

SHRI PILOO MODY (Godhra): I wish to say something.

MR. SPEAKER: The best thing is you should have given some advance intimation about it, as we have this practice. The question is ....

SHRI JYOTIRMOY BOSU: (Diamond Harbour) That provision was removed by the issue of corrigendum, Sir, because I used to send half-a-dozen of such notices every day.

MR. SPEAKER: Now, the question is:

"That leave be granted to introduce a Bill to provide for the taking over, in the public interest, of the management of the sick textile undertakings, pending nationalisation of such undertakings, for the expeditious rehabilitation of such undertakings so that such rehabilitation may subserve the interests of the general public by the augmentation of the production and distribution, at fair prices, of cheaper varieties of cloth, and for matters connected therewith or incidental thereto".

*The motion was adopted.*

SHRI L. N. MISHRA: Sir, I introduce the Bill.

12.37 hrs.

STATEMENT RE. SICK TEXTILE UNDERTAKINGS (TAKING OVER OF MANAGEMENT) ORDINANCE, 1972

THE MINISTER OF FOREIGN TRADE (SHRI L. N. MISHRA): Sir, I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Sick Textile Undertakings (Taking over of Management) Ordinance, 1972, as required under rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha [Placed in Library. See No. LT-4008/72.] (Interruption).

MR. SPEAKER: You can go to the court if something is *ultra-vires*.

SHRI PILOO MODY (Godhra): I only know you. I can only plead before you. You are the highest court in the land.

12.38 hrs.

DELIMITATION BILL—contd.

MR. SPEAKER: The House will now resume discussion on the Delimitation Bill.

Shri P. K. Deo was on his legs. He had already taken ten minutes. He has exhausted his party's quota. His today's speech should be concluding and winding-up speech because he has already finished his time, rather, even exceeded that....

SHRI P. K. DEO (Kalahandi): I will be brief.

Yesterday I was pointing out that the Delimitation Commission should start their activity first in U.P. and Nagaland as there is going to be an election in 1974. At the same time, I made a request that they should give top priority regarding Delimitation of the Assembly Constituencies of the State of Orissa because the position there is very fluid. The Nandini Satpathy Government is in a minority after the withdrawal of the support of the Utkal Congress and because of the suspension of Dr. Hare Krishna Mahatab and Mr. Kanwar. At any time there could be an election to the Orissa Legislative Assembly. Therefore, through you, Sir, I would like to make a request to the Governor of Orissa that he should not be guided by the advice of the Chief Minister who has got only minority support in the Assembly, trying to dissolve the Assembly. Rather, he should try to form an alternative Government, if possible.

<sup>1</sup>Introduced with the recommendation of the President.

Secondly, I would like to point out that after the 1971 census, if elections are to be held in Orissa, Orissa should not be denied of the opportunity of a larger representation in the Orissa Legislative Assembly, because the population has increased from 17.5 million to 21.9 million. This aspect has to be taken into consideration by the Delimitation Commission.

I support the suggestion of my distinguished colleague Shri Somnath Chatterjee for proportional representation. It was opposed by no less a person than Shri R. D. Bhandare and he suggested that the founding fathers of the Constitution had rejected this very idea of proportional representation. But our experience all these years has been that the Government which is having only 21 per cent popular support is having the massive mandate. I have arrived at the figure of 21 per cent for popular support, because in the last elections, only 48 per cent electorate exercised their franchise of which 42 per cent supported the party in power. So, with only 21 per cent popular support, the Government claiming massive mandate is playing ducks and drakes with the constitution and the very pledges and plighted words of the Constitution are being broken like pie-crust according to their convenience. So, I very much support the plea made by Shri Somnath Chatterjee that some formula should be evolved by the Delimitation Commission for proportional representation.

Then, I would like to ask why the scope of the Delimitation Commission should not be extended to the State of Jammu and Kashmir. Jammu and Kashmir is part of India, and we have very often heard complaints of gerrymandering in the elections and various malpractices prevailing there. So, it is all the more important that the scope of the Delimitation Commission should be extended to the State of

Jammu and Kashmir. We all want that Jammu and Kashmir State should come into the mainstream of Indian politics, and they should feel a part of India but all these acts are putting impediments in that direction.

