

MR. DEPUTY-SPEAKER: The question is: 15.25 hrs.

"That clause 17, as amended, stand part of the Bill."

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Clauses 18 to 20 were added to the Bill.

Clause 21—(Amendment of section 43.)

MR. DEPUTY-SPEAKER: Clause 21—there is an amendment which has been circulated, by Shrimati Rohatgi.

Amendment made:

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for lines 26 and 27 substitute—

'(b) in sub-section (2) in clause (e) for the words "Board and of the Central Committee," the word "Board," shall be substituted;' (1)

(Shrimati Sushila Rohatgi)

MR. DEPUTY-SPEAKER: The question is:

"That clause 21, as amended, stand part of the Bill."

The motion was adopted.

Clause 21, as amended, was added to the Bill.

Clause v, Enacting Formula and the Title were added to the Bill.

SHRIMATI SUSHILA ROHATGI: I move:

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

DELIMITATION BILL

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY): I beg to move*:

"That the Bill to provide for the re-adjustment of the allocation of seats in the House of the People to the States, the total number of seats in the Legislative Assembly of each State, the division of each State and each Union territory having a Legislative Assembly and the Union territory of Delhi into territorial constituencies for elections to the House of the People and Legislative Assemblies of the States and Union territories and Metropolitan Council of Delhi and for matters connected therewith, be taken into consideration"

Hon. Members are aware that article 82 of our Constitution provides that upon the completion of each census, the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine: Provided that such readjustment shall not affect representation in the House of the People until the dissolution of the then existing House. A similar provision will be found in article 170(3). Census in our country takes place every ten years. The last census took place in 1971 and the reports were received during the middle or later part of this year. On receipt of those reports it became necessary to move this Bill.

This Bill is based on similar Bill; passed by this House in 1962. There are five variations from that Bill and I shall draw pointed attention of the hon. Members. For instance in the short title in the 1962 Act, it was Delimitation Commission Act.

*Moved with the recommendation of the President.

[Shri Nitiraj Singh Chaudhary]

The work is to be done by a commission and the work is really delimitation of the constituencies. Therefore the Bill now proposed will be known as the 'Delimitation Act', not the Delimitation Commission Act.

Secondly, the expression 'State' has been defined so as to exclude the State of Jammu and Kashmir but to include a Union Territory having a legislative assembly. The reason for the exclusion of the State of Jammu and Kashmir is that the matter in relation to that State would be regulated by the Constitution (Application to Jammu and Kashmir) Order 1954, which would be suitably modified subsequent to the passing of this Bill. Yet another reason for the definition is that the present Bill applies to the Union Territories having Legislative Assemblies and to the Union Territory of Delhi, unlike the previous enactment on the subject at which time the Government of Union Territories Act, 1963 was not on the statute-book.

The third variation is that two provisions have been added to clause 4. These two provisos seek to lay down that (a) where only one seat is allocated to a State in the House of the People, the whole of the State is to form one territorial constituency and (b) it shall not be necessary for the commission to readjust the allocation of seats in the House of the People to any Union Territory or the total number of seats in the Legislative Assemblies of Goa, Daman and Diu, Pondicherry and Mizoram or the total number of seats in the Metropolitan Council of the Union Territory of Delhi as they have been provided for in the Government of Union Territories Act, 1963 and the Delhi Administration Act, 1966.

Similarly in clause 5 a proviso to sub-clause (1) has been added. This proviso was not there in the 1962 Act. It seeks to provide that where the number of members of the House of the People representing any State is four or less, then members for that State and in the latter member for that State and in the latter case, the total number of associate mem-

bers shall be less than nine by such number by which the total number of members of the House of the People representing that State is less than four.

Clause 8 deals with the readjustment of the number of seats. It differs from the corresponding provision in the 1962 Act in the following respect. It has become necessary in the present Bill to make a reference to the provisions of certain other enactments in this clause so that the task of delimitation could be carried out by the Delimitation Commission only and not by the Election Commission in certain cases, as was the position earlier under the provisions of the relevant Acts referred to in the clause.

With these variations, the Bill I am moving is a production of the 1962 Act, and this being in a compliance with the provisions of article 82 and article 170(3), I feel it is a non-controversial measure and I hope the House will adopt it.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to provide for the readjustment of the allocation of seats in the House of the People to the States, the total number of seats in the Legislative Assembly of each State, the division of each State and each Union Territory having a Legislative Assembly and the Union Territory of Delhi into territorial constituencies for elections to the House of the People and Legislative Assemblies of the States and Union Territories and Metropolitan Council of Delhi and for matters connected therewith, be taken into consideration."

There is an amendment by Shri M. C. Daga that the Bill be sent to a Select Committee.

SHRI M. C. DAGA (Pali): I am moving it.

I beg to move:

"That the Bill to provide for the readjustment of allocation of seats in the House of the People to the States, the total number of seats in the Legislative Assembly of each State, the division

of each State and each Union territory having a Legislative Assembly and the Union territory of Delhi into territorial constituencies for elections to the House of the People and Legislative Assemblies to the States and Union territories and Metropolitan Council of Delhi and for matters connected therewith, be referred to a Select Committee consisting of 11 members, namely: Shri Arvind Netam, Shri Dinen Bhattacharyya, Shri B. S. Bharua, Shri H. R. Gokhale, Shri Dinesh Chandra Goswami, Shri Samar Guha, Shri Rajaram Dadasaheb Nimbalkar, Dr. Laxmanarayan Pandey, Shri Narain Chand Parashar, Shri Anant Prasad Sharma; and Shri Ram Chandra Vikal with instructions to report by the last day of the first week of the next session."

SHRI S. M. BANERJEE (Kanpur). Mr. Deputy-Chairman, Sir ...

MR. DEPUTY-SPEAKER: I do not know why today I have become Deputy-Chairman. Anyway, it does and matter.

SHRI S. M. BANERJEE: Mr Deputy-Speaker, Sir, I would like to support the amendment of Mr. Daga that the Bill should be sent to a Select Committee. It is true that after every census, there is a constitutional requirement that there should be a commission appointed known as the Delimitation Commission. It is also true that the population of our country has increased and on that basis, the States both in Parliament and State Assemblies have to be increased. Recently the Prime Minister called a meeting of the opposition parties to discuss this issue, whether it should be increased. I think the suggestion was 570 or 575 seats. I am told there was no consensus in that committee and no decision could be taken because of divergent views.

My party is not opposed to increasing the seats and this should not be rejected on the technical ground that there is no

accommodation in this House. I am told the technical experts have said that the strength could be increased to 540 or 550, i.e., about 30 seats more. But I do not know whether strictly according to the population basis, on the basis of 7 lakhs or 7½ lakhs, the number of seats will be confined to 550. It may be more; it may even come to 580. I do not know how those members will be accommodated in this House. After all, Government's decision or the decision of this House cannot be taken on the basis or assumption that everybody has to be accommodated in this House alone and we will not have a separate building for the Lok Sabha or the other House.

I do not mind saying that we are opposed to very big constituencies. If you do not increase the seats, a Lok Sabha constituency may have more than 9 to 10 lakhs of voters. If there are a million voters, it will be impossible for any candidate to fight elections because he should spend more than Rs. 4 lakhs. I was a member of the committee appointed to go into the various suggestions made by the Chief Election Commissioner to reduce the election expenses.

SHRI VIKRAM MAHAJAN (Kangra) If you have a Member of Parliament for each panchayat, the expenses will be reduced.

SHRI S. M. BANERJEE. I do not want to go upto the panchayat level. I am only saying if one has to manage 10 or 12 lakhs of voters, Members of Parliament will have no personal contact with the people. Moreover, the election expenses are going to be terrible. The return showing election expenses will be nothing but fictitious and will not give a correct picture of the money spent. It will only open the flood gates for those big tycoons who wish to enter Parliament with the help of their money alone and not on the basis of any political ideology or policy. So, my suggestion is that the seats should be increased on the basis of the census and arrangements should be made to see that all the members are accommodated.

[Shri S. M. Banerjee] dated here. I am told the seating arrangement in the House of Commons is less than the number of members; it is very much less because everybody is not supposed to come to the House at the same time. We have also seen that in the Lok Sabha, whether it is a three line whip or four line whip, even on occasions when both the opposition parties and the ruling party unite as on Constitution Amendment Bills or elections to our parliamentary committees like the PAC or Estimates Committee, the maximum attendance was no more than 450. That means, about 20 or 25 per cent of the members are either absent or do not attend the House while in Delhi. The difficulty will be at the time of voting. In the House of Commons they just cross the floor and voting takes place in the lobby. We in our House also had the same system in the past. Now we have the automatic voting system for which each member has to be allotted a particular seat. So, all the Members will have to be accommodated with seats because they have to participate in voting. It is no doubt true that this will present a difficulty. But that is not such a big difficulty because of which we should not increase the number.

Then I come to the Delimitation Commission about which I have bitter experience in Kanpur. During the 1962 elections I suddenly found that my constituency has been bifurcated. Sir, I would like to take you to Kanpur and show you how the area which falls in the constituency of my sister, Shrimati Sushila Rohatgi, has four cinema houses, two ordnance factories and a big bazar, and it is called a rural constituency. I have been given an area which consists of 133 villages and my constituency is called an urban constituency. I was surprised at it and I asked the Delimitation Commissioner, Shri Sunderam, how it was done and whether somebody visited the area before doing it. In that Assembly constituency which had gone as a rural constituency, I had won earlier with a margin of 27,000 votes. Of course, my total margin was 60,000 votes. In that one Assembly constituency I had a margin of

27,000 votes because all the defence employees are there as two of the biggest ordnance factories are situated there. Now there are three plants with the establishment of the special alloy steel plant. After partition many Punjabis came and settled there and there is a place called Panch Number Gumti. My constituency was divided and I got an urban constituency which grows cauliflower, mustard and other things without any irrigation. Still, I won the elections.

MR DEPUTY-SPEAKER: Were you not an associate member of the Delimitation Committee?

