

STATUTORY RESOLUTION

**Seeking disapproval of the Delimitation (Amendment) Ordinance, 2003
(NO.6 of 2003)**

And

The Delimitation (Amendment) Bill, 2003

THE DEPUTY CHAIRMAN : Now, we have the Statutory Resolution seeking to disapprove the Delimitation (Amendment) Ordinance, 2003 (No. 6 of 2003) promulgated by the President on the 31st October, 2003 and the Delimitation (Amendment) Bill, 2003. Dr. T. Subbarami Reddy.

DR. T. SUBBARAMI REDDY (Andhra Pradesh):Madam, I move :-

"That this House disapproves the Delimitation (Amendment) Ordinance, 2003 (No. 6 of 2003) promulgated by the President on the 31st October, 2003."

Madam, pursuant to the enactment of an Act by the Constitution Amendment in 2001, the Delimitation Act, 2002 was enacted, to constitute the Delimitation Commission for giving affect to the aforesaid Constitutional Amendment. Accordingly, Justice Kuldip Singh was appointed and a lot of exercises were undertaken. And it was almost decided that in the coming General Elections, we are going to have this demarcation and delimitation on the latest data. But surprisingly, afterwards, we have had the 2001 Census. Since the Delimitation Act, 2002, as originally enacted has to provide for delimitation of electoral constituencies on the basis of the 1991 Census, to give effect to that, in the year 2003, amendments to the Delimitation Act, 2002 are required to be made.

In this connection, it may also be stated that the Members of Parliament, during the consideration of the aforesaid Constitution Amendment, had expressed the view that the delimitation of Assembly and parliamentary constituencies should be made as far as possible on the basis of the 2001 Census. The Delimitation Commission has also pointed out that the Constitution does not envisage the office of the State Election Commissioner in the States of Meghalaya, Mizoram and Nagaland. What I suggest is that in the case of the three States, provision for appointment of nominees of Governors instead of State Election Commissioner, may also be provided. But in view of the fact that final figures of 2001 Census were to be

published by 31-10-2003, the said Ordinance amends delimitation of Assembly and parliamentary constituencies on the basis of the 2001 Census.

As regards the inclusion of nominees of Governors of States of Meghalaya and Mizoram to the Delimitation Commission, the Bill seeks to replace the above Ordinance. I would like to know very clearly as to where exactly we stand now. When are we going to complete the Census of 2001? Suppose you are going to have elections in 2004, as per the original schedule, are there any possibilities to introduce the total demarcation, delimitation and modification of the constituencies? Are these changes possible or not? In fact, a few months back, it was announced by the Election Commissioners of the respective States, that the constituencies have been changed, and also, the Scheduled Castes and tribals have been given much more opportunities. They were all very happy about it. For example, in Andhra Pradesh, out of 42 constituencies, they were getting more reserved seats on the basis of their population. Subsequently, it was stated that the figures of the 2001 Census should be ready; it is not possible to hold elections on the basis of that Census. It was said by the Government that we may have to go back to the 1991 Census. Now, that is very unfair. Why is it not possible?

THE DEPUTY CHAIRMAN : Does this Bill cover what you are saying? The scope of this Delimitation Bill is very limited.

DR. T. SUBBARAMI REDDY : Yes, Madam. I wish to draw the attention of the ...

THE DEPUTY CHAIRMAN : Just look at the Bill; it is only a one page Bill. It only talks about the appointment by the Governors of the Election officers.

DR. T. SUBBARAMI REDDY : Madam, because I got the opportunity, I wanted to ask the hon. Minister...

THE DEPUTY CHAIRMAN : So, you are taking the opportunity as a scapegoat. But this is the purpose of this Bill as far as I understand.

DR. T. SUBBARAMI REDDY : Madam, I agree that this is a very simple Bill about the appointment of election officers. At the same time, I

would like to say that this is a very important issue and a burning issue of the nation.

If the Government feels that 2001 Census should be completed, if you really want it, and it is possible, then in the coming General Elections, you must have the total demarcation on that basis. So, I want to highlight this point also. I want the hon. Minister to reply to this, if possible. Otherwise, I am supporting the Bill.

THE DEPUTY CHAIRMAN: This is not within the purview of this Bill. That is entirely a different issue.

DR. T. SUBBARAMI REDDY: I welcome his reply, if it is Dossible.

THE DEPUTY CHAIRMAN: Yes. possibilities are there and impossibilities are much more because, I feel, there is nothing much in it.

प्र० राम देव भंडारी (बिहार) : मैडम, इस पर मुझे भी कुछ बोलना है ।

उपसभापति : आपका नाम भी है ? आपका तो पहले वाले बिल पर था, वह खत्म हो गया । आप थे नहीं उस समय । Now we are delimited.

प्र० राम देव भंडारी : मैडम, मैं अंदर मीटिंग में गया हुआ था । सिर्फ मुझे एक सवाल पूछना है ।

उपसभापति : नहीं, वह बिल तो डिसकस होकर पास हो गया । आपका ओब्जेक्शन ओवररूल हो गया ।

प्र० राम देव भंडारी : मैडम, मेरा नाम इस डिलिमिटेशन बिल में भी है ।

उपसभापति : आपका नाम तो नहीं हैं इसमें । इसमें तो डा० टी, सुब्बारामी रेड्डी का है, डा० दसारी नारायण राव का है, पृथ्वीराज चव्हाण का है ।