Lastly, I would like to have an assurance from the Government that the outmoded Scheduled Castes and Scheduled Tribes Order would be revised according to the recommendations of the Lokur Committee and according to the Scheduled Castes and Scheduled Tribes Order (Amendment) Bill which was discussed in the last Lok Sabha, that the latest lists would be prepared and that the Delimitation Commission would be apprised of all the discrepancies and lacunae that have been found out by the previous committees so that they could be helped in arriving at a proper delimitation of the constituencies.

Finally, my request is that the Delimitation Commission should consist of such persons as are properly insulated from any kind of political pressure, for then only we can get proper representation in the House.

श्री स्व प्रताप सिंह (बाराबंकी) : अध्यक्ष महोदय, मैं आपका हृदय से आभारी हूँ कि आपने मुझे परिसीमन विधेयक, 1972 पर अपने विचार प्रकट करने का अवसर दिया है। यह विधेयक लाने के लिए मैं अपने दल की सरकार को हृदय से बधाई देना चाहता हूँ, जो सदैव देश में लोकतन्त्र के हितों की रक्षा करती आई है। 1961 की जनगणना के पश्चात् 1971 की जो जनगणना हुई, उसके ठीक पश्चात् इस विधेयक का यहां प्रस्तुत किया जाना इस बात का द्योतक है कि हमारी सरकार और हमारी पार्टी सदैव इस बात के लिए चिन्तित है कि जिस प्रकार हो सके और जहां तक हो सके, जनता के हितों की रक्षा करने और लोकतन्त्र की जड़ों को मजबूत बनाने का प्रयास किया जाए।

[श्री छद्म प्रताप सिंह]

इस विधेयक में इस बात का स्पष्ट रूप से प्रावधान किया गया है कि जिस परिसीमन आयोग की स्थापना की जाएगी, उसमें प्रत्येक प्रदेश और प्रत्येक क्षेत्र के लोक सभा और विधान सभा के सदस्यों को सदस्य के रूप में रखा जाएगा। हम समझते हैं कि इस व्यवस्था से न केवल लोकतन्त्र को शक्ति प्रदान की गई है, बल्कि इसके साथ-साथ निर्वाचन-क्षेत्रों का गठन भी सही ढंग से हो सकेगा क्योंकि जनता के द्वारा चुने हुए प्रतिनिधियों को, चाहे वे लोक सभा के सदस्य हों और चाहे विधान सभाओं के, इस बात का सही ज्ञान होता है कि निर्वाचन-क्षेत्रों का परिसीमन किस आधार पर किया जाए।

इस विधेयक में इस बात की स्पष्ट व्यवस्था की गई है कि परिसीमन का आधार क्या हो। इसमें साफ कहा गया है कि किसी भी क्षेत्र का परिसीमन करते समय उसकी भौगोलिक स्थिति, प्राकृतिक अवस्था, प्रशासन की इकाइयों, संचार की सुविधाओं और सार्वजनिक सुविधाओं को ध्यान में रखा जाएगा। मैं समझता हूँ कि इस माननीय नदन के सभी माननीय सदस्य परिसीमन करने के इन आधारों से सहमत होंगे और क्षेत्रों का परिसीमन जनहित में होगा।

मैं सरकार को इस बात के लिए भी बधाई देना चाहता हूँ कि जिस प्रकार वह सदैव ही देश की अनुसूचित जातियों, अनुसूचित जनजातियों और अल्पसंख्यकों की रक्षा करती आई है, उसी प्रकार से उसने प्रस्तुत विधेयक में भी अनुसूचित जातियों और अनुसूचित जनजातियों के हितों की रक्षा करने की भावना को दोबारा दोहराया है। उसने यह व्यवस्था की है कि जिन क्षेत्रों में अनुपात की दृष्टि से इन जातियों की संख्या अधिक होगी, उनको सुरक्षित रखा जाएगा।

