

**SELECT COMMITTEE
ON
THE CONSTITUTION
(SEVENTY-FIRST AMENDMENT)
BILL, 1990**

(Amendment of Articles 81, 82, 170 and 327)

EVIDENCE



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 1992/Agrahayana, 1914 (Saka)

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**CORRIGENDA TO THE EVIDENCE TENDERED
BEFORE THE
SELECT COMMITTEE ON THE CONSTITUTION
(SEVENTY FIRST AMENDMENT) BILL, 1990**

<i>Page</i>	<i>Line</i>	<i>For</i>	<i>Read</i>
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SELECT COMMITTEE ON THE CONSTITUTION (SEVENTY-FIRST AMENDMENT) BILL, 1990 (AMENDMENT OF ARTICLES 81, 82, 170 and 327)—AS PASSED BY THE RAJYA SABHA

COMPOSITION OF THE COMMITTEE

Shri P.R. Kumaramangalam—*Chairman*

MEMBERS

2. Shri Raghunandan Lal Bhatia
3. Shri Buta Singh
4. Shri Chandubhai Deshmukh
5. Shri Jaswant Singh
6. Shri Ramkrishna Kusmaria
7. Prof. (Smt.) Savithiri Lakshmanan
8. Shri Suraj Mandal
9. Shri Arvind Netam
10. Shri Ram Vilas Paswan
11. Shri K. Pradhani
12. Shri S.S.R. Rajendrakumar
13. Dr. Lal Bahadur Rawal
14. Shri Sudarsan Ray Chaudhuri
15. Shri M. Baga Reddy
16. Shri Vishwa Nath Shastri
17. Shri Sukh Ram
18. Shri Syed Shahabuddin
19. Smt. Chandra Prabha Urs
20. Shri Mukul Balkrishna Wasnik

SECRETARIAT

1. Shri G.L. Batra—*Additional Secretary*
2. Shri S.C. Gupta—*Joint Secretary*
3. Shri R.K. Chatterjee—*Deputy Secretary*
4. Shri Ram Kumar—*Under Secretary*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (LEGISLATIVE DEPARTMENT)

1. Shri K.L. Mohanpuria—*Secretary*
2. Shri A.C.C. Unni—*Additional Secretary*
3. Shri B.S. Saluja—*Joint Secretary*
4. Shri P.L. Sakarwal—*Joint Secretary*
5. Shri B.L. Mathuria—*Consultant*
6. Dr. D.B. Singh—*Under Secretary*

SELECT COMMITTEE ON THE CONSTITUTION (SEVENTY-FIRST AMENDMENT) BILL, 1990 (AMENDMENT OF ARTICLES 81, 82, 170 and 327)

Witnesses Examined

Sl. No.	Name of Association/ Organisation/individual etc.	Date on which evidence was taken	Page No.
1.	Shri S.L. Shakhder, Former Chief Election Commissioner of India, 2, Palam Marg, Vasant Vihar, New Delhi.	23.6.1992	1
2.	Shri K.P.G. Kutty, Secretary, Election Commission of India, New Delhi.	14.7.1992	15
3.	Shri A.R. Nanda, Registrar-General and Census Commissioner of India, Ministry of Home Affairs, New Delhi.	14.7.1992	16
4.	Dr. N. Seshagiri, Director-General, National Informatics Centre, Planning Commission, New Delhi.	14.7.1992	—

**RECORD OF EVIDENCE TENDERED BEFORE
THE SELECT COMMITTEE ON THE CONSTITUTION
(SEVENTY-FIRST AMENDMENT) BILL, 1990.**

I

**TUESDAY, 23 JUNE, 1992 FROM 11.00 TO 13.00 HOURS IN
COMMITTEE ROOM 'C', PARLIAMENT HOUSE ANNEXE,
NEW DELHI.**

PRESENT

Shri P.R. Kumaramangalam — *Chairman*

MEMBERS

2. Shri Raghunandan Lal Bhatia
3. Shri Buta Singh
4. Prof. (Smt.) Savithiri Lakshmanan
5. Shri Suraj Mandal
6. Shri Ram Vilas Paswan
7. Dr. Lal Bahadur Rawal
8. Shri Sudarsan Ray Chaudhuri
9. Shri Vishwa Nath Shastri
10. Shri Sukh Ram
11. Shri Syed Shahabuddin
12. Shri Mukul Balkrishna Wasnik