SHRI S. M. BANERJEE: No, I was not.

I would say that whenever the Delimitation Commission is appointed, it has to visit the area and see whether it is a reserved area or not. Now what happens is that suddenly on the basis of certain evidence a particular area, which is a general constituency, is converted into a reserved constituency. I am not against reservation. I feel that the people belonging to the Scheduled Castes and Tribes should be given the maximum number of seats. That is not the point. But where the majority of the population is non Scheduled Caste, why should it be converted into a reserved constituency? So, I would say that the Delimitation Commission should go into the various problems with which we are confronted every day practically during our elections and then come to some conclusions.

Before the appointment of the Commission, the Minister should kindly consider whether it would not be advisable to refer it to a Joint Committee, where we will get ample opportunity to discuss all aspects and adduce evidence. After all, nothing is going to be lost if there is some delay. I do not think there is any danger of toppling any government because the elections are not fast approaching. The first election will be in 1974. There is ample time.

SHRI P. K. DEO (Kalahandi): It will be earlier in my State.

SHRI S. M. BANERJEE: I would request the hon. Minister to kindly consider this suggestion more seriously. They can themselves move to refer it to a Joint Committee.

We have nothing against the principles of the Bill. It is necessary according to our Constitution. The problem is how this increased number could be accommodated in this building. Perhaps, we can have two shifts. When the schools are having two shifts, we can also have two shifts; we do not mind it. So, merely on some technical grounds, the people of India should not be detailed the representation to which they are entitled under the Constitution. With these words, I support the Bill and I would request the hon. Minister to refer it to a Joint Committee.

श्री मल्लिकार्जुन झा (पाली) : उपाध्यक्ष महोदय, जब मैं किसी बिल को सिलेक्ट कमेटी में भेजने सम्बन्धी प्रस्ताव रखता हूँ, तो कुछ माननीय सदस्य समझते हैं कि यह एक रूटीन वर्क है। लेकिन मेरा ख्याल है कि मेरे या किसी अन्य सदस्य के प्रस्ताव पर जो भी बिल सिलेक्ट कमेटी में गये हैं, उन सब में एमेंडमेंट हुए हैं।

सब से पहले मैं यह पूछना चाहता हूँ कि जो बिल पेश किया गया है, वह आर्टिकल 82 के नीचे आ रहा है या आर्टिकल 327 के नीचे।

अगर यह बिल पास हो जाता है और उसके अनुसार निर्वाचन-क्षेत्र बन जाते हैं, तो फिर वे निर्वाचन-क्षेत्र चाहे कैसे भी बन जायें, आर्टिकल 329 के मुताबिक इस सा को हाई कोर्ट या सुप्रीम कोर्ट में चैलेंज नहीं किया जा सकता है। इस बारे में यही प्रोसीजर ले डाउन किया गया है कि प्राबजेक्शन्स क्ल माउट करने के बाद इलैक्शन कमीशन जो भी जर्जमेंट देता है, उसको किसी कोर्ट में चैलेंज नहीं किया जा सकता है। आजकल

के समय में कानून में इतना ज्यादा डिस्क्रीशन रखने का मतलब यह है कि सरकार करप्शन को बढ़ावा देना चाहती है।

उदाहरण के लिए क्लॉज 3 में जजों के रखने की बात कही गई है। सबाल यह है कि हाई कोर्ट के जज क्यों रहे जायें, केवल सुप्रीम कोर्ट के जज क्यों न रहे जायें।

श्री विक्रम महाजन : वे कम हैं।

श्री मूलकाव्य झाग : अगर सरकार देश को इन्साफ देना चाहती है, तो सुप्रीम कोर्ट के जज रखने चाहिए। क्लॉज 3 में कहा गया है, "इट शैल कनसिस्ट ऑफ़ ए जज ऑफ़ सुप्रीम कोर्ट ऑफ़ ए हाई कोर्ट"। हाई कोर्ट का जज क्यों रखा जाये? जब कमीशन ने सारे देश में निर्वाचन-क्षेत्रों का निर्धारण करना है, तो फिर सुप्रीम कोर्ट के जज क्यों नहीं रहे जाते हैं? और फिर आप चाहते हैं कि रिटायर्ड हो जाय तो कोई परवाह नहीं है। मैं चाहता हूँ कि सिटिंग जज होना चाहिए। यह पोलिटिक्स में बड़ी गड़बड़ है। जहाँ जजों भी बैठते हैं, कई बार डी-लिमिटेशन के मामले में मैंने देखा है कि वह भी पोलिटिकल पार्टी से गाइड हो जाते हैं। इसलिए आप जो आप के सिटिंग जज बैठे हुए हैं उनको आप मुकर्रर कीजिये। इसमें आप ने कहा है :

"two members, each of whom shall be a person who is or has been judge...."

तो मेरा कहना है कि जो सिटिंग जज हो जो काम करता हो उसको आप मुकर्रर कीजिये और हाई कोर्ट के जजों को रखने की आवश्यकता नहीं है।

"The Central Government shall nominate one of the members appointed under clause (a) of sub-section (1) to be the Chairman of the Commission."

मान लीजिए एक आप का हाई कोर्ट का जज है और एक सुप्रीम कोर्ट का तो उसका बेयरमैन कौन होगा? उसमें यह है कि गवर्नमेंट बिल नामिनेट। तो हाई कोर्ट के जज को भी

[श्री मूलचन्द्र डागा]

कह देगी वह कि वृत्तधारि बेयरमैन। बेयरमैन वह होना चाहिए जो सुप्रीम कोर्ट का जज हो। लेकिन अगर आप इसमें ऐसा लिखते हैं कि :

"Government will nominate a High Court Judge to be the Chairman of the Commission."

That means the Government has got the discretion to appoint anybody as a Chairman. It means that the Government wants to interfere into it. He may be anybody. Suppose there are three Judges. You say "A" should be the Chairman and not "B" or "C". Why is this discretion left to the Government and for what purpose?

Then, clause 5 says:

"The Commission shall associate with itself for the purpose of assisting it in its duties in respect of each State, nine persons..." What is the purpose of it?

आप राजस्थान को ले लीजिये या मध्य प्रदेश या आन्ध्र प्रदेश को ले लीजिये। राम गोपाल रेड्डी साहब को सारे आन्ध्र प्रदेश का हाल मालूम नहीं है। वह केवल अपनी कांस्टीट्यूएन्सी के बाबत जानते हैं। तो यह जो 9 मेम्बर्स को लेने का सवाल है उसमें कौन मेम्बर्स होने चाहिए? मुझे अगर आप कहें कि मैं राजस्थान की सारी बात कह सकता हूँ तो वह मेरे लिए असंभव है। मैं अपने निर्वाचन क्षेत्र की बात कह सकता हूँ। तो आप जो 9 मेम्बर्स को नामिनेट कर रहे हैं उनको कैसे सारे प्रदेश का हाल मालूम होगा? फिर उनको नामिनेट कौन करेगा? कैसे उनको मालूम होगा? स्पीकर अगर नामिनेट करेगा तो उसको कैसे मालूम होगा? प्रसेम्बली में क्या होता है कि जो प्रसेम्बली में नामिनेट करने वाले होते हैं, गवर्नमेंट पार्टी के होते हैं या मिनिस्टर होते हैं वे नामिनेट हो जाते हैं।

एक माननीय सदस्य : इधर भी ऐसा ही है।

श्री मूलचन्द्र डागा : इधर भी ऐसा ही है तो यह बिल्कुल गड़बड़ है। तो इसको जानते

हुए हम कैसे इस बात को समझें? यह 9 मेम्बर्स का डिस्ट्रिक्शन किस आधार पर होगा? पार्टी के आधार पर यह होगा या किस आधार पर होगा? देयर इज नो क्लैरिटीरिया। मैं समझता हूँ कि स्टेट्स के अंदर डिबीजन हैं। हर जगह चार या पांच डिबीजन हैं। तो उस डिबीजन के जो एम पीज और एम०एल०एज० हों उनको एसोशिएट करना चाहिए कमीशन के अंदर जगह जगह पर। यह नहीं होना चाहिए कि राजस्थान स्टेट के अंदर चार पांच एम०पीज० को ले लें या पांच एम०एल०एज० को ले लें। हर एक स्टेट के अंदर जो डिबीजन हैं, उन डिबीजन्स के आधार पर जब कमीशन को एक्वायरी करनी है तो उन लोगों की उसमें एसोशिएट करना चाहिए और उनसे लाभ लेना चाहिए। यह अगर हो तो हम समझ सकते हैं कि वह अपनी बात कह सकते हैं। हर एक स्टेट डिबीजन में डिवाइडेड है। देवर धार फोर धार फाइव डिबीजन्स। उस डिबीजन के लोगों को उसमें एसोशिएट करें तो वह अपनी बात कह सकते हैं। मैं जिस निर्वाचन क्षेत्र से आया हूँ, मेरी कोई ऐडमिनिस्ट्रेटिव यूनिट लीजिए। पंचायत समिति है, तहसील है, जिला है। मेरे ब्लॉक के कुछ विलेजेंज दूसरे निर्वाचन क्षेत्र में हैं और दूसरे के कुछ विलेजेंज मेरे निर्वाचन क्षेत्र में हैं। उदयपुर का हिस्सा भी उसमें आता है और मेरे जिले पाली का भी आता है। सें पाली का हूँ। मुझ एक एम०पी०को एक जिला परिषद् है उदयपुर में वहां जाना पड़ता है और एक जिला परिषद् है पाली के अंदर जोधपुर डिबीजन में वहां पर भी जाना पड़ता है। मैं पूछता हूँ कि आप के जो ऐडमिनिस्ट्रेटिव ब्लॉक यूनिट हैं वह किस आधार पर बनते हैं? मैंने कई विलेजेंज देखे हैं कि जहां बहुमत नहीं होता है तो उसको रोडयूल्ड कास्ट घोषित कर देते हैं। रोडयूल्ड कास्ट की कांस्टीट्यूएन्सी बनी उसमें बहुमत रोडयूल्ड कास्ट का नहीं है, लेकिन पोलिटिकल रीजन पर उसको रोडयूल्ड कास्ट घोषित कर देते हैं।

एक माननीय सदस्य : ऐसा नहीं हुआ।

बी मूकचन्द डायः यह आप मुझ से नहीं कह सकते। वू कैन नाट पैरेंट जी। आपके ऐक्ट के अन्दर कोई पाबन्दी तो नहीं है। काइडली गो मू इट। मेरा कहना यह है कि आपकी यूनिट बनाना चाहिए। तहसील लेवेल पर मानें, ब्लाक लेवेल पर मानें, जिला लेवेल पर मानें, पर यूनिट होना चाहिए। लेकिन यह इसमें नहीं है। अब आप ने इसमें दिया है :

"The persons to be associated from each State shall be nominated in the case of Members of the House of the People by the Speaker..."