प्र० राम देव भंडारी : सिर्फ एक सवाल मुझे पूछना था, मैडम ।

उपसभापति : आप सवाल जरूर करिएगा । मैं आपका नाम बुलाऊंगी, उस समय आप पूछ लीजिएगा । अभी तो यह मूव ही नहीं हुआ है । जब मूव हो जाएगा, तो मैं आपका नाम बुला लूंगी और वह करेक्ट जगह होगी आपके बोलने की । अभी करेक्ट जगह नहीं है । बोलिए मंत्री जी ।

SHRI P.C. THOMAS: Madam, in consequence of the Eighty-Seventh Constitution Amendment, which was passed during the Budget Session, the new Bill has to be introduced. The fact is that it was 1991 Census which was the basis as per the earlier Constitution Amendment and the Delimitation Act. It was enacted on the basis of an earlier Eighty-Fourth Constitution Amendment. In the debate, as well as, in the general opinion, which has come, the new Census, which is already getting ready, could be the basis. It was the reason why the Amendment was necessitated. My friend's Resolution with regard to the Ordinance is: Why has this Ordinance been promulgated? I may submit that the Ordinance was necessitated in view of the Members who expressed their views in the discussion that ensued Eighty-Seventh Constitution Amendment Act where everybody was of the opinion that this should be brought into effect immediately. This is one reason. The new Census will also give more seats to the Scheduled Castes and the Scheduled Tribes. This is also another reason. Therefore, the Ordinance was necessitated. Though the steps were taken by the Delimitation Commission and were invoked that the new Census, which is, of course, under preparation and is supposed to be published by 31st December, 2003, is to be the basis. Therefore, there was an urgency and the Ordinance was promulgated.

The questions were proposed.

THE DEPUTY CHAIRMAN: Your answer has come now and 31st December, 2003 is the date envisaged for it. Shri Ranganath Misra is not present.

SHRI VAYALAR RAVI (Kerala): Madam Deputy Chairperson, this Bill looks simple, but it is not that simple. It involves different issues. Everybody agrees that there can be delimitation. For delimitation, some basis has also been prescribed. But the basic question now comes of population. The total number of Members of Parliament was fixed soon after the Independence. If you look at the population figure, it may be 340 million or 360 million.

Now, it has crossed one billion. But, we still remain at the same static position of not increasing the number of seats. But, here in this delimitation, as you come from Kerala and the Southern part of this country, some of the few States like Tamil Nadu, Kerala and Andhra are paying

heavy price of reducing the number of M.P.s. This is a very serious thing. If you agree that Legislatures, you say the total number remains, there also the problem comes. You are not taking the district, Madam, it is going to be a big tension in different States. Now, the first question is whether you have any policy to link it with Population Policy. How are you going to combat that issue of population of one billion? That is one thing. And, now, the Commission has taken a position when they visited the States that we are not concerned about anything, we are concerned about the total number of seats of your States and it will be divided on the basis of a prescribed norm with a fixed number, two lakh or something, they do not want much of variation. They say that two lakh, assembly segment, and then, they are going to divide. Madam, it is not a correct approach of the Commission. The Commission think that they are supreme. They think that they can do whatever they want. Their approach is that these are the guidelines and they don't want to move out of these guidelines. Madam, this is going to be a problem in many States. And, in Kerala, the total number of seats is 140. But, what is the basis? The basis can be the district. In our State, we do not have many districts. So, I suggest to the Government should discuss with the Commission as to what should be the basis. They have been appointed on the basis of certain bye-law, of course. Certain powers have been given to the Commission. But, at the same time, the Government must take into account the problem of population increase and population of different States. It is necessary to think that the number of Lok Sabha seats shall not be reduced in any of the States where the population has gone down. You should give incentive to the States for population control, rather you are punishing the States which have enforced population control. You want us to make a commitment for protection of the children to get more seats in the Parliament. I do not know what kind of policy you are going to adopt. So, I suggest, number one, that the Government must discuss this issue and link it with the Population Policy and see that the total number of seats of different States in the Parliament shall not be reduced. Number two, as far as States are concerned, the districts should be taken as a unit, not the State, as a whole, as a unit. I know, Madam, what happens the discussion in Kerala, the arrogance -- unfortunately, Madam, I use the word 'arrogance' --* expressed by the Chairman of the Commission; they think they are under the God, nobody can talk to them. Nobody can give suggestions. They say, "this is our policy and we will go with a steamroller." India is a democratic country and the Chairman of the Commission is not the sole

authority. He must understand the needs and issues of the States and make every district as a unit, and not the whole State as a unit. If we take the State as a unit, definitely, the problem -- I know, your own District, Mr. Minister. One seat is going to be reduced. I know your own district. Your seat is going to be reduced. So, this is the problem and in Legislature also, many seats are going to be reduced. So, I suggest, I repeat, please note this and this will be taken as a guideline of the policy. Don't stick to the argument of having only two lakhs people in one constituency. This is an absurd argument made by the Commission. And, I want the interference of the Government.

Then, I come to your pet subject, and, in fact, that is now also our pet subject, the women's representation in the Parliament and Legislatures. There are many proposals. One of the proposals is a double-member constituency. In this way, men population or men's interests will not be disturbed. The men or the Members of Parliament who represent huge majority to...

THE DEPUTY CHAIRMAN: Opposing it.

SHRI VAYALAR RAVI: Not opposing it, but you could not find the way.

THE DEPUTY CHAIRMAN: Don't worry; we will find the way.

SHRI VAYALAR RAVI: We have to find the way which satisfies both the sides. That cannot be done by reducing the number of one section. So, a suggestion had been made that, as in the past, in 1952, double-Member constituency, Scheduled Castes, Scheduled Tribes reservation along with the same constituency.