SECRETARIAT

1. Shri S.C. Gupta — *Joint Secretary*
2. Shri R.K. Chatterjee — *Deputy Secretary*

WITNESS

Shri S.L. Shakdher, *Former Chief Election Commissioner of India.*

**REPRESENTATIVES OF THE MINISTRY OF LAW,
JUSTICE AND COMPANY AFFAIRS**

1. Shri K.L. Mohanpuria, *Secretary*
2. Shri B.L. Mathuria, *Consultant*
3. Dr. D.B. Singh, *Under Secretary*

Shri S.L. Shakdher, *Former Chief Election Commissioner of India*
(The witness was called in and he took his seat)

MR. CHAIRMAN: May I on behalf of the Committee welcome you.
You have been kind enough to spare your time and come here to give

expert advice. You must be aware by now what the Select Committee is at the moment considering. There was a Bill which was passed by Rajya Sabha and is pending before the Lok Sabha. Meanwhile it was decided that the Select Committee may go into this Bill. There are some views, while we are discussing generally, on the situation as it stands with regard to the percentage of SC/ST constituencies. It has also come up in the discussion that when the SC population goes down, the number of seats is reduced. This has happened in the past and so in the same way if population of SC/ST goes up the number of seats should be increased. We would like to have your views on the present Bill before us.

SHRI S.L. SHAKDHER: Mr. Chairman, I thank you very much for calling me here. I have read the Bill. I think it is on the right lines. If I may say so, when I was the Chief Election Commissioner I recommended these very provisions to be made in our law. I had occasion also to tour the States in connection with the identification of constituencies to be reserved for SC/ST in the various States, following the Bill passed in 1978 when number of such constituencies was increased. So, I have had the benefit of discussion at that time. I was told that there is a demand that there should be reduction of these constituencies. Now SC said that they would like other people to participate in the electoral process and get elected to Lok Sabha and they further said that when a constituency is reserved for SC, only these persons get the chance to become the Members of Parliament. Also in the past SC constituency was reserved on the basis of 20 per cent electorate, no SC constituency had got even 30 per cent SC population and in the various constituencies the percentage of SC varies between 18 and 20 per cent. So, it should not be said that there are really SC constituencies. As you know, most of these people are being elected by the non-SC people.

It is also true that a provision was made for the representation of Scheduled Castes so that those constituencies may benefit by their representation in Parliament. But, in practice it has been seen that little has been done on the basis of representation of SC because rate of progress depends on the political parties, administration and other factors. There was, therefore, a demand that it would be better to have representation of non-SC/ST.

We discussed this matter in the Committee on Electoral Reforms at length and the Committee came to the conclusion that the representation of SC/ST should continue but there should be rotation of reservations. So, it has been incorporated in the Bill and it is for you to decide whether it should be there or not.

श्री राम विलास पासवान: 1981 की जनगणना के मुताबिक एस सी एस टी की पॉपुलेशन बढ़ गई है और उसी तरह 1991 में भी बढ़ गई है। न्यू बुद्धिस्ट वर्ग को भी जोड़ा गया है। जब एस सी एस टी की पॉपुलेशन बढ़ गई है तो इनकी सीटें भी बढ़नी चाहिए। उसी तरीके से असेम्बली में 36 की जगह 17 कर दिया गया। उसी

तरीके से जब इनकी पॉपुलेशन घटी तो उसको घटा दिया गया। अब जब इनकी पॉपुलेशन इनक्रीज़ हुई है तो इस का परसेंटेज बढ़ना चाहिए। इस पर आपकी क्या राय है?

SHRI S.L. SHAKDHER: It is a legitimate thing. I have said that in 1978, the number of seats for Scheduled Castes and Scheduled Tribes was increased based on the population increase. So, this is a fair demand. Whether it comes under the Bill or not, it is a just demand. It is a rational demand.