स्पीकर किस आधार पर यह नामिनेट करेगा ? प्लॉट विल बी दि कंसिडरेशन ? तो उसमें भी डिस्ट्रिक्शन पर छोड़ दिया है। कोई काइटीरिया नहीं मुकर्र किया है। . . (व्यवधान) . . मैंने तो यह कहा कि डिबीजन के आधार पर एसोशिएट करना चाहिए। फिर आप कहते हैं :

"The Commission shall determine its own procedure and shall in the performance of its functions have all the powers of a civil court..."

आप कहते हैं कि उसकी नोटिस निकलनी चाहिए और केवल गजट में वह निकल जायेगा, दैट इज सफिशियेंट। मैं कहता हूँ जो आपके जिला परिषद् हैं, तहसील हेडक्वार्टर्स हैं, ब्लाक हैं, वहां पर क्यों नहीं यह नोटिस निकलती है। ताकि लोग जा कर देखें तो सही कि आप ने यह निर्वाचन क्षेत्र घोषित किया है। लोगों को मालूम नहीं पड़ता है कि निर्वाचन क्षेत्र कौन सा घोषित कर रहे हैं और आप यह कह रहे हैं कि हम ने गजट में शायी कर दिया और हो गया। यह भी नहीं कि ब्लाक लेवेल पर, तहसील लेवेल पर या एस डी बी जहां बैठता है, वहां यह भी शायी की जाय। सब-डिबीजन को मालूम नहीं, ब्लाक को मालूम नहीं, ग्रामपंचायत समिति को मालूम नहीं और आप

कहते हैं कि नोटिस निकल गई और अब यू हैव नो राइट टु मेक एनी आब्जेक्शन। तो मेरा कहना है कि यह जो आप निर्वाचन क्षेत्र बनाते हैं उसमें आप को यह ध्यान देना चाहिए कि जो लोग आब्जेक्शन रख करना चाहते हैं, उनको उसका मौका हो। अब आप कहते हैं :

"...publish its proposals 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 and in the Official Gazettes of all the States concerned and also in such other manner as it thinks fit."

आप यह बताइये कि ये जो एसोशिएटेड मेम्बर्स हैं वे क्या वहां केवल अपनी राय देने के लिए हैं चाहे वह मानी जाय या न मानी जाय, उसमें वह कुछ नहीं कर सकते ? मान लीजिये एसोशिएटेड मेम्बर्स ने अपनी राय दी। दस मेम्बर ऐसी राय देते हैं कि यह निर्वाचन क्षेत्र ऐसा होना चाहिए और डिलिमिटेशन कमीशन दूसरी राय देता है कि कमीशन की राय मानी जायेगी या उन दस मेम्बर्स की राय मानी जायेगी ? उनकी क्या पोजीशन है ? क्या वे वहां केवल इसलिए होंगे कि उनकी राय न मानी जाये ? जो आप ने एसोशिएट किये हैं ऐसेम्बली के मेम्बर्स, पार्लियामेंट के मेम्बर्स, जो वहां जाते हैं उनकी राय मानी जायेगी या नहीं ? तो सवाल यह है कि जो सारे के सारे प्राविजन्स आपने रखे हैं उनमें आपने सारा डिस्क्रिप्शन छोड़ दिया है। मान लीजिये जो ज्यादा मेम्बर्स आप बढ़ा रहे हैं वह कितने मेम्बर्स बढ़ाने चाहिए उसका कोई जिक्र नहीं है और निर्वाचन क्षेत्र में कितनी सीट्स बढ़ सकती हैं उसका भी कुछ जिक्र नहीं है। केवल स्ट्रक्चर्स देकर गवर्नमेंट अपना सारा भार डिलिमिटेशन कमीशन जो बनाता है उसके ऊपर छोड़ना चाहती है और वह कमीशन जो भी चाहे कर सकता है।

16 hrs.

*SHRI E. R. KRISHNAN (Salem): Mr. Deputy-Speaker, Sir, on behalf of my party, the Dravida Munnetra Kazhagam, I would like to say a few words on The Delimitation Bill, 1972.

This Bill has been introduced for the purpose of constituting a Delimitation Commission to demarcate the Lok Sabha and the Assembly Constituencies in the country on the basis of 1971 Census. The present Lok Sabha and Assembly Constituencies had been demarcated after 1961 Census. As the population of the country has increased, which the 1971 Census has revealed, it is the constitutional duty cast on the Government that a Delimitation Commission is constituted immediately for the purpose of demarcating the Lok Sabha and the Assembly constituencies.

It cannot be disputed that the population of the country has increased. But the population has not increased in the same proportion in all the States of the country and that is due to the fact that certain States are vigorously implementing the family planning programmes. In fact, in some parts of the country as a result of this the population has gone down. To give a concrete example, on account of vigorous implementation of family planning programmes in national interest, the State of Tamil Nadu lost two Parliamentary seats. The Central Government repeatedly stress this fact that, unless the population explosion is controlled and curbed, the economic development of the country will be in jeopardy. If any State follows this directive and implements effectively the family planning programmes, the State is deprived of due representation in the Lok Sabha. If this is going to be the reward for undertaking to implement the family planning programmes, then naturally these programmes will receive a set back. Some States might even drop the family planning programmes.

I would like to suggest that in their deliberations the Delimitation Commission should take this vital point into consider-

ation. It must be borne in mind that if any State, for instance, Tamil Nadu keep the national interest in the forefront and implement the family planning programmes in right earnest, such a State should not be rewarded by way of reduction in the number of Lok Sabha seats which it had earlier. I would even go to the extent of saying that there should have been provision in this Bill itself to the effect the States implementing vigorously family planning programmes will not be adversely affected in the matter of representation to the Lok Sabha.

Recently, our Prime Minister convened a Conference of the Leaders of all political parties in the country to consider the question of increasing the number of Lok Sabha seats to 570, which will be in proportion to the increase in population. I read in the newspapers that some political parties did not favour this increase in the Lok Sabha seats. My party, the D.M.K. extended its fully support to the increase of Lok Sabha seats to 570. Now that this Bill has been introduced, I would like to know whether this question will be referred to the Delimitation Commission.

16.04 hrs.

(SHRI N. K. P. SALVE in the Chair)

If the strength of Lok Sabha is not increased in proportion to the increase in population, then each Member of Lok Sabha may have to represent more than 10 lakhs of people. Even now, a Member represents 7.5 lakhs of people. It is humanly impossible for any Member of Lok Sabha to cover frequently his entire constituency, which is so vast, for the purpose of personally contacting his constituents and acquainting himself with their problems and difficulties. If he is to represent more than 10 lakhs of people, I need not say that he will never be able to do justice to his responsibilities. The area of a constituency will become still larger. A Member will not be able to come round his constituency even twice in his five year term. His election expenses also will be

*The original speech was delivered in Tamil.

mounting up. So, it is necessary that along with the increase in population the number of Lok Sabha seats should also be increased proportionately. Similarly, the Assembly seats should also be increased. My party, the D.M.K. has extended its full support to the increase of Lok Sabha seats as also Assembly seats. I hope that the Delimitation Commission will consider this question also.

As I pointed out earlier on, I would request that, for the purpose of achieving self-reliance, for the purpose of attaining economic goals which will pave the way for establishing an egalitarian society in the country if a State is to be penalised for implementing family planning programmes by way of loss in the Lok Sabha seats, I would say that our economic efforts will receive a set back. I would request that the pre-1961 basis for demarcating the Lok Sabha seats and Assembly in the case of Tamil Nadu should be followed for the purpose of delimiting the constituencies now. I had referred to this problem in my speech on the Demands for Grants of the Ministry of Health in which I pointed out that the family planning programmes will be given a go-by if a State is to lose the number of seats in the Lok Sabha.

Before I conclude, I would urge upon the Minister that this important fact must be borne in mind by the Delimitation Commission while the constituencies are delimited both for Lok Sabha and for Assemblies. There should be proportionate increase in the strength of Assemblies and Lok Sabha to the increase in population as revealed by 1971 Census.

With these words, I conclude.

MR. CHAIRMAN: Mr. Rudra Pratap Singh. He is not present.

Shri B. V. Naik

SHRI B. V. NAIK (Kanara): Mr. Chairman, Sir, the Delimitation Bill has been presented here as a natural feature of the decade. I welcome the Bill as it is presented today. Even though we refer the task of delimitation of constituencies to a quasi-judicial body, i.e., the delimitation

Commission, our experience in the past has been such that this seemingly very innocent-looking Bill, as far as the people say or the persons affected by it say, can also, in the hands of the people not gifted with a judicial bent of mind, is capable of being one of the most mischievous pieces of legislation.

I hope, first and foremost, in the choice of the personnel who will be manning this Commission, utmost care will be taken that quasi-politicians or full politicians or people not prone to take a very judicious view of the whole situation, are not selected in order to be placed in the two vacancies that are there where appointment is to be made from amongst judicial personnel. In this behalf, I would like to join hands with the hon. Member, Shri Daga, in supporting the view that, instead of having on this Commission of three people who have been 'has-beens' in the judicial line, it would be better, if at all to err on the safe side, if sitting members of the judiciary are provided to this Commission so that they will be more accountable than ex-judicial luminaries and will also be in a position to do justice to the job along with the ex-officio Chief Election Commissioner.