So, there is one proposal. It needs to increase the total number of Members of Parliament. This can be one of the major solutions, which does not frighten others. So, the Government has to look into it that when you are giving the directions, the deadline; you ought to have a policy on the Women's reservation in the Parliament as well as in the Legislatures. Whether you can adopt a policy -- alongwith this, the delimitation comes -whether you can introduce a system, it has to be decided by all the political parties together, it needs further discussion and consultation, but, if he can

agree to that point, definitely, it comes here, it comes, here also. Of course, from 1991 you come to 2001. For 1991 also, I do not want to argue, as my Party agreed, and, 21 is okay. I do not want to take much time of the House.

These are only 2-3 major issues. Again, I repeat them. First is that the population policy has to be linked. Secondly, in every State, the District should be the unit for the total number of constituencies. Thirdly, the population has been controlled. It has been applauded all over the world that certain States have done a wonderful job, and, I claim that Kerala has done a wonderful job, and, we shall not be punished for that. Other Southern States, like Tamil Nadu, shall not be punished for that. And, I would say, do not encourage people to have competitive production of children, and, by this way of reducing the seats, I hope the Government will be very serious on this matter. Thank you.

DR. T. SUBBARAMI REDDY: Madam, I need ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Now, your time is over. I have other Members. No, please. You can speak *when... (Interruptions)*...

DR. T. SUBBARAMI REDDY: Madam, I do not want to speak. / want to clarify. You told, when I was mentioning about 2001 Census, that the delimitation of assembly and parliamentary constituencies is based on 2001 Census. It is part of the Bill. What I would like to highlight is that he is committing that the 2001 Census will be completed by December, 2003, it is a very welcome measure, and, he must also assure that because it is a part of the Bill. Firstly, when he told me, I also did not expect, but after I have gone through, I found it right. Therefore..*(Interruptions)*...

SHRI S.S. AHLUWALIA (Jharkhand) : Are you opposing it?

डा० टी० सुब्बारामी रेड्डी : आप बैठिए ना, आप बार-बार क्यों खड़े हो जाते हैं ?

उपसभापति : वह बैठे ही हैं। वह खड़े कहां हैं ? He is sitting.

DR. T. SUBBARAMI REDDY: Therefore, what I want to request is that the Minister must commit that the 2001 Census will be completed, and, the elections will be held on the basis of that. Thank you.

श्री मूल चन्द मीणा (राजस्थान) : महोदया, मैं एक सवाल पूछना चाहता हूँ।

उपसभापति : अब कोई सवाल नहीं। Your name is not there. I have to go accordingly. No question. This way, I will never be able to finish my business. I have 40 call Shri Kripal Parmar.

श्री मूल चन्द मीणा : मैडम, देखिए ये कह रहे हैं कि 2001 की जनसंख्या के सारे आंकड़े 31 दिसंबर तक आ जाएंगे। क्या जो लोकसभा का अगला चुनाव होना है, वह इस परिसीमन के बाद होगा ?

श्री कृपाल परमार (हिमाचल प्रदेश) : उपसभापति महोदया, परिसीमन अधिनियम, 2002 का और संशोधन करने के लिए यह विधेयक यहां लाया गया है। इससे मूल अधिनियम की धारा 4 की उपधारा (2) को 1991 के बदले 2001 करने और मूल अधिनियम की धारा 4, 8 और 9 में भी ऐसे संशोधन करने की व्यवस्था है।

महोदया, परिसीमन संशोधन विधेयक 2003 के छठे अध्यादेश को विस्तृत करने और यथासंशोधित अधिनियम को और उसके अधीन की गई किसी भी कार्यवाही को यथासंशोधित मूल अधिनियम के अधीन लाए जाने की व्यवस्था है। जब इस बिल को पिछले साल पास किया गया था तो उसमें कुछ विसंगतियां रह गई थी क्योंकि संविधान में यह व्यवस्था थी कि जब भी डिलिमिटेशन कमीशन बैठेगा, वह पिछला जो published census होगा, उसको आधार मानेगा। उस वक्त 1991 का published census था और उसी आधार पर यह कार्यवाही शुरू की गई। कुछ लोगों को ऐसा लगा कि 2001 का census हो चुका है, अगर उसके आधार पर डिलिमिटेशन कमीशन काम करेगा तो उन्हें कुछ लाभ होगा।

महोदया, आपको याद होगा कि डिलिमिटेशन कमीशन ने सबसे पहले हिमाचल प्रदेश में काम करना शुरू किया था। वहां पर इसके बारे में बहुत सी चिंताएं प्रकट की गईं और बहुत से representations आए कि यदि वर्ष 2001 को आधार मानकर डिलिमिटेशन कमीशन काम करें तो उसके ठीक परिणाम आएंगे। बाद में कमीशन के अध्यक्ष ने भी यह महसूस किया कि इसका आधार वर्ष 2001 होना चाहिए। उन्होंने सरकार को भी शायद सूचित किया, उसके आधार पर यह संशोधन लाया गया है। मान्यवर, दूसरी विसंगति इसमें यह थी कि संविधान के मुताबिक एक्स आफिशियल मेंबर देश के इलेक्शन कमीशन और प्रदेश के इलेक्शन कमीशन थे। लेकिन तीन राज्यों — नागालैंड, मेघालय और मिजोरम में इलेक्शन कमीशन नहीं थे। इस कारण वहां पर दुविधा खड़ी हो गई कि वहां एक्स आफिशियल मेंबर कौन होगा। उसका समाधान भी इस संशोधन में है। मान्यवर, इन्हीं दोनों चीजों की दूर करने के लिए यह संशोधन लाया गया है। मैं इन्हीं शब्दों के साथ इस संशोधन का स्वागत करता हूँ और उम्मीद करता हूँ कि 2001 के सेंसस से डि-लिमिटेशन ठीक तरीके से लागू को पाएगा। धन्यवाद।

SHRI RAVULA CHANDRA SEKAR REDDY (Andhra Pradesh):
Madam, I rise to support this Bill number 78 of 2003. The Census of 2001

is available with the Government and the Election Commission. This can be taken as a basis instead of 1991 Census. Without affecting the number of seats in each and every State, was the assurance given by the Government and the Election Commission while passing the Bill in the Lok Sabha. That is what I am told by my friends. The role of ex-officio Members has to be clarified and their wish should be taken into consideration. Their wish should be given due importance while coming to the conclusion, as far as the delimitation of constituencies is concerned.