अन्त में मैं यह कहना चाहता हूँ कि जो विधेयक सदन के समक्ष प्रस्तुत किया गया है, वह बहुत सोच-विचार करके प्रस्तुत किया

गया है। इस विधेयक की सबसे बड़ी विशेषता यह है कि यह विधेयक सही समय पर प्रस्तुत किया गया है। इसलिए मैं आपके माध्यम से सभी माननीय सदस्यों से अनुरोध करना चाहता हूँ कि इस विधेयक को एक ऐतिहासिक और महत्वपूर्ण विधेयक समझते हुए जनहित में अविलम्ब बिना किसी सशोधन के पारित किया जाए।

धन्यवाद।

MR. SPEAKER: I think there are no other Members to speak. Now, the hon. Minister.

SHRI C. M. STEPHEN: (Muvathupuzha) I want to speak, Sir...

MR. SPEAKER: Now, it is too late. The hon. Minister.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY): I am thankful to the Members who have taken part in this debate and have made very valuable suggestions. But before I reply to them, I would like to refer to something basic which was stated by Shri Somnath Chatterjee who unfortunately is not present here in the House just now. While speaking yesterday, he said that the last Delimitation Commission had not been provided with the basic materials necessary for delimitation of the constituencies. In that connection, he referred to the report of the Election Commission on the fourth general elections. I would like to submit that this time steps have been taken to have all the data that were referred to therein and also the maps as desired. Instructions were issued in June last, and the States have collected data and they are going ahead with the preparation of maps. We have already received district-wise booklets such as the one I have here with me. These book-

lets give information about the total population of the district....

**SHRI SAMAR MUKHERJEE** (Howrah): What is the name of the booklet?

**SHRI NITIRAJ SINGH CHAUDHARY:** It is *Population Figures including Scheduled Castes and Scheduled Tribes*. These booklets have been prepared for each district in the country. This booklet gives information about the total population of the district, the population of scheduled castes, the population of scheduled tribes, the percentage of scheduled castes population percentage of scheduled Tribes population and also figures for tehsils, revenue inspector circles, patwari circles where they are in existence, otherwise figures for each panchayat separately, etc., because in the delimitation of constituencies, some smallest unit has always to be taken into consideration and it is not to be split. So, this information is available.

He referred to non-availability of maps. The report itself says that on account of security reasons there were difficulties in production of maps even in the scale of 1" to 4 miles. But this time steps have been taken to see that these maps are ready before the commission begins its work. The maps are being get prepared in two scales—1" to 2 miles for smaller districts and 1" to 4 miles for bigger districts. The maps are in print and they would be made available to the commission. He also said that the last Delimitation Commission did not have sufficient staff. I would draw his attention to the financial memorandum attached to this Bill which says that provision for the staff for the Delimitation Commission has been made. Therefore, all those difficulties would not be there and the commission will have all the necessary facilities.

Regarding the suggestion that the Bill be referred to a Joint Select Committee, I would like to point out that the 1962 Bill was passed in the

winter session of that year and received President's Assent on 19th December, 1962. Thereafter the Delimitation Commission began its work about 3 months later and it took 3-1/2 years to complete its work. If this Bill is passed in this session, the commission will begin its work sometime in February next after all the associate members have been nominated from Parliament and Assemblies. Elections in UP are due sometime in February, 1974 and general elections will take place in the country sometime in February, 1976. The time available to the commission for completing its work is less than three years. If a Bill like this, which is absolutely essential to fulfil the requirements of the Constitution is referred to a Joint Committee, much time would be lost and nothing would be gained and the commission would not be able to do the work entrusted to it. Therefore I am not prepared to accept that suggestion.

Though it was not connected with the Bill, some members referred to the increase in the strength of the Lok Sabha and suggested that this Bill should be kept pending till that is decided. As I have said earlier, this would not be possible. As hon. Members knew, this matter is already engaging the attention of the government and as soon as a decision is taken, suitable steps would be taken.