Then, Sir, as far as the discussion on the size of the constituency is concerned, my hon. friend, Shri Banerjee, raised this point. He said: The bigger the size of the constituency, the larger will have to be the amount of money spent on the election. I do not see, and I cannot see eye to eye in co-relating the financial aspect of any election campaign with the size of that constituency, as that would be, in brief, a sort of an insult to the electorate, and more particularly, to the electorate of this great country. It would be an insult added to the injury for this reason that, in the course of the last 20 or 25 years of the operation of democracy in this country, the electorate has grown wise. Definitely it is wiser today, than what it was in the year 1952. And, even though there have been attempts made on behalf of the moneyed people to bribe or corrupt the electorate, the electorate, irrespective of either accepting the money or

[Shri B. V. Naik]

refusing the money—have been able to come to the right decisions, whether it is of a party or a person or an ideology. It would be a wrong conclusion to arrive at with regard to any co-relation between the amount of money spent and the success in the present or the forthcoming elections in this country.

I do appreciate the concern of the hon. Member (Shri Banerjee) that the size of the electorate will make it progressively difficult—particularly at the national level—to maintain a rapport or a sort of live-contact, with the electorate composed of as many as a million people, because, we are already 56 crores of people and even if we provide for 560 Members of Parliament, there will still be a million members of the electorate or the population which will have to be catered to and contact developed.

Having accepted a federal system of Government, having accepted a national Government, there seems to be absolutely no escape for this country. Leaving aside the technical problems in regard to the size of this chamber or the adjustments to be done about it, I feel, Sir, the electorate in this country, by and large, will see the limitation of their representatives, in regard to this size, and I hope that, in the interest of the nation, both the electorates and the elected will be able to appreciate the mutual difficulties involved in this difficulty of personal rapport as well as contact.

In this behalf, I would like to draw your kind attention to Clause No. 9 (1) (a) wherein it has been stated as follows:

“All constituencies shall, as far as be practicable to geographically compact areas, and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience.”

In the course of the last many years, the question of the further geo-demographic division of our States into constituencies has been somewhat neglected. Most of the constituencies being district units,

and these district units, having been more or less the results of administrative exigencies, there has been no attempt at all to divide these constituencies into, sort of, geographical, demographic, cultural or semi-cultural units, or whatever else it may be called. There has not been much of an attempt and this has been a long-standing problem. And, I feel, in case we can think of a long term and a sort of perpetual measure to solve this problem, on the basis of even personal experience of some of us, that there is no relationship between these constituencies, then, if the Delimitation Commission were to apply itself in respect of a sort of cohesion within a constituency and to make it as far as practicable, a sort of perpetual constituency, a lot of service would have been rendered.

Here I come to another continuing problem in our country, of the relationship between the State and the Centre. The provision has been made that the Commission shall associate with itself, for the purposes of assisting it in its duty, in respect of each State, 9 persons, 4 of whom shall be Members of the House of the people, representing the State, and 5 shall be Members of the Legislative Assembly of that State. I see no reason and I would join once again with hon. Member, Shri M. C. Daga, as to the reason why the Members of Parliament should continue to be in a minority, even in the capacity of ‘associate members’ when they have no right of voting. Is it very difficult for us to accept that the two stand on equal footing and that if there is any need at all—if not the minimum of parity is ensured, and if parity cannot be ensured, because you want the odd number like 9 or 11—is it really difficult for us to somehow come across this sort of mental barrier, and, instead of having, if not equal number, at least 5 Members of Parliament and 4 Members of the State Assembly. I do not know the reason why this disparity is to be carried on. I hope the hon. Minister would be good enough to explain. But I would urge that in this year, because of the historical accident, once again, of a direct election of representatives in the Parliament, I think, this

is a good enough turning-point for us to see to it that, if not a parity, at least a majority, is maintained.

In this behalf, Sir, if I could develop the point further, since it should be possible physically for the Commission of three, not only to associate with these 9 associate members, or 10 associate members, but it would be also possible, if they have to apply themselves adequately to the task ahead of them, to see that an opportunity or associateship is given in respect of each Parliamentary constituency. If this problem of 9 or 11 and 4 versus 5 is going to be difficult, when a respective constituency is under consideration of the Commission, an ad hoc or a sort of temporary associate membership to the Member of Parliament could be given because that will be a workable arrangement. The full details of the constituency will be best known to them. I think these are not suggestions submitted merely in the form of debating-points, but these are the hard realities. I hope, at least some of these suggestions, particularly regarding the parity of the membership and associate membership are incorporated and the amendments suggested in that behalf accepted by the hon. Minister.

SHRI SOMNATH CHATTERJEE (Burdwan): Mr. Chairman, Sir, under the Constitution of India, after every census, it is a mandatory requirement that delimitation has to be done. So far as the present Bill is concerned, it no doubt seeks to give effect to that constitutional requirement. But there are certain matters which it is my duty to bring to the notice of the House.

So far as the functions of this commission are concerned, it has got undoubtedly a gigantic task. It has to make provision for fixing not only the parliamentary constituencies but also the legislative Assembly constituencies throughout the country. I find from the report of the Election Commission of India on the Fourth General Elections in 1967 that various handicaps were felt by the Delimitation Commission in carrying out its constitutional functions.

Hon. Members are aware that the main principles of delimitation as laid down in the Constitution and the relevant legislation are that the constituencies should be more or less equal in population, that all constituencies should be geographically compact areas, and that in forming them, administrative units should not be unnecessarily broken and that the physical features and facilities of communication and public convenience have to be kept in mind. It was felt, and it is obvious that to carry out the delimitation work on the basis of these legal requirements, the least that should be provided to the commission was proper data and the very essential thing, namely proper maps. I find that the Election Commission is making a comment in its report which was prepared after the last delimitation was done that even maps were not made available to them. At page 9 of their report, we find:

'Accordingly, for a scientific delimitation of constituencies in each State, it is necessary to have maps on an appropriate scale of the State as a whole and of its districts and cities and a detailed table showing the total population the Scheduled Castes population and Scheduled Tribes population for the smaller administrative units within each district and city. Instructions for the preparation of such maps and the compilations of such tables were issued by the Election Commission in 1962, a few months before the passing of the Delimitation Commission Act, but even so, the task proved to be difficult in a number of States. The commission was surprised to find that proper printed maps of districts showing the boundaries of administrative units, main physical features like hills, rivers and canals and lines of rail and road communications were not available in many cases. The maps that were eventually produced by the State authorities were of poor quality and were not invariably accurate enough and up to date. The ban imposed for security reasons on production of maps even on the scale of one inch to four miles added to the difficulties of the commission. It is to be hoped that by the next

[Shri Somnath Chatterjee]
delimitation, properly printed large scale maps of districts will be available in all the States"

This is a very essential requirement. Unless these facilities are made available to them, and the where withals are given to them, how can they carry out their constitutional requirement and legal requirement? It is no good bringing in two judges, sitting judges or ex-judges and giving the commission the glory that it is supposed to be a judicial tribunal, and, therefore they must be applying their mind in a judicial manner. There is nothing special in it that is why we are saying that the whole delimitation work has become at present not the work of the Delimitation Commission itself, because it has to act on the basis of the insufficient data that are supplied to it, if maps are withheld from them then on what basis will they delimit? They do not have any personal knowledge. On what basis can they carry out the huge and important task of delimitation of constituencies, because gerrymandering is not the monopoly of any particular nation in the world, and our unfortunate experience in this country has been that this has been resorted to on a large scale.

SHRI R. D. BHANDARE (Bombay Central) It should be avoided, and we should avoid it.

SHRI SOMNATH CHATTERJEE That is what I also say but this has been the experience of this country in the past. There has been gerrymandering. It may be all right that for what is being done, you are getting judicial approval, or the approval of two Supreme Court Judges or High Court Judges and the Chief Election Commissioner. But on what is that approval based? The administrative machinery provides the data and the materials and they make out their lists of constituencies. It is not possible for the delimitation commission at all to individually scrutinise all the constituencies. I would like to know from the hon. Minister on what materials, these different constituencies, the parliamentary constituencies or about 4600 constituencies in this country were delimited and the limits were drawn.

Therefore, we want that this work should not only be given to persons who are apparently above political considerations, though unfortunately our experience has been otherwise, but there should not be any scope for bringing into delimitation such consideration as this that when a particular person wants to be sure of having a safe seat, it is very easy to have it drawn up that way, and when one does not want an inconvenient opponent, then one declares his seat to be a Scheduled Caste seat or rearranges it in such a way as to make sure that he is defeated.

This is a matter which I would request my hon. friends opposite not to look at from the point of view of politics, because we have enough politics in this country so far as election is concerned, in other aspects. But so far as delimitation is concerned, let it be done in a fair and proper manner and let them not pay only lip service to the Constitution of India, because we now what regard and respect they have for it. I want to know from Government what arrangement will be made for the purpose of supplying accurate data and for supplying maps and supplying whatever information the Delimitation Commission wants. A warning was given in 1967, and I would like to know whether in 1972 proper maps have been prepared in respect of the different areas or different administrative units or districts, to be made available to the Delimitation Commission which is going to be set up after this Bill would be passed. I do not know whether the hon. Minister has had time to go through the report of the Election Commission, because I have grave doubts whether he would have got any time to go through it, because Ministers have got other aspects of election to look after and not delimitation.

The other question to which I find that reference has been made in this report is about the question of staff which was appointed. After all, it requires huge staff. The last Delimitation Commission needed three and a half years to complete its work and it had to carry on its duties and functions only with the existing staff of the Election Commission. It is in my

event, not adequate, as they say. Therefore, I would like to know what is proposed to be done, unless they want to create a situation that the Delimitation Commission has to be made solely dependent on the administrative or bureaucratic or political requirements themselves, or the lists supplied by the political party in power have to be accepted by the Delimitation Commission. I would like to know how it is going to be worked out and how it is going to be done, what the staff requirements are, and so on. Have Government ever tried to find this out and have Government made efforts to make available to them to the necessary staff so that they can carry out their functions properly?