[The Vice-Chairman (Shri Suresh Pachouri) in the Chair]

There is an apprehension among the people in the Scheduled Caste and the Scheduled Tribe category that they are deprived of their legitimate right of getting more number of seats, both in the Lok Sabha and the Assembly. That should be clarified and their right should be protected. I request you to see that, as early as possible, this whole process is completed and the confusion, which is right now prevailing among the people and the political parties about the delimitation process, should be clarified by the hon. Minister. With these words, I support the Bill.

SHRI A. VIJAYARAGHAVAN (Kerala): Thank you, Mr. Vice-Chairman, Sir. Today, before this Bill, we have discussed one Bill also related to the election and functioning of the Election Commission. So here, also, with regard to delimitation and also with regard to the functioning of the Election Commission, today, we read in the newspaper a news item, a statement by the Election Commissioner himself. He was telling that inside our country, free and fair voting system is in very difficulty in some places. It was mentioned that it can be done in Kashmir, but it is not able to do it in some other parts of this country. It is a very serious issue which we have to think about. Free and fair elections, the rule of law and the involvement of criminals, the money power and the muscle power, these are all there very much in the election process. Something should be done properly, because the highest authority which is supposed to look over all these issues is complaining. So, I would like to know from the Government, while we are discussing about the two important Bills, what is the approach of the Government on the comments made by the Election Commission today. It is a very serious issue. Otherwise, we would not prefer that part today when we are discussing these two important Bills. That may not be good. So, my first query to the Minister is: "What is the opinion of the Government

with regard to the comments made by the Election Commission"? Secondly, regarding this process of enrolment of voters, etc., what is happening is, during the time of elections, some complaint is coming. Some people are depriving the right of voting. So, we are just appointing some officers. We have passed a Bill regarding an election officer in every district. The process is like that. Whenever we are including the names, there is no problem. During the time of the elections, you just include the name, and there will be no problem. But, if you are deleting a name, it should be done well in advance, because one person should not miss his chance. None of them should be deprived of voting process.

That is what happened in the last Assembly elections and some recent by-elections held in Kerala. With regard to enrolment of new names, there is no problem. We can do it till the end. But depriving a chance or even deleting a name, there should be a time-limit for it. Beyond that time limit, you should not delete a name from the electoral roll. This is an important issue. Last time it was reported by one hon. Member of this House, when he was denied voting. Shri S. Ramachandran Pillai was a Member of this House at that time. His name was deleted, so he could not cast his vote. It happened to an M.P. It is an important issue, which we have to think about. For deleting a name, some proper time-limit should be there. There is no problem in the case of inclusion of a name; we can do it till the end. But for depriving a person a chance of voting, there should be a time-limit and it should not be done at the fag end of the election or when the voter approaches the polling booth, he should not be faced with a situation that his name is not there. It should not be repeated. Some rules should be framed accordingly, while we are discussing this election process here. Thirdly, now we have decided to further extend this process of delimitation. For a long time, there was no delimitation. What is the reason behind this Bill? We are talking about the Census of 2001. Actually something is being concealed here. The thing is like that a process is there, that is nursing of constituencies. Nursing of constituencies is there. We have started it in a democratic way. Now, we do not want to touch it. If we do it according to 1991 Census, then there is no problem. Actually, in the name of 2001 Census, it is a white washing process. The real fact is that there is need for delimitation. We started the process, and in the mid way, we decided to change it. The real motive behind this is that those who are nursing their constituencies want to save their constituencies. Politically, we are all arranging for that.

5.00 p.m.

Sir, I would like to say one more thing. People are very much anxious about this process. As Mr. Vayalar Ravi has also mentioned, those States which are taking population control measures are at the receiving end in a democracy. Now, the State which I represent is at the receiving end. In the case of allocation for education --we have hundred per cent literacy-- we are at the receiving end. When you are providing for land -94 per cent of our people have land--we are at the receiving end. When we discuss about health facilities, the same thing is happening to us. The same thing is happening with regard to connecting the villages by roads in respect of my State, Kerala. So we are at the receiving end, not because of the financial help from the Centre, but because of the social achievements of the State. We are at the receiving end and the Central Government is punishing us. Because of this policy, this representation is being introduced. That should not have happened. So some assurance should also be given in this regard. With these words, I conclude. Thank you, Sir.