SHRI R.L. BHATIA: What Mr. Paswan has said is also a problem. It is before us. It requires an immediate solution. In Article 330 of the Constitution, it is said: "That there is a freeze". That is the issue before us. We have no objection if the seats are increased. Population has increased. But it is increased at the cost of general people. That dilemma has to be solved.

SHRI S.L. SHAKDHER: That dilemma cannot be solved because the number of seats have been fixed. You cannot correspondingly increase the seats of non-scheduled caste members also.

श्री राम विलास पासवान: एक समय था जब शेड्यूल कास्ट्स और ट्राइब्स का पॉपुलेशन 22% था तो कांस्टीट्यूशन में 22.5% सीट रिजर्व की गई। आज उनकी पॉपुलेशन 23.5% हो गई। कुल नंबर और शेड्यूल कास्ट्स और ट्राइब्स का परसेंटेज बढ़ा है और कांस्टीट्यूशन में उनके लिए स्पेशल प्रोविज़ो है कि उनकी सीट पॉपुलेशन के हिसाब से बढ़ेगी। जब पॉपुलेशन में वृद्धि है तो टोटल नंबर ऑफ सीट्स 540 है। उसके बाद जब इधर बढ़ाएंगे तो उधर बढ़ाना पड़ेगा। मेरा कहना यह है कि शेड्यूल कास्ट्स और शेड्यूल ट्राइब्स का पॉपुलेशन बढ़ गया है इसलिए इनकी सीट के परसेंटेज को बढ़ाया जाना चाहिए। उसके बारे में हम आपसे और क्लैरिफाई करना चाहेंगे कि आपका विचार टोटल नंबर ऑफ सीट्स पर क्या है और उसमें शेड्यूल कास्ट्स और ट्राइब्स की पॉपुलेशन है। हम इतना जानना चाहते हैं कि टोटल नंबर आपके जितनी बढ़ी, उसमें शेड्यूल कास्ट्स को उनकी पॉपुलेशन के अनुसार सीट मिलनी चाहिए और क्योंकि उनकी पॉपुलेशन बढ़ गई है तो उनकी सीट भी बढ़ा दी जाए। कल जब 640 होगा तो उनका नंबर भी बढ़ेगा। परसेंटेज के मुताबिक उनकी सीट बढ़नी चाहिए।

SHRI S.L. SHAKDHER: आपका कहना ठीक है कि शेड्यूल कास्ट्स की सीट परसेंटेज में होनी चाहिए। पॉपुलेशन वही है। उसमें कोई फर्क नहीं पड़ता।

There is no dispute between the Scheduled Castes and the non-Scheduled Castes. Rather the number of seats will remain the same, the population may increase but the constituencies will remain the same. Whether a person is elected from the Scheduled Caste or not is a different matter.

SHRI SUKH RAM: Mr. Paswan has raised a very important point. After this freeze period is over, then there has to be an increase in the scheduled castes' seats along with the general seats. If the scheduled castes' seats are increased, then their argument is that, because the percentage has been increased, therefore, the number of seats also has to be increased. It is because the number is fixed on the basis of the percentage. As Mr. Bhatia has said that it has to be at the cost of the general seat. As you

have made it clear that the reservation was made only on the basis of 20 per cent to 25 per cent. It may be 25 per cent in the country. It may not be 50 per cent.

So, you may be increasing. If there is an increase in population of Scheduled Castes, then there may be an increase in the non-Scheduled Caste population also. So, they will definitely be demanding an increase in their number of seats also.

SHRI SUDERSAN RAY CHAUDHURY: If there is an increase, then naturally, the number of population of non-scheduled castes will come down. That is a simple arithmetic.

SHRI SUKH RAM: The number of seats of the scheduled castes should be increased. As far as the area of Scheduled Tribe is concerned, it is different altogether. It is only the percentage of scheduled castes which has to be included in that for increasing the number of seats.

SHRI S.L. SHAKDHER: The population of Scheduled Castes has to be taken separately and the population of Scheduled Tribes has to be taken separately.