So far as electioneering in this country is concerned, we find in our State that a very easy method has been discovered now, and I have grave doubts about what sort of elections will take place in this country. We have been charging that the last elections in the State of West Bengal had been rigged elections. That is our charge. There has been no proper inquiry. The other aspect which I would like to stress is that the committee which was set up to review the election law is...

SHRI C. M. STEPHEN (Mavattupuzha): Is that very relevant to the Bill?

MR. CHAIRMAN: It is not wholly relevant to the Bill. So, the hon. Member may confine himself only to the Bill. I did not want to interrupt the hon. Member otherwise. Let him proceed with his speech now.

SHRI SOMNATH CHATTERJEE: I am just mentioning it.

SHRI JYOTIRMOY BOSU (Diamond Harbour): More irrelevant than what you heard yesterday?

SHRI SOMNATH CHATTERJEE: There was a question about the nature of voting that had to be adopted. I know that under the Constitution of this country, we have adopted the majority system of voting. But in most of the countries democratic elections have taken place or ought to take place democratically, pro-

bably the method that is going to be generally, adopted more and more or has been adopted is the principle of proportional representation. This matter came up before the parliamentary committee that was formed for the purpose of going into the question of electoral reform. Considerable discussions took place on the question that the system of proportional representation should be adopted. But we were in a minority there. For obvious reasons proportional representation system is not going to be adopted. It is common knowledge that sometimes ridiculous results come, if I may use that language. The results of elections to Lok Sabha and State Assembly do not reflect the percentage of voting. Proportional representation will ensure that the results are according to the suffrage which each political party gets, there will be proper representation, commensurate representation in Parliament and in the State Assembly. Merely having certain constituencies formed according to the prescribed manner on the basis of the ineffective method, unsatisfactory method that had so far been adopted will not be sufficient. If we want real elections, if we want people's representatives in this House or in the State Legislatures to represent properly the view points outside, we must adopt a proper system of representation, that is proportional representation.

I do not think that anybody can object to it on principle. The usual pleas put forward against this are: our country is not literate enough, it will mean considerably larger expenditure and so on. But when it is a question of democracy, when it is a question of free and proper elections, when it is a question of principle that people outside should have proper representation inside Legislatures, these considerations should not stand in the way.

I shall now come to some aspects of the Bill. Clause 4 of the Bill says that the Commission shall associate with it for the purpose of assisting it in its duties in respect of each State 9 persons, 4 of whom shall be Members of the House of People representing that State and 5 shall be Members of the Legislative Assembly

[Shri Somnath Chatterjee]
of that State. I know that this is a verbatim copy of the previous Act. But what is the rationale behind this? How was this provision made? I do not know whether we must copy it blindfold. What will happen if a particular State is under Governor's rule, as it seems to be impending in one part of the country? who will represent the Legislative Assembly in that state? No provision has been made and this is a great lacuna.

There is another aspect of it. Four Members of Parliament, that is of the Lok Sabha and Five Members of the Legislative Assembly are going to be made associate members with no right to vote. They can have deliberations. But what about the participation of the local M.P. or local M.L.A. when districtwise or divisionwise delimitation is made. No M.L.A. or M.P., with all respect to them, is conversant with all the local positions with all the local areas; there are of course exceptions. There are other materials which have to be obtained. Why not make a provision for the purpose of associating the local M.P. or the local M.L.A. when particular district or division is taken into consideration? Let us not have the answer; because it was in the last Act, we have copied it.

The other aspect is with regard to the procedures that have to be followed. It says that the Commission shall publish its proposals and consider objections and suggestions and then make an order which will immediately come into force as soon as the order is published. It does not require the sanction of anybody. It is an autonomous body and it should be given the power to come to a final decision. But experience unfortunately has been, Mr. Danga talked about it earlier, that those opportunities have been only paper opportunities. The selected places of publication are such as a large number of people have hardly any access to them. It is published in the District Magistrate's office, one notice and hardly people are expected to go there and see it. This is the opportunity that is given. Now to say that people should bring forward objections or constructive suggestions and place them before the Commission—it is not going

to happen because people do not know of it. Therefore there should be wider notifications and attempts should be made to make people aware of the proposals that are submitted so that modifications might be considered properly and objections might be submitted in time.

I do not wish to take the time of the House further. I submit that the lacuna in the Act should be remedied. Facilities should be made available to the delimitation Commission. So that the report is really that of the delimitation Commission and not of the district administrative authorities who are very greatly influenced by the political parties in power. Therefore I submit that the Hon'ble Minister should advert to it and the deficiencies that were pointed out by the Election Commission in its last report should be borne in mind before the report is obtained from the Commission.

PROF. NARAIN CHAND PARASHAR (Humirpur): The present Bill seeks to provide an opportunity to Parliament and Members who represent the supreme will of the people to express their views upon an important aspect of the political situation. I have been an associate member of this Commission and I find it was no joy becoming an associate member because it will invite abuse upon your head from the people without giving you the right to vote, or influenced the judgement of the Commission. It is a sad state of affairs that in Parliament which represents the supreme will of the people there should be presented a Bill which denies that the Members of Parliament right to vote. Similarly it also ensures that their fate is being determined by some other people. It is suggested that the Commission shall be a quasi-judicial Commission.

श्री महा बीपक सिंह शास्त्री (कासगंज) :
समापति महोदय, सदन में गणपूर्ति नहीं है।

MR. CHAIRMAN: Let the Bill be rung—Now there is quorum.

PROF. NARAIN CHAND PARASHAR: It is maintained that the Commission will do justice to the job but I

think that it can hardly be done in the present circumstances. Mr. Chatterjee has quoted from a report submitted by the Commission that the correct maps were not supplied. I remember that when at Simla we started the work of delimiting the constituencies of Mahasu district which has now merged with Simla district there were so many persons who did not know even the terrain and they were trying to quarrel and dispute whether certain areas should be allotted to this constituency or that constituency. This is hardly fair.

Look at the composition of the commission: 3 persons and associate members. This idea of associate members is not democratic at all. It does not recognise the supreme will of the people as reflected in members of Parliament. They should be members with full voting rights. Secondly, the number of MPs should be larger than the MLAs. Now it is 4 MPs and 5 MLAs. On which ground is this distinction? When there is direct election to Lok Sabha, a Member of Lok Sabha reflects the supreme will of the people as much as the MLA. So, in no case should the number of MPs be lower than the number of MLAs. Again the lines are not clearly drawn as to who shall be the 5 MLAs and who shall be the 4 members from Lok Sabha. It may so happen that the Speaker of the Lok Sabha may nominate 4 members from the same division and the Speaker of the Assembly may nominate 5 members from the same division. Then what happens to the rest of the State? It should be made absolutely clear that if there is only one parliamentary constituency in the district, the MLA to be co-opted on the commission should not be from that district. Otherwise, it may so happen that the 4 MPs with the help of the 5 MLAs may determine the complexion of power that is going to come. The delimitation of constituencies is a very powerful instrument in the hands of a group and that group may try to come through the back door by delimiting the constituencies according to their convenience. There are constituencies in our country which for the last 25 years have been scheduled castes

constituencies. Have not the people there who are not belonging to scheduled castes the right to contact? So, we demand that in this Bill there should have been a clear indication that the constituencies which have been reserved for the past 25 years should be changed, so that the people get as equal opportunity.

The idea of associate-membership should be scrapped. Also, if the number of MPs is 4, the number of MLAs should be 3. Odd or even membership does not have any weight if they are not to vote. It is a very sorry state of affairs that a Members of Parliaments may represent 10 lakhs of people is unable to influence the judgment of the commission and a group of people who may claim to be Members of Parliament may represent against the MPs, and get their points conceded by the commission. So, this is an instrument, which may be worked against the wishes of the supreme will of the people. We do not wish this to happen.

We also want that in this nomination, there should be fair and adequate representation to members of scheduled castes. That is not provided here. It may so happen that not even one of the 4 MPs or 5 MLAs belongs to the scheduled caste. It means 25 per cent of the population is deprived of its voice. Is it justice? A judicial commission must ensure justice to the down-trodden. So, we demand that this Bill may be amended suitably to provide for adequate representation to the members of scheduled castes both in the Parliament side and Assembly side.

When we think of delimitation of constituencies, everybody thinks of the census figures as if it is something sacred coming from the heaven. There are constituencies in H.P. which embrace as many as 7 districts. The Mandi constituency covers half of H.P. in area. The whole of H.P. has 4 Lok Sabha seats against 9 seats held by Haryana and 13 held by Punjab and yet H.P. is larger in area than Punjab or Haryana. The determination of the Mandi parliamentary constituency by the commission was the gravest injustice to the people of that area. Lahaul, Spiti, Kinnaur, Pangi—all places beyond altitudes

higher than 15000 feet—are in one parliamentary constituency and the member of Parliament from that constituency is unable to reach these places. I request the Minister to look into the genuineness of the demand of these areas, which are sparsely populated and situated at high altitudes, that the figures for population should be relaxed and the geographic-cum-demographic consideration should be taken into account.

MR. CHAIRMAN We are not on that question now.

PROF. NARAIN CHAND PARASHAR: This is an opportunity to put forth that point of view. We cannot raise it before the commission and if we cannot raise it here also, where do we do it? Should we go to the streets? The best place in a democratic set up is this House. It must be brought before the House and discussed. If we take it to the streets, there will be violence and lawlessness. We do not subscribe to it. It is a very easy for a person like Mr Kapur to travel in the city in a car. He does not have to travel through jungles, where one may be eaten up by a lion!

The commission must be such as to give due weightage to what the people say through their representatives, if at all it is to be heard. Otherwise, there is no point in hearing their views. You call the MPs or MLAs and listen to them. If what they say is against your point of view, they become your dead enemies.