प्रो० राम देव भंडारी : धन्यवाद उपसभाध्यक्ष जी । दिनांक 12.07.2002 को परिसीमन आयोग का गठन हुआ । इसका मुख्य कार्य 1991 की जनसंख्या के आधार पर लोक सभा में और विधान सभाओं में जो निर्वाचन क्षेत्र हैं उनको पुनः समायोजित करना और अनुसूचित जातियों तथा अनुसूचित जन-जातियों की आरक्षित संख्या को पुनःनिर्धारण करना था । इस बिल के माध्यम से 2001 की जनगणना के आधार पर विधान सभा और संसदीय निर्वाचन क्षेत्रों का परिसीमन करना है । मैं आपके माध्यम से एक सवाल मंत्री जी से करना चाहता हूँ कि अगले साल लोक सभा का चुनाव होने वाला है और कई विधान सभाओं का भी चुनाव होने वाला है ।

क्या यह आयोग परिसीमन करके लोक सभा का चुनाव करा सकेगा, यह मैं सरकार से जानना चाहता हूँ ? अगले साल जो लोक सभा का चुनाव होगा और जो विधान सभा के चुनाव होने वाले हैं, क्या सरकार वह चुनाव भी करा सकेगी ? इसके अतिरिक्त कब तक हम उम्मीद करें कि परिसीमन का सारा काम पूरा हो जाएगा, कृपया इस संबंध में भी सरकार स्पष्ट करे । धन्यवाद ।

उपसभाध्यक्ष (श्री सुरेश पचौरी) : इससे पहले कि मैं अगले वक्ता को बुलाऊँ, मैं सदन की राय लेना चाहता हूँ क्योंकि हमें यह बिज़िनेस आज ही कम्प्लीट करना है इसलिए क्या हम यह सिटिंग अभी जारी रखें ?

SHRI PRANAB MUKHERJEE: Sir, so far as this piece of legislation is concerned, we are committed to complete all the legislative business today. So, this legislation could be completed.

THE VICE-CHAIRMAN: Okay. We will continue our sitting. Prof. M. Sankaralingam.

PROF. M. SANKARALIKNGAM (Tamil Nadu): Mr. Vice-Chairman, Sir, while welcoming this Bill, I have to say something which is there in my mind about the implementation of this Act. The delimitation of constituency for the State Assemblies and the Parliament is a vital factor in the successful functioning of a democracy, especially, in a country like India, where multi-lingual, multi-religious people are living, preserving the unity of our country, while practicing their faith and preserving the customary and traditional methods of living and worship. So, these different groups of people live together in a particular area. They live with unity, and unity used to be exhibited by casting their vote in the election. That is why all the different political parties, contesting in a particular Assembly or a Parliamentary constituency, used to announce the candidate from the same group, whoever be their different candidates. Sometimes, the party in power wants to disturb this unity. By doing so, they can play some havoc in the delimitation process with the connivance of bureaucrats. This has to be safeguarded sufficiently. We have to think over the matter, and sufficient precautions should be taken to preserve the unity of our area and group of people who are living in a particular area. So, the process of delimitation should be done only after getting the consensus of voters fully, and sufficient time has to be allotted to suggest or oppose the changes in the process. No influence of the private party or political parties, whoever be in power, should be there. The delimitation should be done by the Census of 2001. But it should not be done in haste. You need not consider the present election. You consider the future of our country and our country's unity in mind, because last time, the Speaker of the Lok Sabha had appointed some Members, the Rajya Sabha had appointed some Members, the Assembly Speaker had appointed some Members. We all sat together and had a discussion among the officers in the Collectorate. The delimitation officers came over there. They were not able to give us any line of their thinking. They were totally blinking what they have to do. So, sufficient time has to be given. Moreover, I come from Tamil Nadu where the number of our Parliamentary constituencies has been reduced from 40 to 39. Previously, some 15 years ago, the number of our Parliamentary constituencies was 40. Now, it has been reduced to 39 due to the population policy, and we very strictly and sincerely implemented the birth control policy of Government.

What we say is, whichever Government is in Tamil Nadu takes a very keen interest to control the population. We used to say, in every house, in every area, in every village, it has been clearly exhibited: "We two, we must have two." That is the old proverb, or the caption they have 10 years back. Now, we say: "Why have two? We can have one!" That much we are reducing, and controlling the population. The population goes down; the seats are going down. But an assurance has been given in the House that no reduction should be done up to 2026. So, that is a welcome feature. .

I want to mention another thing. Taking my State, the southernmost Parliamentary constituency is the Kanyakumari district is Nagercoil constituency, and the next constituency is Tiruchendur Parliamentary constituency. Tiruchendur Parliamentary constituency has one Assembly constituency to Tiruchendur constituency. The difference is very much felt by us because the Member who is coming from Tiruchendur cannot come to the help of the people living in the Kanyakumari area. This is to be considered very seriously. At the same time, we must have some clauses and measures to control all these evils, which could be curbed, at any time, by anybody. So, I caution the Delimitation Commission. There also. I think, since the total number of seats as allocated to various States in Lok Sabha and the State Assemblies remain frozen till the first Census, after 2026, the Commission will redefine new territorial jurisdiction of all the 543 Lok Sabha and 4,500 Assembly seats in the country. Before delimitation, changing of the area and changing of the territory, sufficient time has to be given to the people's representatives in both the Assemblies and the local bodies.

Another thing that has to be done is to provide 33 per cent reservation to women in State Assemblies. In Tamil Nadu, we have given 33 per cent reservation to women in the local bodies. And they are functioning well. They are associated, and they do their work very well. Why can't we also allocate 33 per cent seats to them? The Delimitation Commission can also look into the matter, and this reference should be there. With these observations, Sir, I support the Bill.