SHRI SUKH RAM: So, if the number is to be increased, it has to be increased at the time when the freeze period is over. This overall increase has to be made for the Scheduled Castes and for the non-Scheduled Castes also. For the 25 per cent population, where there has to be a shrinkage in the number of seats, what will be the reaction? Will there be any justification for that also?

SHRI S.L. SHAKDHER: There is no question of justification. Because, this reservation is done as a special case. Normally all seats will be non-reserved. It is because in a democracy all people are equal. But only in the case of Scheduled Castes, deliberately, the Constitution Assembly took this decision that they should be brought up. Constitution continues with that provision, so we have maintained this distinction. No country in the world has such a distinction. Anyway, in no country there is such a reservation given. If you come to real democracy, then the reservation should be abolished. But so long as the reservation is there, they have to give the percentage earmarked for them. In 1978, the general seats were reduced and given to Scheduled Castes. The something has also happened now and it has to be done. Therefore, I do not see any contradiction in it.

MR. CHAIRMAN: I would like to request all of you this. Would you like to know the background on which the freeze was brought? Because there is a freeze in the total number of seats as well as there is a freeze on the number of percentage also. Article 330 says about the total number of seats.

SHRI S.L. SHAKDHER: I do not know the recorded reasons about the freeze of number of seats.

SHRI SUDARSHAN RAY CHAUDHURY: As per Article 330, is there any freeze upon the existing percentage of the Scheduled Castes?

SHRI S.L. SHAKDHER: No. You are talking about the number of seats.

PROF. (SMT.) SAVITHIRI LAKSHMANAN: all the Census, we tried our level best to control the population. I want to know whether by encouraging Scheduled Castes population, by giving them more seats from the general seats — at the moment, the limit is upto 540 — is justifiable or not.

SHRI S.L. SHAKDHER: I will tell about another matter which is relevant here. When I went to the various States, I found that most of the so-called Scheduled Castes have ceased to be Scheduled Castes. In some States, the Scheduled Castes are more economically rich and better off than the non-Scheduled Castes. So, it was raised in a meeting also.

MR. CHAIRMAN: I want to draw your attention to Article 330 where the final proviso amounts to limiting or finalising the number of the Scheduled Caste people to be represented.

SHRI S.L. SHAKDHER: It has nothing to do with the percentage of the Scheduled Castes. The number of Scheduled Caste seats was decided in 1978. Therefore, this does not limit their percentage.

MR. CHAIRMAN: Is the number of seats — I am not saying anything but I just want to understand — such that can be raised, as per the interpretation, and subject to the number according to the 1971 Census?

SHRI S.L. SHAKDHER: It will have to be seen with reference to the 1978 order when they arrived at that percentage. That must be available in the Law Ministry.

SHRI SYED SHAHABUDDIN: We have spoken about the rotation. There are some Scheduled Castes and some Scheduled Tribes. Generally speaking, seats with about 18 to 19 per cent of population have been reserved in some States while in some seats with a comparable number have not been reserved. Would you suggest that in order to provide for reservation of the maximum percentage of Scheduled Castes or Tribes population, once you decide the total number of seats to be reserved, you take the total number of seats from the top in respect of the Scheduled Caste or Tribe population, as the case may be? That is to say, would you like this number to be arrived at from the highest percentage say 45 or 50 or so as obtaining in the States, and it can be a cut off line. Or another alternative can be when you come to the end of the ladder then say 19 or 20 per cent or a proportion of the population should be the number and there should be some sort of a rotation. A third principle can be that you take the percentage of population of the Scheduled Castes and say that you will bring within the matter of reservations of the seats the Scheduled Caste population if the percentage is more than the State average. These are three alternatives.

SHRI S.L. SHAKDHER: These principles may be relevant. I was only saying that the Scheduled Caste population is nowhere 50 per cent. It is below 20 per cent in some States. So there is no point in reserving a constituency for a population of 20 per cent or 25 per cent. Look at the other way. They have got seats wise 15 per cent population of SCs. Then the vested interests are created. There were no castes in the Scheduled Castes earlier but now you have built castes among them. You will agree that there are many families of SC/ST who are very prosperous and selected people benefit because of that family. Those people who are down-trodden remain at the bottom.

