसूल है कि कोई भी स्टेट हो, उसको टोटल आबादी और नम्बर आफ सीट्स से डिवाइड करके **that should be the criteria for each constituency**. डिस्ट्रिक्ट एक यूनिट होता है उस के अंदर जितनी कंस्टीट्यूंसीज होंगी उसमें थोड़ा एलाउड होता है **to change the voting strength** कि कहीं पापुलेशन ज्यादा होती है, कहीं कम होती है। लेकिन हमारे कई मुख्य मंत्री डिस्ट्रिक्ट को ही चेंज कर रहे हैं और वे डिस्ट्रिक्ट की बाउंड्री भी चेंज कर देते हैं, **just to satisfy** कि उनका पालिटिकल ऐम क्या हो। तो मैं सदन के सामने रखना चाहता हूँ कि जब तक डि-लिमिटेशन कमीशन कायम है तब तक किसी स्टेट को भी एलाउड नहीं होना चाहिए और डिस्ट्रिक्ट की बाउंड्री भी वही रहनी चाहिए, ताकि यह न हो कि उसमें कोई पोलिटिकल मोटिव से हम अपनी कंस्टीट्यूंसी बढ़ाने की कोशिश करें। **That law should stand.**

मैं एक बात और जरूर कहूंगा कि नॉर्थ ईस्ट में जो ट्राइबल एरिया है उनकी एक बहुत बड़ी प्रॉब्लम है। वहां **population influx** ऐसा आ गया चाहे विदेश से आया था कोई और लोग बस गए, कि जो ट्राइबल की आइडेंटिटी है उसको बहुत खतरा है। तो ट्राइबल पापुलेशन को इटैक्ट रखने के लिए **there should be some special provisions**. जो ट्राइबल कंस्टीट्यूंसीज पहले थी तथा उनकी जो अभी पापुलेशन बढ़ी है खास करके दूसरे तरीके से, उसका असर न हो। इसके लिए जरूर कोई तरीका ढूंढ़ा जाए ताकि जो हमारे ट्राइबल लोग हमें यहाँ आकर रिप्रजेंट करते हैं, उनको उसका पूरा हिस्सा मिले। ऐसा ही मैं इसमें एड करना चाहता हूँ कि जब बंगाल की पापुलेशन काउंट होगी तो उसमें दार्जिलिंग या ऊपर के जो एरियाज हैं उनको उस पापुलेशन के साथ न जोड़ा जाए। और उनके लिए स्पेशल प्रोविजन हो ताकि उनकी जो कंस्टीट्यूंसी है वह डिस्टर्ब न हो, क्योंकि उसके लिए बहुत झगड़ा भी हुआ, बड़ी एजिटेशन भी चली और वह इलाका क्रिएट किया गया। उनको सेपरेट ट्रीट किया जाए।

मैं एक बात और आपके सामने रखना चाहता हूँ कि अभी उत्तरांचल नया स्टेट बना है। इस स्टेट को यू0पी0 से बाहर निकालने के लिए कड़ा ऐजिटेशन हुआ और कहा गया कि सारे हिली एरियाज की एक स्टेट बनाई जाए, इसके बाद उत्तरांचल स्टेट को किसी एरियाज की स्टेट बनाया गया। उसमें कई एरियाज ऐसे थे, जैसे ऊधमसिंह नगर और हरिद्वार थे, जो कहते थे कि हम यू0पी0 में रहना चाहते हैं, लेकिन उत्तरांचल वालों ने यह कहा कि यह सब हिली एरियाज है, इसलिए ये हमें दिये जायें और गवर्नमेंट ने एग्री किया, दोनों हाउस ने पास किया और वे एरियाज, उसमें चले