श्री सतीश प्रधान (महाराष्ट्र) : उपसभाध्यक्ष महोदय, आपने मुझे इस विषय पर अपने विचार रखने का मौका दिया, इसके लिए मैं आपका आभारी हूँ। मैं ज्यादा समय नहीं लूंगा, बहुत संक्षिप्त समय लेना चाहता हूँ। मैं सदन के सामने और मंत्री जी के सामने सिर्फ दो बातें रखना

चाहता हूँ। मैं आभारी हूँ कि आप डी-लिमिटेशन का प्रस्ताव लाए हैं। इसकी बहुत आवश्यकता थी। मेरी तथा मेरी पार्टी की यह बहुत पुरानी मांग थी क्योंकि अभी तक ऐसा प्रमाण था कि जिस शहर से मैं आता हूँ उस शहर की लोक सभा कांस्टिट्यूएन्सी और आऊटर दिल्ली की कांस्टिट्यूएन्सी, ये दोनों पूरे देश में दो बड़ी कांस्टिट्यूएन्सी मानी जाती हैं। इनमें आऊट दिल्ली नम्बर एक पर है और थाने का दूसरा नम्बर है। दोनों का कम्पिटिशन चलता रहता है। कभी हम आगे हो जाते हैं, कभी वे आगे हो जाते हैं। दोनों में इतना ज्यादा कम्पिटिशन है, इतनी बड़ी तादाद है कि 32 लाख से ऊपर मतदान क्षेत्र है, जो कि बहुत बड़ा है। मैं ठाणे शहर से आता हूँ और ठाणे शहर के बगल में हमारे यहां का विधानसभा क्षेत्र है, जो बेलापुर विधानसभा मतदान क्षेत्र कहा जाता है। इसकी मतदाता संख्या बारह लाख से ऊपर है। बाकी सब जगह पर लोगों से कहते हैं कि ढाई लाख, तीन लाख, पांच लाख — पांच लाख हो जाएगा तो लोकसभा मतदाता क्षेत्र बहुत बड़ा हो गया, ऐसा पूरे देश में माना जाता है। यहां बारह लाख से ऊपर हो गया है तो भी यह नहीं है। अभी यह होने के बाद, आज की तारीख में मेरे जिले में कुल मिलाकर तेरह विधानसभा क्षेत्र हैं। दो लोकसभा क्षेत्र और दो विधानसभा क्षेत्र बाकी बच जाते हैं, राम नाईक जी जिस क्षेत्र से जुड़े हैं। ऐसी परिस्थिति है। अब यह डीलिमिटेशन का कानून होने के बाद हमारे यहां लोकसभा का क्षेत्र बनेगा। यह तीन से ऊपर हो जाएगा, करीबन चार हो जाएगा। ये लोकसभा क्षेत्र बनने वाले हैं। वहां पर इतनी आबादी है कि सब जगह से लोग आकर रुकते हैं इसलिए विधानसभा का क्षेत्र लगभग दुगुना बढ़ जाएगा। तेरह क्षेत्र से उसकी संख्या करीबन पच्चीस, छब्बीस तक जाने वाली है। यह अत्यावश्यक था, जो व्यस्त प्रमाण था। हम एम.पी.लैंड में से भी कुछ काम करना चाहते हैं। बाकी सब जगह पर जिस तरह से काम होते हैं उस तरह से यहां काम नहीं हो पाते। ऐसी परिस्थिति में 2001 के सेंसस के अनुसार इसकी आवश्यकता थी। आप यह निर्णय ले रहे हैं, इसके लिए मैं सरकार और मंत्री जी को धन्यवाद देना चाहता हूँ और इस विधेयक का समर्थन करता हूँ।

श्री सुरेश भारद्वाज (हिमाचल प्रदेश) : धन्यवाद उपसभाध्यक्ष जी, परिसीमन विधेयक, 2003 सदन में लाया गया है। बहुत ही छोटा-सा संशोधन है। इसमें सेंसस फिगर 1991 की बजाय 2001 करने का प्रावधान किया गया है। दूसरा प्रावधान, जिन बहुत से प्रदेशों में इलेक्शन कमीशन नहीं है, उनका प्रतिनिधि — क्योंकि इसमें व्यवस्था है कि चेयरमैन के अतिरिक्त इलेक्शन कमीशन का एक प्रतिनिधि, वर्तमान में श्री बी.बी.टंडन है, एक स्टेट इलेक्शन कमिश्नर इसमें सदस्य होगा। इन तीन प्रदेशों में इलेक्शन कमीशन न होने के कारण राज्यपाल के प्रतिनिधि को इस विधेयक के द्वारा नोमिनेट करने की व्यवस्था की गई है। इस दृष्टि से मैं समझता हूँ कि यह विधेयक एक स्वागत योग्य विधेयक है क्योंकि 84 वें कांस्टिट्यूशन अमेंडमेंट के बाद परिसीमन आयोग का गठन किया गया। हमने वह कानून पास किया और इस पर यहां काफी लंबी बहस भी की। लेकिन जब इस परिसीमन आयोग ने वास्तव में कार्य करना आरंभ किया तो उस समय प्रैक्टिकली यह कठिनाई महसूस की गई कि परिसीमन आयोग की रिपोर्ट 2004 या 2005 से पहले नहीं आएगी। आज तक जो हमारी टेरेटरीज बनी है, जो हमारी पार्लियामेंट और असेम्बली की कांस्टिट्यूएन्सीज बनी है, वे 1991 की सेंसस के आधार पर बनी हैं और अब यदि नई कांस्टिट्यूएन्सीज बनेगी तो वे 1991 की सेंसस के आधार पर बनेगी, जो कि पूर्ण नहीं होगी। इसलिए सभी राजनीतिक दलों ने यह निश्चय किया कि इस कानून में थोड़ा परिवर्तन किया जाए और सेंसस फिगर 1991 की बजाय 2001 को इस विधेयक में सम्मिलित किया जाए ताकि इस