According to the financial memorandum attached to this Bill, this commission is going to cost the exchequer roughly Rs. 3 lakhs per annum. It should be careful and considerate to the wishes of the people for whom it is meant. I do not subscribe to the theory that justice when it comes from a judicial commission is sacred or sacrosanct. It may err on a point on which an innocent man may be hit. Therefore, kindly look to these suggestions. The number of MPs should be larger than the number of MLAs. Adequate representation should be given to those who represent the reserved seats. There should

be a change in these constituencies which have been reserved for the last 20 years at a stretch. Lastly, all the members must have voting rights. Otherwise, there is no fun in having association for the sake of association without any influence or power. That is no association at all.

जी आर० बी० बड़े (खरगोन) :

सभापति महोदय, डी-लिमिटेशन बिल जो हाउस के सामने आया है उस में ऐसा मालूम पड़ता है कि यह बड़ा सिम्पल है, सीधा सादा है। लेकिन उस के साथ में जो जनता को तकलीफ होती है वह शासन ने ध्यान में रखा नहीं है। पहले 1961 में जो बिल आया था और कमीशन बना था उस में मैं भी एक एसोसिएट मैम्बर था। लेकिन मैंने देखा कि अगर उस ने फैमले में गलती की है तो एसोसिएट मैम्बर उस में कुछ नहीं कर सकता है। वह सिर्फ यह कह सकता है कि मेरी ओपिनियन यह है। कमीशन कहता है कि हम उससे सहमत नहीं हैं तो वह वापस चला आए, इस के अलावा वह और कुछ नहीं कर सकता। इस प्रकार से मध्य प्रदेश में हुआ। यह हम ने देख लिया है कि एसोसिएट मैम्बर को कोई पावर नहीं है। पावर कमीशन को होती है। वह तीन मैम्बर होने हैं और नौ मैम्बर इस के होते हैं। यही पहले भी थे। पहले भी इसी प्रकार का था। उस में अगर वह चार और पांच में डिवाइड हो जाय और यह तीन मैम्बर कह दे कि हम तो इस मत के नहीं हैं तो उन की बात ही चलती है। माइनारिटी मेजरिटी का वहां सवाल ही नहीं है।

तो यह जो बिल रखा है इस में मैम्बर जरूर बढ़ने चाहिए लोक सभा के लेकिन साथ साथ हरिजन और अर्द्धजातियों को आप में जगह नहीं दी है। हमने देखा कि मध्य प्रदेश में जो एसोसिएट मैम्बर थे वह सभी सबने थे इसलिए अर्द्धजातों की सीट कहां करनी है, हरिजन की सीट कहां

करनी है इसको देखने के बजाये जितने स्वार्थी लोग थे उन्होंने अपने मतलब के लिए किया और यह नहीं देखा कि जो हरिजन और आदिवासी है उनके लिए कुछ हाना चाहिए या नहीं। जब हमने इस बात को उठाया तो उन्होंने एभी किया कि न एक हरिजन आदिवासी मेम्बर भी होना चाहिए। तो अब समय आ गया विचार करने का कि कितने मेम्बर्स बढ़ने चाहिए। इसमें लिखा है कमिशन विचार करेगा

"allocation of seats in the House of the People and in the Assembly"

जियोमैफिकली विचार किया जायेगा कि कांस्टीट्यूशन किस प्रकार का होना चाहिए। मैं माननीय मंत्री जो मे कहना चाहता हू कि पार्लमेंट मे विचार करना चाहिए, वह समय या गया है क्योंकि हमारी पापुलेशन बढ़ रही है। खारगौन मे पहले 9 लाख पापुलेशन थी लेकिन अब वहां कि पापुलेशन 9 लाख से बढ़कर 13 लाख हो गई है। यह विचार करने का समय आ गया है कि वहां मे एक मेम्बर होगा या दो मेम्बर होंगे। उसी प्रकार मे इस पार्लमेंट मे 570 बैठेंगे या 600 मेम्बर्स बैठेंगे—इसके बारे मे भी विचार करना चाहिए। हमे इस बात पर विचार करना चाहिए कि एलेक्शन पद्धति क्या होनी चाहिए। बटर्जी साहब ने अभी यहां पर कहा है कि एलेक्शन का तरीका प्रोपोर्शनल रिप्रजेंटेशन होना चाहिए। इस पर भी यहा विचार होना चाहिए। इसी प्रकार से पंचायत के जो एलेक्शन्स हैं या मण्डल के जो एलेक्शन्स हैं वहां पर किस प्रकार का एलेक्शन होना चाहिए—इस पर भी विचार होना चाहिए। मैं समझता हूं जब तक आप एलेक्शन की पद्धति नहीं बदलगे तब तक हर दस साल के बाद मे हमे यही विचार करना होगा कि पार्लमेंट में इतने सदस्य किस प्रकार बैठेंगे। इसका कारण यह है कि हमारी पापुलेशन बढ़ गई है और 15 साल के बाद हमारी

पापुलेशन का एक्सप्लोजन भी हो जायेगा तब हमे विचार करना पड़ेगा कि एलेक्शन की इस पद्धति को बदलना चाहिए या रखना चाहिए। जहा तक इस बात का सम्बन्ध है कि इस एलेक्शन पद्धति को बदलना चाहिए या नहीं, मैं समझता हू इसको हमे बदलना चाहिए।

इसके बाद मे आपने कहा है

"two members of each shall be a person who is or has been a judge".

इसमे हेंब बीन जो आपने कहा है व आपके फायदे के लिए है। सुप्रीम कोर्ट मे जो जज रहता है वह आपके दबाव मे रहता नहीं है लेकिन हेंब बीन जो आपने रख दिया है उससे वह आपके दबाव मे रहेगा। यह ठीक नहीं है इसलिए मैं चाहूंगा कि इन शब्दों को यहा मे निकालना चाहिए।

इसके साथ साथ इस बात पर भी विचार होना चाहिए कि जियोमैफिकल पोरीशन कौन सी होनी चाहिए। हमारे यहां खारगौन डिस्ट्रिक्ट मे एक तहसील बडवानी है उसको धार निर्वाचन क्षेत्र मे मिला दिया गया। जब हमने इसके लिए बात की तो कमिशनर ने कहा कि मध्य प्रदेश सरकार से यह प्रस्ताव रखा था कि एडमिनिस्ट्रिटिव द्युटि मे यह ठीक हो जायेगा। तो मेरा कहना यह है कि एडमिनिस्ट्रिटिव यूनिट वही कायम रहनी चाहिए इस प्रकार के निर्देश दिए है या नहीं। उस समय हमारे एक मेम्बर थे वह नाराज हो गए तो उन्होंने सुप्रीम कोर्ट मे रिट दाखिल की लेकिन सुप्रीम कोर्ट ने निर्णय दिया कि डिजिटेशन कमिशन के खिलाफ हमको कोई अधिकार नहीं है। कोर्ट ने निर्णय दिया कि डिजिटेशन कमिशन जो निर्णय देगा वह फाइनल होगा क्योंकि ऐक्ट मे कोई प्राविजन नहीं है। इसलिए मेरा कहना है कि इसमे ऐसा कोई प्राविजन होना चाहिए

कि यदि कोई असंतुष्ट हो तो वह कम से कम कोर्ट में जा सकता है। हाईकोर्ट या सुप्रीम कोर्ट में वह रिट दाखिल कर सकता है—इस प्रकार का कोई प्राविजन इसमें अवश्य होना चाहिए। इसके न होने में यदि कमिशन ने ऐसा कोई निर्णय दे दिया तो चुपचाप बैठ जाना पड़ता है क्योंकि उसका कोई इलाज नहीं है। न तो कोई हाईकोर्ट में जा सकता है और न सुप्रीम कोर्ट में जा सकता है। 1961 में भी इस संबंध में चर्चा उठाई गई थी। अभी तो स्थिति यह है कि ऐलैक्शन कमिशन जो होता है वह शासन के फेवर में होता है लेकिन जब वह शासन के विरुद्ध जायेगा तब मालूम होगा कि इस प्रकारका प्राविजन होना चाहिए या नहीं। मैं समझता हूँ डा. साहब ने जो यहाँ पर बताया है कि इनमें यह डिफरेंस हैं उनसे मैं भी एग्री करता हूँ और उनको ठीक करना चाहिए। इसका कारण यह है कि इसमें जो वराज (7) है उसमें लिखा है .

"The Commission shall determine its own procedure and shall in the performance of its functions have all the powers of a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters...."

किसी आवामी ने कमिशन का अपमान किया, ऐसी परिस्थिति हो गई कि उसको बाहर जाने के लिए कहा गया लेकिन वह नहीं गया। उसने वहाँ पर अपशब्द कहे लेकिन कमिशन उसका कुछ भी नहीं कर सका। It is not a court when it is dealing with the witnesses. It is a court only when it issues summons or requires the production of any document or requisitions any public record from any court or office. Then only it can do it.

कमिशन के सामने कोई आया, वह नाराज हो गया और कमिशन के खिलाफ अपशब्द कहे, उसको बाहर जाने के लिये, कहा गया वह बाहर गया नहीं तो क्षण के बाद कमिशन

का दफ्तर बन्द करना पड़ा और दूसरे रोज शुरू किया। वह कन्स्टेबल आफ कोर्ट होता है या नहीं, इसके बारे में सवाल था। जब ओपीनियन मांगी गई तो कहा गया :

"It is doubtful whether it is a court or not a court"

मैं समझता हूँ यह होना चाहिए कि all purposes the Commission should be considered as a court.