**SHRI R. V. BADE** (Khargone): How can the Delimitation Commission divide the seats if the seats are not fixed?

**SHRI NITIRAJ SINGH CHAUDHARY:** Article 81 of the Constitution gives the number. The Commission will proceed on the basis of the provisions contained in article 81. If this article is subsequently amended, the Commission would move according to the amended provisions.

Shri Somnath Chatterjee and some other hon. Members referred to the publication procedure.

[Shri Nitiraj Singh Chaudhary]

They said that these matters are published in the Gazette and nobody knows about the proposals. I would draw their attention to clause 9(2) (a) which says "publish its proposal for the delimitation of the constituencies together with the dissenting proposals, if any, of any associate member who desires publication thereof, in the Gazette of India, in the official Gazette of all the States concerned and also in such other manner as it thinks fit". So, these may be published "in such other manner" at other places etc. There is provision for that. So, on that score there should be no grievance. About the final publication, there is the requirement that this will come into force on the day they are published in the gazette. So, for the final publication the provision is made in clause 10

The Commission will consist of two judges and the Chief Election Commissioner. It has been suggested that only serving judges should be appointed. The Bill provides for two members "each of whom shall be a person who is or has been a judge of the Supreme Court or High Court to be appointed by the Central Government". So, the appointment of serving judges is not ruled out. The other provision is also there because at times it may be difficult to get a serving judge. Therefore, this alternative provision is made.

One hon. Member said that when there are two judges, one of the Supreme Court and another of the High Court, it can very well happen that the High Court judge is appointed as Chairman. I hope the hon. Member will concede to the government the wisdom not to act in that way. They should expect that the government would naturally and necessarily appoint only the senior person as the Chairman.

The next point was about reservation for representatives of the Sched-

uled Castes and Scheduled Tribes. In this connection, certain hon. Members suggested rotation of seats which are reserved for the members of the Scheduled Castes and Scheduled Tribes. Here I should thank Shri R. D. Bhandare who spoke yesterday. During his speech he referred to articles 330 and 332 of the Constitution under which reservations are necessary. They also lay down the criterion on how reservations are to be made. So, I will not repeat them. Coming to rotation, the Scheduled Tribes are concentrated only in certain areas of the State and it will not be proper if the seats are not reserved for them in areas where their concentration is the largest. As regards reservation of seats for Scheduled Castes, the rotation of such seats is likely to raise opposition from the members of that community. If rotation is accepted, members may not take any interest in the welfare of the constituency, knowing that they would not be contesting the elections next time from that constituency. Moreover, it is only equitable to reserve seats for Scheduled Castes, as far as possible, in the areas where they are in large numbers. Otherwise, they will have a legitimate grievance that in spite of their higher percentage of population, the constituency has not been reserved for them. The method of de-reservation or rotation of reserved seats for subsequent elections will pose a problem for the Election Commissioner, or the Delimitation Commission, and the method adopted may not suit the convenience of the elected members, aspiring members and the electorate. Therefore, it would not be possible to accept the suggestion of rotation.

13.00 hrs.

One hon. Members sitting opposite suggested that the decision of the Commission should be made justifiable in a court of law. May I draw his attention to article 329 of the Constitution? I think, on this point, I need say nothing more.

Then, it has been said that this Bill should be made applicable to Jammu and Kashmir also. It appears, the hon. Members did not hear when I first said that the reason for 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 the Bill and this Bill would apply to Jammu and Kashmir by this substitution.

About associate members, it was said that these associate members do not have voting rights and that they should be given voting rights. It was suggested that Members of Parliament and Legislative Assemblies should be associated and they should have voting rights. A question was asked: why 4 members from Parliament and 5 from legislatures I think this question was legitimately put and I owe an explanation, to which I will come later. It was also suggested that Members of Parliament should be from Lok Sabha as well as from Rajya Sabha. Then, it was suggested that members from Scheduled Castes and Scheduled Tribes should be nominated. Then, it was also suggested that MPs and MLAs whose constituencies are under consideration should be associated.

To the first point about voting rights, I submit that if the suggestion is accepted and if all the MPs and MLAs are associated, it will cease to be a Commission. It will become something which will not be in a position to take any decision. Everybody will be saying whatever he likes and for everything, there will be voting. The result will be that the Commission will not be able to complete the whole work in time in which it has to complete. Therefore, there has to be some limit. This procedure is followed from the beginning and we propose to continue with that.