एक्ट का जो परपज है, रीएडजस्टमेंट आफ टेरीटरीज एण्ड कांस्टीट्यूटिंग एण्ड डिवीजन आफ दी टेरीटोरियल ज्यूरीसडिक्शन, वह इसके कारण ठीक हो जाए। इस दृष्टि से परिसीमन आयोग इससे पूर्व जो कार्य करता रहा है, उसमें बहुत सारी कठिनाइयां देखने को आई, क्योंकि हिमाचल प्रदेश में इस आयोग ने सबसे पहले अपना काम प्रारंभ किया था। यहां पर माननीय सदस्य ने कंसर्न एक्सप्रेस किए हैं कि जहां पर पॉपुलेशन पॉलिसी एडॉप्ट की जा रही है, जहां हम फैमिली प्लानिंग या फैमिली वेलफेयर की दृष्टि से काम कर रहे हैं। उन प्रदेशों को इससे कोई कठिनाई उत्पन्न न हो या उनको इसके कारण सजा न मिल जाए और उनकी सीट्स कम न हो जाएं, इस दृष्टि से मैं समझता हूँ कि जो कानून इससे पूर्व पास किया गया है, उस परिसीमन विधेयक में ही यह व्यवस्था है कि किसी भी प्रदेश में हमारी संसद की जो सीट्स हैं और जो असेंबली की सीट्स हैं, उनमें कोई ज्यादा कमी नहीं होगी। लेकिन इस दृष्टि से प्रदेशों में इसका क्या बेस होगा, इस पर परिसीमन आयोग को विचार करना चाहिए, क्योंकि जब परिसीमन होगा तो इसी तरह की कठिनाई जिलों में भी आने की संभावना है। बहुत सारे जिलों में परिवार कल्याण के काम और परिवार नियोजन के काम बहुत अच्छे प्रकार से होते हैं और वहां पर पॉपुलेशन लगभग नियंत्रित स्थिति में है। बहुत सारे ऐसे जिले हैं जहां पर कि फैमिली प्लानिंग के नॉर्म्स पूरी तरह से आबज्वर नहीं किए जाते, जिसके कारण वहां पर संख्या अधिक बढ़ रही है। लेकिन इस परिसीमन आयोग में यदि ठीक प्रकार से नियम न बन पाए तो उन जिलों में इसके कारण कठिनाई उत्पन्न हो सकती है। मैं समझता हूँ कि इस विषय में सरकार को ध्यान देना चाहिए और परिसीमन आयोग को भी इस विषय में ध्यान रखना चाहिए। मैं समझता हूँ कि इसमें एक बात और है। जैसे पंजाब राज्य है, वहां पर आज स्थिति यह उत्पन्न हो रही है कि वहां की जो लोकल पॉपुलेशन है, वह कम हो रही है, लेकिन बिहार या दूसरे प्रदेशों से माइग्रेटेड लेबर वहां बहुत बड़ी संख्या में जा रही है, जिसके कारण वहां पर असन्तुलन पैदा हो रहा है। जब हम परिसीमन के विषय में प्रैक्टिकल रूप में आगे बढ़ेंगे तब इस पर भी विचार करने की आवश्यकता है। इसके साथ-साथ मैं एक बात ... (व्यवधान) ...

प्र० राम देव भंडारी : अगर बिहार वाले नहीं हो तो वहां पर सारे काम बंद हो जायेंगे।

श्री सुरेश भारद्वाज : वह ठीक है। आप बिहार से आइये, आपका वहां पर स्वागत है।

प्र० राम देव भंडारी : आप एक बार उनको निकाल दीजिए और फिर देखिए कि आपका सारा कार्यक्रम वहां पर टप्प हो जाएगा।

श्री सुरेश भारद्वाज : आपका वहां पर स्वागत है। यह ऐसी ही व्यवस्था दूसरे स्थानों पर भी हो सकती है। यहां पर बिहार एक उदाहरण के रूप में आया है। बहुत सारे स्थानों में, अब जैसे हिमाचल प्रदेश में अधिकांश लोग नेपाल से आते हैं। वहां पर लोग बिहार से नहीं, बल्कि नेपाल से आते हैं। इस प्रकार अलग-अलग प्रदेशों से लोग आते हैं। लेकिन जो बहुत बड़ी संख्या में माइग्रेटेड लेबर है, इसके ऊपर ध्यान देने की व्यवस्था है। अगर नियम बनाने की व्यवस्था ठीक प्रकार से की जाएगी तो मैं समझता हूँ कि इस समस्या से हम पार पा सकते हैं।