यह भी इसमें नहीं है इसलिए इस पर भी विचार करने के लिए मैं समझता हूँ इस विधेयक को मेलेक्ट्री कमटी में जाना आवश्यक है।

इससे साथ में आपने रखा है कि एमो-शिफ्ट मेंबर्स गारमभा के होंगे। मैं कहता हूँ पार्लमेंट से होंगे—ऐसा आपने क्या नहीं रखा है? लोकसभा में ही 4 मेंबर्स होंगे, ऐसा आप ने क्या रखा है। पार्लमेंट में होंगे यदि ऐसा रखा जाये तो राज्य सभा के मेंबर्स भी उसमें हो सकते हैं लेकिन वह आपने इसमें कहा नहीं है। (ध्वनि) मैं मेंबर्स रखने के विषय में कह रहा हूँ। कौन सी बेंसिस पर मेंबर्स रखने चाहिए इसके बारे में कोई डायरेक्शन्स नहीं है।

तो इसमें चार बातें हैं। मेंबर्स जो बढ़ाने हैं वह कितने बढ़ाने हैं, जिमो-प्रफिकल पोजीशन किस प्रकार से रखनी है, कमिशन की पावर्स क्या होगी और जो एसोसिएट मेंबर्स हैं उनकी पावर्स भी बढ़ाने की बात है। इसमें दिया गया है

"If there is a difference of opinion among the members, the opinion of the majority shall prevail"

कमिशन में कहते हैं कि हम चार हैं, आप तीन हैं, हमारी मेजारिटी हो गई—इस प्रकार से कमिशन की बात चलती है। तो यह जो छोटी छोटी बातें हैं उनपर सेलेक्ट

कमेटी में विचार होना चाहिए । इसमें शासन को कौन सी ऐसी जल्दी है, यह मेरी समझ में नहीं आता । अभी इसमें कोई भी जल्दी नहीं है क्योंकि अभी चार साल पड़े हुए हैं । सेलेक्ट कमेटी में इसको भेजना चाहिए ।

जम्मू कश्मीर पर भी इसको लागू करना चाहिए था । मेरी समझ में नहीं आता कि इसको जम्मू काश्मीर पर क्यों नहीं लागू किया गया है ? हर समय कहा जाता है कि यह जम्मू कश्मीर पर एप्लीकेबिल नहीं होगा, इसका क्या कारण है ? जम्मू कश्मीर हिन्दुस्तान का भाग है इसलिए वहां भी इसको लागू होना चाहिए । मैं इसका समर्थन इसलिए करता हूँ कि डिजिटल-मिशन होना चाहिए । कास्टीड्यूसन्स के अन्तर्गत कुछ स्टैप्स लेने चाहिए लेकिन इसमें कोई जल्दी नहीं है इस पर वहां विचार होना चाहिए इसी कारण मैं इसका समर्थन नहीं कर रहा हूँ ।

SHRI R. D. BHANDARE (Bombay Central): Mr. Chairman, while supporting the Bill as it is moved, I have to make some observations. I have heard the speech of Shri Somnath Chatterjee very carefully. I need not mention the basic factors on which the parliamentary democracy should function and must function. Democracy is a form where much depends on the content. There are three factors which ought to be taken into consideration while dealing with the contents of that form of democracy. The first factor is the Election Method. I will not deal with it because it is outside scope of this Bill.

17 hrs.

The second factor, while dealing with election methods, is, as we have accepted, what is known as adult franchise. We are not dealing with that. Then, there is the system of voting. My hon. friend, Shri Somnath Chatterjee, raised the question that there should be proportional representation system of voting. I do not know as to what was passing in his mind when he mentioned the proportional representation

system. We have accepted the proportional representation system based on population. I do not know whether he wanted to introduce a new element by saying preferential voting, as it obtains under the Constitution of France. This point was discussed at length and the founding fathers ultimately rejected that idea. Looking at the size of our country and population, the system of preferential voting has been rejected.

Then, the third factor is distribution of seats with which we are concerned. As you know under sub-clause (2) article 81, population has been accepted as the basis for distribution of seats. Even though we have accepted population as the basis for demarcating or delimiting the constituencies, there has been certain—I do not use the word *mal practice*—political consideration introduced in some of the States. Therefore, this time, I hope, under the Delimitation Act, the body which is sought to be set up under clause 3, that is the Delimitation Commission, will take due and proper care that political consideration will not outweigh the reason and wisdom of the principle underlying the Constitution of giving representation while delimiting the constituencies.

I need not narrate the bitter experience which some of the Members have in regard to the delimitation of constituencies (*Interruptions*). He does not know. I have also contested from villages, from my own district Sangli and I know the difficulty. I think, his experience is limited. Mine is wider. In 1946, when I contested an Assembly seat, I had my own difficulty in covering the whole area which was demarcated, delimited, as a constituency and Bombay city was divided into so many parts. And yet it was done in such a fashion and way that ultimately some of the members did suffer.

Similarly, it happens in villages too. For political reasons, the constituencies are so delimited that some of the persons could be eliminated easily in the General Elections. This is known as gerrymandering—that famous American person who tried to delimit constituencies in such a way which could benefit him only. The word

"gerrymandering" has come into vogue and fashion because his name was "Gerryman-der" who used to draw pictures of an animal and who used to delimit constituencies in such a way to benefit him only. Therefore this question should not be allowed to have any roots in this country. If that has some place that place should now be destroyed and the constitutional provisions should be adhered to.

I am really surprised to hear in this House as I have heard in some quarters outside also that so far as the representation of the members of the Scheduled Castes and Scheduled Tribes is concerned, the representation must be by rotation. No less a person than Prof. Parashar had the courage to speak in this House that the constituencies should be so rotated. I do not know the basis on which they wanted to rotate the constituencies which are considered to be reserved constituencies. The constituencies should be readjusted and they should be re-adjusted according to the population of Scheduled Castes and Scheduled Tribes members.

Let me make this point clear. There is article 332 on the reservation of seats to the members of the Scheduled Castes and Scheduled Tribes. There is sub-clause (3) of article 332 which I would like to read. Let those who carry the notion in their mind that the seats which are reserved seats should be allowed to be rotated from place to place should remember this provision—I quote:

"The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be...."

This certainly deprives the members of the Scheduled Castes to some extent under the short phraseology, "as nearly as may be". It further says:

"....the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State...."

Therefore, population must be the principle of representation and that must be adhered to strictly.

Mr. CHAIRMAN: Gerrymandering is possible here also.

SHRI R. D. BHANDARE: It does happen even here. Indian society is a very peculiar society and the members of the Scheduled Castes and Scheduled Tribes suffer from a number of disabilities. The basic factors from which disabilities flow are four, namely, (1) social backwardness, social disability; (2) added to social disability which has been there for centuries together, there is also an economic disability. The members of the Scheduled Castes and Scheduled Tribes are entirely dependent for their livelihood on the general community. No 3 is political factor. The other day—I do not know whether you were in the House or not—two of the Members of this House raised a question of a murder of a leader of a political party. There are different methods to eliminate leaders belonging to Scheduled Castes and Scheduled Tribes. Either they are eliminated physically or they are eliminated politically. In order to eliminate them, political gerrymandering is resorted to.

Then, again there are three innovations, new changes, which are sought to be introduced. There is a change of rotation. This aspect could be considered provided the political parties in this country give certain specific seats to the members of Scheduled Castes and Scheduled Tribes which seats are general seats, so that the notion that particular member could be elected only from a reserved seat may be given up gradually. But so long as general seats are not given to the members of Scheduled Castes and Scheduled Tribes as a rule, reservation must be accepted and constituencies must be delimited based on population of the Scheduled Castes and Scheduled Tribes. Therefore, this article 332, sub-article (3) must be adhered to strictly.

SHRI C. M. STEPHEN (Muvattupuzha): All that this particular article says is that the ratio of the number of seats reserved for Scheduled Castes must be the same as

the population strength of the Scheduled Castes to the general population. It does not say that seat 'A' must be reserved for Scheduled Castes, that seat 'B' must be for Scheduled Castes. That sort of allotment will not contravene this provision at all.

SHRI R. D. BHANDARE: My fear is that Mr. Stephen, who is my great friend and who is a student of the Constitution, has not read article 330 which speaks of population as the basis for distribution of seats or fixation of seats. Therefore, without population ratio there can be neither fixation of seats nor delimitation of any constituencies, and nor can there be a proper and fair representation given to the members of Scheduled Castes and Scheduled Tribes.

I have heard this story in my district, in my taluka. On the basis of population, a seat has been reserved there. Persons belonging to the general community used to complain how long this benefit, this seat which has been usurped by the members of Scheduled Castes, will be allowed to be enjoyed by the members of Scheduled Castes depriving the general community of any representation, as if the members of Scheduled Caste is elected exclusively by constituencies or voters belonging only to Scheduled Castes and Scheduled Tribes. We have accepted a joint electorate. Members of Scheduled Castes and Scheduled Tribes combine together with the general community and vote for a member contesting either a reserved seat or a general seat. Why should this notion be entertained by some Members that the reserved seat is usurped or enjoyed only by members of Scheduled Castes? Voters belonging to the general community also vote for the Member whether he is contesting a reserved seat or a general seat. Similarly, if a general seat is contested by a candidate, then the members belonging to Scheduled Castes also vote for him. Take, for instance, this illustration. I come from a district where, somehow or other, I have become very powerful because my followers are there; I am also powerful not physically in the sense that I can fight 10 or 15 persons....

MR. CHAIRMAN: Intellectually. (*Interruptions*).

SHRI R. D. BHANDARE: In democracy, these things do happen. Therefore, I have mentioned. You know what happens I need not narrate anything. I can take you to different places and show you how the public workers, political workers, are killed, are harassed, are destroyed. In that sense only I used that word. Therefore, it is physical strength plus political and social strength plus one's own personal aspect. Therefore, if I want to contest from a particular seat, I will so prevail upon the Members of the Delimitation Commission that that constituency is so delimited as to be useful and beneficial to me only. I have just given this illustration. There are far more powerful persons in this country, in each of the districts, more powerful than what I am expected to be. Therefore, those persons get the constituencies delimited in such a way that they deprive proper representation to members of Scheduled Castes and Scheduled Tribes.