गये। अब यह डिमांड उठी है कि उस स्टेट में पापुलेशन के बेस पर कांस्टीट्यूअंसी नहीं बनाई जाए, उसके दो हिस्से कर दिये गये हैं ऐसा करने से एक हिस्से को थोड़ी पापुलेशन मिलेगी और दूसरे हिस्से को ज्यादा पापुलेशन मिलेगी। यह हमारी समझ में नहीं आया कि जब वह इसका उनको लेना था, तब तो यह आर्गुमेंट था कि ये सारे हिस्सीएरियाज हैं जैसे ही वे हिली एरियाज में आ गये, तो अब उनको इक्वल अपर्चुनिटि नहीं देने की बात कही जा रही है, अब उनको डिप्राइव किया जा रहा है। जितनी भी कांस्टीट्यूअंसी उस स्टेट में बनें, **That should be on the same pattern** जो सारे इंडिया में लागू हो रहा है। **There should be no discrimination.** उस स्टेट में किसी की पापुलेशन 2 लाख और किसी की 20 हजार **That State should be treated at par.** क्योंकि यह स्टेट इसी बेस पर बनाई गई थी। मैं इतनी बात कह कर अपनी बात समाप्त करता हूँ। श्री नारायणसामी जी ने ठीक इशु लिया है और जैसे कि अभी बताया गया, लेकिन मैं एक बात जरूर कहूंगा कि डि-लिमिटेशन कमीशन पर हम सब को पूरा फेद है और वह जो काम कर रहा है, वह सब के इंटरेस्ट में होना चाहिए। यह जितना जल्दी हो सके, उतना ही अच्छा है, क्योंकि आने वाले पार्लियामेंट के इलेक्शन इसी के बेसिस पर हों। इतना कहते हुए, मैं आपको धन्यवाद देता हूँ।

SHRI E.M. SUDARSANA NATCHIAPPAN (Tamil Nadu): Sir, it is really a very important question on which our hon. Member, Mr. Narayanasamy has come forward with a Resolution. But, to appreciate the feelings of Mr. Narayanasamy, we have to go a bit deeper into the history and we have to find out how India or Bharat has been created. As the Constitution says, it is the Union of States. Therefore, the States are the Union united together to form India. Article 18(i) stipulates, "Subject to provisions of article 33, the House of the People shall consist of (a) not more than 530 Members chosen by direct election from territorial constituencies in the State, and (b) not more than 20 Members to represent the Union Territories chosen in such manner as Parliament by law provide."

Therefore, here, two factors are there, that is, the direct election from territorial constituencies in the State. The Constitution has come into force long ago and many times we have amended the Constitution, more specifically, the First Scheduled, which says about the number of States and also the number of Union Territories. Now, we have got a number of State. Excepting Sikkim, there is no expansion of the territory of India. We are having many States. The number of States has increased.

So, the history shows that when Pandit Jawaharlal Nehru was kind enough to respect the feelings of Linguistic people and the States were divided on the basis of linguistic majority, and on that basis, every language

was respected and the States were also demarcated accordingly. Therefore, the basic structure is, the States, which are having the linguistic population in that territory, the linguistic majority of the people who are having a particular language in that particular territory, that is the basic unit on which India was built up. Therefore, when there is representation of that particular territory, we are allowing the territory to be occupied by a linguistic majority and that majority is represented before the House of the People. Therefore, when the constituencies within the territory are going to be demarcated, then we have to appreciate whether the linguistic majority or the linguistic ethnic group is totally represented in the House of the People. Sir, after for more than 50 years, India has found a very symbolic unification of the States in another way; the linguistic people have migrated from one place to another and started to settle in different parts of the nation, so the linguistic differentiation is gradually going backward and limitation between the people on the basis of language that demarcation is gradually becoming very much meagre, almost invisible. We cannot even find out what differentiates one India from another Indian. We are really becoming Indian, we absorb the Indian culture, we do not have any linguistic barrier between one person and another, and we mingle with each other as true Indians. A person, who represents a Tamil Nadu's small village of Trivannamalai, is from Marwari community. He has migrated from Gujarat. And many other people who have migrated from other States contest Assembly election to represent that particular constituency. It is very bold enough to say to the public, "I represent the feelings of people who are living as neighbours to me, therefore, I can represent their caste in the Assembly. In the same way, Tamilians who have migrated from different parts of Tamil Nadu have settled in Bhopal or in Delhi or in Kolkata or even in small villages of Rajasthan or of Punjab have made themselves as part of Punjabis or they make themselves as Rajasthanis. There are many people who have migrated to Maharashtra. I know that even Subramaniam, who was a Member of the Maharashtra Legislative Assembly, became the Finance Minister of that State. A person who was born in my town Sivaganga migrated and settled in Maharashtra. He has not changed his name; he actually has forgotten his language, but at the same time, he has retained his name Subramaniam. He represented Maharashtra, and the biggest commercial State of India was represented by a Tamilian as the Finance Minister of that particular State. Therefore, this migration and integration of India is now coming forward. But there is a very ticklish issue. We should not forget the linguistic demarcation, the territory of the State and representatives who are living within the State. Sir, just like a family having husband,