दूसरा, इसमें पॉपुलेशन को भी मुख्य रूप से बेस बनाया गया है, जिसके बारे में कंसर्न पूर्व में व्यक्त किए गए, लेकिन इसमें टैरिटोरियल कंटीग्युटी की कोई व्यवस्था, क्योंकि प्रैक्टिकली आयोग काम करता रहा है, उसमें देखने को नहीं मिली। जैसे हिमाचल प्रदेश में लोक सभा की एक कंस्टीट्यूएन्सी मंडी है। पूरे हिमालय प्रदेश का क्षेत्रफल 55 हजार वर्ग किलोमीटर है, जिसमें से 32 हजार वर्ग किलोमीटर में यह मंडी कंस्टीट्यूएन्सी सीमित है और बाकी तीन कंस्टीट्यूएन्सीज उससे आधे से कम है। सारे के सारे सात जिलों में यह कंस्टीट्यूएन्सी फैली हुई है और यह तिब्बत के बॉर्डर के साथ लगती हुई कंस्टीट्यूएन्सी है। इसमें तीन ट्राइबल जिले हैं, जिनकी जनसंख्या बहुत कम है और बहुत दूर-दूर आबादी है। माननीय महेश्वर सिंह जी, हमारे जो सांसद हैं, उनको एक स्थान पर या एक गांव में पहुंचने के लिए तीन-तीन जिले पार करने पड़ते हैं। कई पॉस 6-6 महीने तक बर्फ से ढके रहते हैं, जहां पर जाने के लिए कोई साधन उपलब्ध नहीं होते हैं। ऐसी स्थिति में वहां पर जाना पड़ता है। इस दृष्टि से मेरा एक निवेदन है कि ऐसी बात परिसीमन आयोग नियम बना करके या इस कानून में करें, ताकि ट्राइबलज के लिए अलग जिला बन जाए, कंस्टीट्यूएन्सीज जो असंबलीज की है वे बनी हुई है, तीन ट्राइबल असंबली कंस्टीट्यूएन्सीज वहां पर है, लेकिन पूरी की पूरी पार्लियामेंटरी कंस्टीट्यूएन्सी, ट्राइबल और नॉन ट्राइबल इकट्ठी है। जो ट्राइबल एरिया है वह क्षेत्रफल में बहुत ज्यादा है। उसकी कंटीग्युटी नहीं बनती। एक जिले के बीच से जाना पड़ता है। इसके कारण वहां पर बहुत दिक्कत आ रही है। मेरा निवेदन यह है कि माननीय मंत्री जी जब नियम बनायेंगे तब इसका प्रावधान करेंगे या परिसीमन आयोग इसका जो प्रोसीजर एडॉप्ट करेगा।

उसमें इस बात की ओर ध्यान दिया जाएगा। दूसरे, जब पॉपुलेशन के आधार पर हम **constituencies** बनाने के लिए यह टैरिटोरियल डिवीजन कर रहे हैं, तो इस समय उसमें 2001 की जनसंख्या को एडॉप्ट कर लिया गया है, लेकिन कई बार हम केवल एक ही कम्युनिटी के सभी लोगो की एक स्थान पर एक **constituency** बना देते हैं। मैं समझता हूँ कि अगर इस प्रकार की व्यवस्था की गयी तो उससे ज्यादा नुकसान होने की संभावना रहेगी। इसलिए उसमें इस बात का ध्यान रखा जाय कि जहां एक कम्युनिटी हो तो केवल उसी बेसिस पर **constituency** न बनने पाए।

उपसभाध्यक्ष महोदय, चूंकि सेंसस के फिगरस अभी तक हम को **available** नहीं हो पाए हैं और सेंसस करने वालों के ऊपर इस प्रकार का कोई ऑब्लिगेशन नहीं है कि वे हमारे मांगने पर या सरकार के मांगने पर सेंसस के फिगरस ले आएँ, इस दृष्टि से मैं जानना चाहूँगा कि क्या अगले लोक सभा चुनाव से पहले डिलिमिटेशन हो पाएगा? इसलिए मेरा निवेदन रहेगा कि डिलिमिटेशन जब कंस्टीट्यूएन्सीज का हो तो चुनाव से पहले कम-से-कम 6 महीने का समय राजनीतिक दलों और जनता को वे परिसीमित कंस्टीट्यूएन्सीज देखने को मिल जाय ताकि हमारा काम भी ठीक प्रकार से हो सकें। इन्हीं शब्दों के साथ मैं इस परिसीमन संशोधन विधेयक, 2003 जो कि संविधान में संशोधन करने के बाद लाया गया है, उस का स्वागत करता हूँ और स्टेट्यूटरी रिजोल्यूशन का विरोध करता हूँ। महोदय यह ऑर्डिनेंस लाना आवश्यक था और उस की आवश्यकता मुख्य रूप से इसलिए थी क्योंकि परिसीमन आयोग अपना काम कर रहा था और उसी बीच में 1991 के बजाय सभी पॉलिटिकल पार्टिज ने यह विचार किया कि 2001 का सेंसस फिगर उस के स्थान पर आ जाय और परिसीमन आयोग चूंकि चल रहा है, वह काम करता रहे।

[16 December, 2003]

RAJYA SABHA

महोदय, सेंसस के सारे फिगर्स available हैं, वे publicised figures नहीं हैं। लेकिन मॉडर्न टेक्नोलोजी के आधार पर वह काम जल्दी हो सकता है, इस दृष्टि से यह पाया गया कि इस की बहुत ज्यादा आवश्यकता थी। इसलिए यह अध्यादेश लाना पड़ा।

महोदय, इन्हीं शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ। महोदय, आप ने मुझे बोलने का समय दिया इस के लिए भी आप का आभारी हूँ।

THE VICE-CHAIRMAN (SHRi SURESH PACHOURI): Shri C. Apok Jamir... (*Interruptions*)...

DR. M.N. DAS: By way of information to the hon. Member, -- he referred to the migration of people from Bihar and Uttar Pradesh to Punjab -- I would like to inform him that a sizeable population of Punjab are living in the new capital of Orissa, Bhubaneswar, and we are proud of that. And, a sizeable population of Andhra Pradesh, Tamil Nadu, West Bengal and other parts of India present a face to our capital as a cosmopolitan city, and we are proud of ourselves that we accommodate all these people.

MESSAGES FROM THE LOK SABHA

The Constitution (Ninety-Seventh Amendment) Bill, 2003

The Railway Protection Force (Amendment) Bill, 2003

SECRETARY-GENERAL: Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha: -

(i)

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in the Lok Sabha, I am directed to enclose the Constitution (Ninety-seventh Amendment) Bill, 2003, which has been passed by the Lok Sabha at its sitting held on the 16th December, 2003, in accordance with the provisions of article 368 of the Constitution of India."