As Mr. Parasar pointed out, in regard to Census also, there is politics in this country. There is nothing which is beyond the reach of 'politics'. This is not the occasion to speak of Census, how the census operations are carried on. The officials just go there, sit at some place and take down some names. A number of persons are eliminated. What is the exact population of India, none can say positively because democracy is based on number and counting of heads, never mind if the heads are empty—you know this universal proposition. In order to eliminate certain classes, castes, even their names are not counted for the purpose of census and whatever number is there, at the time of delimitation, constituencies are so delimited. Even after the delimitation of constituencies at the time of General Elections members belonging to the weaker sections are not allowed to go and exercise the right of franchise. That is the report given by no less a person than the Election Commissioner himself—the report on the General Elections held in 1967. Then we have also another report and a number of illustrations have been given. Why talk of different States? Let us talk of portion of Punjab or Uttar Pradesh. Members belonging to the Scheduled Castes were forbidden, from coming,

were frightened, and whoever showed courage were beaten to death.

Therefore I need not deal with this point that delimitation must be based, wherever seat is reserved, on the population only and rotation, as an innovation, change, should be taken out of the mind. While delimiting the constituencies, I hope the Commission will be so powerful as to get the necessary information about population and also proper maps, so that delimitation of the constituencies is done properly.

My last point is regarding Associate Members. I will deal with Clause 5 of the Bill in a minute. Representation must be given even as an Associate Member to a person belonging to Scheduled Castes and Scheduled Tribes. But when I have used the word 'a person', let it not be a person....

MR. CHAIRMAN: The person, you mean?

SHRI R. D. BHANDARE: It is very kind of you to suggest my name. Let us not arrogate to ourselves the powers given to the Speaker under this Bill. Let the matter be left to the Speaker. Let the Associate Member be a person who has some influence, who has some knowledge, who has some idea as to why constituencies are delimited and why reserved seats are kept under the Constitution. Proper representation must be given. That is the point.

With these words, I conclude. Mr Chairman; I know, I have taxed your patience.

SHRI P. K. DEO (Kalahandi): Mr Chairman, Sir; I had the privilege to be associated with the Delimitation Commission, twice in the fifties and in the sixties and I must frankly say that I got full co-operation and assistance from the Delimitation Commission and the staff of the Election Commission who helped in the Delimitation Commission. But I must frankly state here that, after the various decisions are taken, in the meeting of the Delimitation Commission, before the publication of their recommendations last minute changes take place. I cannot just reconcile myself to those things. Those things

do take place. There must be some political pull which motivates in making last-minute change before the final recommendations are published. There should be an end to this. That is why there has been a demand made that associate members should have the power to vote. Sir, just acting on an advisory capacity is no good I support this demand.

I listened to the various speeches and one aspect which I could not agree to is regarding what has been done regarding the reservation of the scheduled castes and scheduled tribes. So far as the reservation of the scheduled castes and scheduled tribes is concerned, the procedure is very simple. It is more or less on mathematical calculation. Those areas where there is larger concentration of population of Scheduled castes and scheduled tribes, get automatically reserved for them.

My point is, before they start on delimiting the various constituencies, the Delimitation Commission should be seized with the latest list of the scheduled castes and the scheduled tribes. Our past experience is this. The old list of the scheduled castes and scheduled tribes is out-dated. There are very many discrepancies and lacunae. That is why the Lokur Committee went to this very aspect of it. After that this came in a Bill form, called. The Scheduled Castes and Scheduled Tribes (Amendment) Bill, 1967. The last Lok Sabha was seized of it. As many as 7 sittings were held but no final decision could take place because the Fourth Lok Sabha had to dissolve prematurely. So, to give a proper guidance to the Delimitation Commission, this list should have been revised, before they proceed with their task. That is why, as early as the 29th of August, 1972, I wrote to the Law Minister, Mr. Gokhale. I mentioned therein in para 3 as follows:

"As you know, the reservation of seats for Scheduled Castes and Scheduled Tribes has been enhanced for a period of ten years and the Delimitation Commission is going to be guided by the list of Scheduled Castes and Scheduled Tribes as passed by the Parliament. As there were many discre-

pencies and lacunae in the previous order; the last Lok Sabha discussed the Scheduled Castes and Scheduled Tribes Order (Amendment) Bill 1967, which was more or less drafted on the recommendation of the Lokur Committee. This Bill went through the Joint Select Committee and the Joint Select Committee had to tour the entire country to get first hand knowledge of the condition of the Scheduled Castes and the Scheduled Tribes. Plenty of money have been spent on this Bill and much exercise was done in the House also but the discussion could not conclude and the Bill lapsed as the Fourth Lok Sabha was dissolved prematurely. So, I want an assurance from you that the Scheduled Castes and Scheduled Tribes Order (Amendment) Bill of the last Lok Sabha should be arrived at on this Bill so that it can guide the Delimitation Commission so far as the reservations are concerned."

So, Sir, if you ask the Delimitation Commission to reserve the various constituencies according to the old list, you are doing a great injustice to the Scheduled Castes and the Scheduled Tribes.

Now, coming to the question of Delimitation, in the meeting of the leaders of the various parties a note was circulated by the Prime Minister—a note prepared by the Election Commission—stressing for the urgency of the Delimitation Commission because they stated that in U.P. and Nagaland, the elections are scheduled to be held in 1974. But, my apprehension is that, as the political situation is so fluid in my State of Orissa, there is every likelihood of a mid-term poll. (An hon. Member: Wishful thinking) and so it is that I want a categorical assurance from the Minister that all elections after 1971 census should be held according to the latest delimitation, not on the basis of the old delimitation.

17.25 hrs.

[SHRI R. D. BHANDARI—*in the Chair*]
I say this because, after the withdrawal of the support of the Utkal Congress

and the suspension of Mr. Hare Krishna Mahatab and Murlidhar Konar, the Nandini Satpathy Government is not in a majority.

MR. CHAIRMAN: Is it necessary to mention all these things? You must confine yourself to Delimitation only.

SHRI P. K. DEO: This arises because it is mentioned in the note circulated to us by the Election Commission saying that as elections are going to be held in Nagaland and U.P. in 1974, the Delimitation Commission should start functions. I would like to stress that prior to 1974 there is every likelihood of an election in my State as the political situation is very fluid.

SHRI JYOTIRMOY BOSU: It is very relevant.

SHRI P. K. DEO: The Nandini Satpathy Government is in a minority, and I request the Governor not to be guided by the Chief Minister who has absolutely no majority in the House, unless it is proved in the next Assembly session.

SHRI JYOTIRMOY BOSU: It is very relevant.

MR. CHAIRMAN: Anyway, don't provoke him; as it is, it is irrelevant, it is not necessary.

SHRI P. K. DEO: So far as the scheduled castes and the scheduled tribes are concerned, I want to point out some of scheduled castes in Bihar and Scheduled tribes in Orissa and Rajbansis are scheduled tribes in Assam and scheduled castes in West Bengal and even in the State of Orissa Bhataras are scheduled tribes in Koraput district, but in Kalahandi district they are not scheduled tribes, they are considered to be in the general category. So taking into consideration all the factors the Delimitation Commission will only be a farce unless all these aspects are gone into.

I would like to point out the urgency of the constitutional amendment, that is, to amend Art. 81 of the Constitution. We

[Shri P K Deo]

know very well that even though we re present 8,70 lakhs people on an average, how difficult it is for us to keep in contact with our constituents, how difficult for us to move in the areas and how difficult it is for us to nurse the constituents. So, as the population has increased, there is a very good case that the composition of the Lok Sabha also should increase. Any architectural or accommodation aspect should not stand on the way. This Lok Sabha building was built by the Britishers in the colonial days when there was no adult franchise. Even if it is thought necessary that the Lok Sabha should sit in the Central Hall, we should not mind sitting in the Central Hall. Or, the Inner Lobby may be converted as a part of the Lok Sabha. It should not be an impediment, because, the proper representation of the people alone is the primary and the guiding factor so far as the idea of delimitation is concerned.

MR CHAIRMAN How long will you take? Will you take more time?

SHRI P K DEO Five minutes more

MR CHAIRMAN You can continue tomorrow. We take up the next item.

17.30 hrs

HALF AN-HOUR DISCUSSION

ARREARS OF TAXES

SHRI JYOTIRMOY BOSU (Diamond Harbour) The tax business mainly could be categorised into three broad categories, as far as non-realisation is concerned, the first is evasion, the second is under assessment and the third is non-realisation.

Shri K R Ganesh had said on 24th November, 1972

"Let me first clear this point. The hon. Member was asking about Rs 1000 crores of arrears. It is not Rs 1000 crores of arrears, Rs 1000 crores refer to collections of taxes

There was a wrong caption given in the *Patriot*. The arrears are only Rs 438 60 crores."

This was up to 30th September, 1971. He also said

"Secondly, I would submit that these arrears of taxes are a continuing process. These arrears have not arisen in one year. They have been continuing right from 1947 onwards and year by year, new demands are made, arrears are liquidated and new demands are raised. I have figures to show right from 1961-62 to 1971-72 how the arrears have grown. It would be wrong for the House to come to this under standing if it had this idea that Rs 438 crores relates to one assessment year. This is the accumulation of the arrears right from 1947."

He did not bother to give separate accounts for the corporate sector. He said

"The hon. Member put a question as to what is the share of the corporate sector in this total arrears of Rs 438 crores. I replied that as far as the latest figures are concerned, the division into corporate sector and other sectors is not available with me. I have some figures (*Interruptions*). Because we do not maintain that."

I shall prove how incorrect he was. The hon. Minister told something which was not true. The actual total arrears are shown in the Report of the Comptroller and Auditor General for the year 1970-71. In terms of crores of rupees, it was Rs 738.77 crores. The figures given for corporation tax are Rs 174.89 crores. So, what he had said namely that he did not have the figures for the corporate sector is not quite correct. He must have deliberately misled the House with some intention in mind. He did not include the gift tax, the wealth tax, the estate duty arrears, he had suppressed that also. Here, in the Comptroller and Auditor-General's report, it has been clearly stated that arrears in the case of wealth tax was Rs. 1201.37 lakhs in the case of gift tax,