wife and a child and gradually that child has got three children and in that way when they are bigger and bigger and larger and larger enough, the same house has to be divided into three or four or five or ten rooms for their living. In the same way, India as a territory is having many small rooms, which are the States, which have to be represented properly. At the same time, population is also exploding. Population is the majority which is the language of the democracy. The meaning of the democracy itself is the people, and the majority of people, and the majority is to be looked after. But, Sir, we are having a deficiency in one way and Tamil Nadu is one such specific example where the family planning was enforced throughout by the State the years and, therefore, the population of Tamilians was reduced in that State. Therefore, when there was delimitation at an appropriate time according to the Constitutional mandate, at that time Indiraji had come forward with notion that we can freeze it instead of losing one or two particular seats in Parliament to be represented by the Tamilians in Tamil Nadu.

We can have a frozen figure instead of having 40 down to 38. Let us not allow that 39 to be a reduced figure and let 39 be the frozen figure for Tamil Nadu State. Therefore, we are having 39 linguistic constituencies representing the Tamilians of a particular territory. But at the same time, population is exploding in other States. Therefore, other States *need* some more representation in the Parliament. But, at the same time, the Tamil territory should also have an equal representation. Therefore, here is a ticklish issue. Accordingly, we have to find out a new formula. We should take the basic data, *i.e.* 39 constituencies representing the Tamil Nadu State but, at the same time, if you want to increase the numbers of Madhya Pradesh, Uttar Pradesh or Punjab or any other State which is having an exploded population that population should be represented in the House of the People at the highest level of the Parliament, *i.e.* the Lok Sabha. But, at the same time, we have to find out a new formula by which constant numbers should be there. At the same time, there should be some multiplication by which more number of the representations should also come forward in the Parliament. It may not be a small thing like having a new construction of the Parliament, *i.e.* representatives of the Lok Sabha. When we are discussing about the women's representation in the legislature, we may be having the feeling that we have to widen the Rajya Sabha. the inside part of the Rajya Sabha. In the same way, we can shift it to the Lok Sabha and the Lok Sabha can be shifted to

another place, having a wider space. Therefore, space is not important. The space can be built up. The building can be built up. But the thing is, the aspiration of the people for whom the State is created, for whom the sovereignty is given, for whom the development is foremost for a State of this modern nation—all these factors have to be taken into account. Therefore, we have to calculate according to the needs of the people. The State has only to look after the welfare of the people and also the nature around them. The nation as a part consists of a territory where nature is there, natural assets are there, human beings are there and other living things are also there. Their set up is changing every time. A person who is living in a city, may not like to be there but he may be migrating to a territory, which is now classified as a hill station. A person may like to live in a hill station just like Ooty. But, at the same time, if the population goes further to Ooty, then, it is highly populated. But, in the same way, reverse is also happening. Since the villagers are not having sufficient employment opportunities, the purchasing power is very low, therefore, they are migrating towards urban areas. The urban population is increasing. Their developmental possibilities are much more rather than rural development. They are getting very well laid roads, they are having electricity, they are having water facilities, they are having security, they are having police, they are having health facilities, educational facilities job opportunities, modern education, everything is available in urban areas. But the rural area is having certain deficiencies. Therefore, migration from one part to another part is also going on. Therefore, the population is migrating from one place to another place. *Vice-versa* is also happening. People are migrating from the urban area to the rural area or from the hilly areas. Therefore, the constant figure is the number, the territory and the linguistic aspect only. These three constants should be there. At the same time, there should be proper representation in the House of the People. Sir, coming to the limitation part of it, the delimitation is having a mandate by way of the act. Sir, when I was a Member of Lok Sabha, at that time, when this enactment came and was debated in the Parliament, we could say that there was an urgency to pass this enactment because there was a Constitutional mandate; there should be a delimitation in a particular period. Already, the period was frozen and subsequently, it cannot be further frozen, only the seats can be frozen but the delimitation process had to be continued.