Then, about the point that a few persons who are made members, say,

9 or 10, that they should have a voting right, I would say, a person who is interested to contest and if he is given a right to vote, I do not know where it will land us. Therefore, it would not be fair to give voting right to them.

It was suggested that persons whose constituencies are under consideration should also be associated. It has been the practice of the Delimitation Commission to invite everyone who wants to have a say. This time, I can tell my friends that the Delimitation Commission would invite those Members whose constituencies are under consideration and, if they want that they should be heard, the Commission will certainly hear them.

Mr. Bade said that persons from Rajya Sabha should also be members. I submit, the Commission determines constituencies from which elections are held. Only persons who are elected representatives of the people are associated as Associate Members. Members of Rajya Sabha and Members of Legislative Councils are not elected by the people directly. Therefore, it is not possible for the Government to accept the suggestion.

SHRI R. V. BADE: A Rajya Sabha Member represents the whole State whereas the Lok Sabha Member represents only one constituency.

SHRI NITIRAJ SINGH CHAUDHARY: I have made my submission and the argument of Shri Bade is fallacious and it will take us nowhere.

About the last point which was made by many hon. friends as to why there are only four Members from Lok Sabha while there are five Members from Assemblies, I feel that the argument has much force and I have no objection to increase the number of representatives from Lok Sabha from four to five so that there is no disparity. (Interruption) There will be five from Legislative Assemblies. . .

SHRI R. V. BADE: What about representation of Scheduled Castes and Scheduled Tribes?

**SHRI NITIRAJ SINGH CHAUDHARY:** The Bill provides that the nomination shall be made by the Speaker of the Lok Sabha and the Speakers of the respective Legislative Assemblies. We must have patience. All these interests would be considered by the respective Speakers while nominating Associate Members.

There are some other points that were made by the hon. members, but they are not relevant to the Bill. For example, it was said that the Lok Sabha may sit in two shifts as the schools meet. Therefore, I am not replying to such points.

**MR. SPEAKER:** There was a motion for reference to a Select Committee by Mr. M C Daga...

**SHRI M C DAGA (Pali):** I want to withdraw my motion.

*Amendment No 1 was, by leave, withdrawn*

**MR. SPEAKER:** The question is.

"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."

*The motion was adopted.*

**MR. SPEAKER:** Should we now put all these Clauses together? That will save time.

On Clause 2, there are two amendments by Shri Bade...

**SHRI R V. BADE:** I want to say something on my amendments.

**MR. SPEAKER:** Have your lunch first and then come prepared for it.

We adjourn for Lunch to re-assemble at 2.00 P.M.

13.08 hrs.

*The Lok Sabha adjourned for Lunch till Fourteen of the Clock.*

*The Lok Sabha re-assembled after Lunch at Five Minutes Past Fourteen of the Clock.*

[MR. DEPUTY SPEAKER in the Chair].

**RE, ALLEGED BURNING OF HOUSES IN A VILLAGE IN UTTAR PRADESH**

**SHRI JYOTIRMOY BOSU (Diamond Harbour):** I have given a notice about the alarming news that in a minority inhabited village named, Sajjani, in Azamgarh District of Uttar Pradesh, 43 houses belonging to the minority community were burnt and the members of the minority community were beaten up by the Police. Sir, in the last one month, in another village, Norani, seventy houses of the minority community were burnt and looted and the people were beaten. Sir, the District of Azamgarh seems to be very notorious for these things. Sir, we want to know what is happening? The UP Police is hand in glove with the criminals.

Sir, the other day, when this matter was raised here, you were pleased to observe that the Government must get all the information and Mr. Raj Bahadur promised on the floor of the House that he would collect the information from the State Government. I hope Shri Raj Bahadur was not gone into hiding. Sir, the whole question is that we want the Government to make a statement. Is it a part of the game that is going to take place one after another. This is a very serious matter and we want the Government to tell