Therefore, there was law passed at that time taking 1971 Census as the basic data. Subsequently, that was also amended by taking 1991 Census as the basic data. On that basis now, the delimitation of constituencies, according to Section 9, has been taken up. Section 9 says, All constituencies, as far as practicable...' That—practicability—is the main proposition that has been taken up. Sub-Clause (2) says about geographically compact areas. The third one is with regard to physical features, existing boundaries of the administrative units, facilities of the communication and public convenience. The fourth one *i.e.*, boundaries of administrative units is variable. Many States are coming forward with new States, new districts, mandals and also Panchayats. Therefore, it is a varying process. Facilities of communication and public convenience are also varying according to the developmental pace of a particular State or particular administrative unit. So, I would like to point out another factor. When population is increasing in a particular area, we are classifying this as existing boundaries of the administrative units. The administrative units are having different categories. A person who is living in a Panchayat is having an administrative system according to the Panchayat Act or Panchayat system. But, at the same time, when a person who migrated from panchayat to an urban area where there is more population, they are controlled by Nagar Palika Act. That means, they have their own system of management. They have got their own administrative system. Therefore, there are more opportunities to utilize more wealth of the nation for their purpose. For example, a person who is living in Delhi utilizing more funds of the nation, rather than a person who is living in a nearby village. Therefore, the utility and also the partition take away more slice of the nation's wealth by urban areas. And, a system has also been created to have more representation, according to the population of a particular group of people in urban area. They have got their own ward system. They have got municipalities or corporation. Then, they have got different sectors of administration — Chairman of their own wards, etc. Therefore, there are more opportunities for individual or a group of people or majority of people to represent in a particular system. In urban areas you have got more opportunities. But, at the same time, in villages, they have got less opportunities. When there is an increase in population, the system of representation is more when you compare with a system in a village. Sharing wealth of the nation is also proportionately larger in urban areas when compared to areas where you have Panchayats or rural areas.

Therefore, we have to find out in which way the population is satisfied. People living in the urban areas wanted to grab more funds from the nation's exchequer for their utility when compared to villages. They have got more amenities. They have got more banks. They have got more schools. They have got more universities. They have got more colleges. They have got better transport facilities. They have got better medical facilities. Everything is good in urban areas. Therefore, the development part of a particular section of population in the urban areas is much more and they are utilizing more funds of the nation's exchequer when compared to rural areas. To represent the people, we have created the House of People. The representation in urban areas is much more transparent. There is more possibility of representing their grievances, getting more faster development in urban areas when compared to rural areas. Therefore, the territory is a constant one. But, at the same time, the population is much larger. I can compare, for the debate sake, some constituencies. For example, a person contesting from Villivakkam in Chennai. There, about 23 lakh voters are electing one Member to the Legislative Assembly,

At the same time, constituencies, like, Mayiladuthurai are having only 1.5 lakh people. Twenty-three times more people are living in one area. They are also electing one representative. And, the people in a less populated constituency also elect one representative. But are we going to divide those twenty-three lakhs, making 23 MLAs for that area? That means 23 representatives in one urban area will be grabbing more wealth for that constituency than a single representative who is isolated in a particular rural constituency. Therefore, we have to devise a certain formula by which the urban area people, where the population is more, are also represented properly; and, at the same time, the constituencies which have less population, but territory-wise are large, are also equally taken care of.

{MR. DEPUTY CHAIRMAN in the Chair}

Therefore, Sir, what I would like to suggest here is that there should be a new formula. There should be a proper approach by which delimitation is worked out. It should not be on the basis of a fancy for a particular person, representing a particular State. If they are having associates representing a particular Government, they should not be having the course to decide the fate of the people. I can very well say that a particular party, which represent a particular State, may find that, in future, they can win if that particular constituency is made geographically like this—having composition

of a particular caste, even though it is linear-wise. I can even cite one example of my own constituency. Nearby, there is one Tiruvadanai constituency. It is a coastal area. It is having contiguity of two panchayat unions. But, now, they want to have a delimitation, where it will be extended by more than 60 kms. From North to South, with a smaller constituency than the present one simply because a particular caste is going to be represented in a particular constituency. Therefore, they want to have majority of that caste in a particular area so that they can win the elections accordingly. This type of thing is creating a doubt on the delimitation process. That is why this resolution has been brought by hon. Member, Shri V. Narayanasamy simply because the phrase 'as far as practicable' is used, it should be scientific. It should not be made on the basis of the whims and fancies of particular Members who are sitting there. It is a very important thing. It is mentioned in the Constitution also. It is mentioned in article 82, which says, "The territorial constituencies shall be readjusted by such authority and in such a manner as Parliament may by law determine". Therefore, the Constitution has conferred total powers to fix as to what should be the criteria or as to what should be the formula to be followed by the Delimitation Commission. Here, I would like to point out the deficiency in the present law where a blank cheque is given to the Members of the Commission to say 'as far as practicable'. What is practicable? Parliament has got the right to decide that this is the formula that we want to give the Delimitation Commission to follow so that a proper representation to the people is given at the appropriate forum. That should be the main thing. The phraseology that is used in section 9(a) should be re-looked. Accordingly, the hon. Member, Shri V. Narayanasamy, has given a proposition in his Resolution that the Government should look into the practical difficulties being experienced by various States by delimiting the constituencies. Apart from the population criteria, topography of the area, ravines, rivers, districts and communities should also be considered while delimiting the constituencies.

Another point is that the elected representatives who are associate members should also be provided with voting powers so that their views are properly represented in the Delimitation Commission. Here, in the first two parts, he wants to make a proposition to formulate a new formula by which the Parliament has to give a clear pathway to indicate to the Delimitation Commission so that a proper representation can be made

and a proper representative capacity can be given to that Commission. Sir, the Commission consists of members and associate members, but associate members have got certain rights according to the Delimitation Act which says that associate members can come forward with certain ideas. I am reading sub-clause (2)(a):

"The Commission shall (a) publish its proposal for the delimitation of constituencies, together with the dissenting proposals, if any, of any associate member who desires publication thereof, in the Gazette of India in the Official Gazettes of all the States concerned and also in such other manner as it thinks fit."

Here, an opportunity is given to make it transparent to give the dissenting note. But what is the use of giving a dissenting note, Sir, when it is not accepted by the majority? It has to be accepted by the majority. Simply, if it is published in the Gazette, that does not serve the purpose because the enactment says that you cannot go in for appeal. When it is notified, they will be calling the objections. The objections will, again, be dealt with by the same Commission. If that verdict is given, that is the end of it. Therefore, the dissenting note should be clubbed with the voting right also; only then, will there be a majority by which a decision can be taken. That is why, our hon. Member has suggested that the associate member should have the right to vote, and also by that method, we can take a majority decision. That majority decision will enable associate members to have their views, substantiate and justify their views by convincing other members. By that method, they can get the majority vote and their decision can be the final one. That finality can be given only when a voting right is given to the associate members. The associate member cannot be a person only to give a dissenting note. He should be given an opportunity to participate in the process, to give a clear verdict in which way the Commission should come forward in the final report. Therefore, Sir, this power of the associate member should be enlarged, and for that purpose, a new clause should be added in this particular enactment which is now enforced in certain States. At the initial stage, it was told that in certain States, the delimitation process was already over, and it was gazetted. Even then, Sir, when majority of the States are going in for delimitation, a proper formula should be given by the Parliament. Therefore, it needs a full-fledged debate, by way of an official amendment being brought forward

[19 May, 2006]

RAJYA SABHA

5.00 P.M.

by the Government to give a position for associate members to have their views and give them a full-fledged right to vote for taking a final decision.

Sir, I would like to make one more observation regarding the formula. As, in the initial stage, I have submitted that the linguistic majority is the basic criteria on which States were demarcated, States have their own representation. They have their own assemblies and their own languages. The language which is used in that particular State is the official language of that State. Their literature, their scientific literatures, everything is made in that particular language. Therefore, a person who has migrated...

MR. DEPUTY CHAIRMAN: Hon. Members, now, it is five o'clock. There are other five speakers. Then, the Mover of the Resolution has to reply. Thereafter, the Government has to reply...*(Interruptions)*...

SHRI V. NARAYANASAMY: Mr. Deputy Chairman, Sir, this Resolution being a very important legislation, which is concerning all the States and also the Members of Parliament, I request the hon. Deputy Chairman to consider that it may be carried over and taken up as a first item in the next Session.

MR. DEPUTY CHAIRMAN: If the House so desires, we can carry this Resolution over to the next Session.

SOME HON. MEMBERS: Okay, Sir.

MR. DEPUTY CHAIRMAN: Thank you. This will be taken up as a first Resolution in the next Session. The House is adjourned to meet on Monday.

The House then adjourned at one minute past five of the clock till eleven of the clock on Monday, the 22nd May 2006.