SHRI SYED SHAHABUDDIN: You are speaking of the principle of rotation. That is different.

श्री राम विलास पासवान: सोसायटी में जो इन्फ़ोर्मेशन आदमी होता है, हमेशा उसको ही बँनिफिट होता है। आज बिड़ला और टाटा को ले लीजिए। गरीब लोगों की तुलना में उनको ज्यादा फायदा हो रहा है। यह तो सब पर लागू होता है। एक चीज और हो रही है, आजादी के 45 वर्ष के बाद आज इस निष्कर्ष पर पहुँचा जा रहा है कि शैक्का और शैक्का का रिजर्वेटिव, हार्डली 20-25 फ़ीसंट शैक्का और शैक्का के परसेंटज का होता है। ऐसी परिस्थिति में उनको दूसरे कैडीडेट्स पर डिपेंड करना पड़ता है। इसलिए शैक्का की जो मूल भावना है कि वह वीकर सैक्शन के लिए लड़े, वह नहीं लड़ पाता है, तो क्या आप इस बात को कहेंगे कि उस कांस्टीट्यूएन्सी में सिर्फ शैक्का के कैडीडेट्स को ही वोट देने का अधिकार हो? जैसा कि बाबा साहेब अम्बेडकर ने कहा था कि इस तरीके से किया जाए और उस कांस्टीट्यूएन्सी में सिर्फ शैक्का के लोगों को ही वोट देने का अधिकार हो, जिससे वह अपना प्रतिनिधि चुन सके।

श्री एस०एल० शकधर: फिर तो दूसरे लोगों को डिप्राइव करना होगा।

श्री राम विलास पासवान: नहीं दूसरों को भी रखिए। डबल कांस्टीट्यूएन्सी रखिए, डबल कैडीडेट रखिए। मेरे कहने का मतलब यह है कि डबल कांस्टीट्यूएन्सी हो, और उसमें से एक में तो सब लोगों को वोट देने का अधिकार हो और एक में सिर्फ शैक्का को वोट देने का अधिकार हो।

श्री एस०एल० शकधर: फिर तो आपको दो कांस्टीट्यूएन्सी रखनी पड़ेगी, जनरल कांस्टीट्यूएन्सी एक जन्म करनी पड़ेगी दूसरी जगह से और मैम्बर खड़े करने होंगे।

श्री राम विलास पासवान: उस कांस्टीट्यूएन्सी में सिर्फ शैक्का को वोट देने का अधिकार हो। जैसा आपने अभी कहा, वैसे हम भी महसूस करते हैं कि जो अदर कास्ट के लोग होते हैं वे सोचते हैं कि ये तो शैक्का की ही बात करता है और जब उन शैक्का के लोगों का भला करने का मौका आता है, तो हम वह नहीं कर पाते हैं। ऐसी स्थिति में संविधान की जो मूल भावना थी, उसका पालन नहीं कर पाते हैं। इसलिए एक चुनाव क्षेत्र में दो कैडीडेट खड़े हों, एक जनरल और दूसरा रिजर्व, तो अच्छा होगा।

SHRI MUKUL BALKRISHNA WASNIK: This point is also relevant as you have pointed out in your opening remarks that little has been done by the representation of Scheduled Castes in Parliament as far as development is concerned. So, whether the representation have been valid or the

attitudes elsewhere have been valid as far as development is concerned, merely changing the representation and sending them somewhere else is not going to solve the problems. For 40 years if one constituency has been developed, we should let another constituency to develop. This is not the principles. But this principle as far development is concerned has not helped. Do you think that the tribal States have to be rotated?

But there, it is just because the population is more than fifty per cent. Even if you make it a general constituency, a general category person cannot get elected. Only a tribal will get elected. Therefore, you cannot afford to make that as rotation.

SHRI S.L. SHAKDHER: Now, general constituency includes general categories and tribal also.

SHRI MUKUL BALKRISHNA WASNIK: During the last forty years, excepting one or two, no Scheduled Caste people got elected from the reserved constituency.

SHRI S.L. SHAKDHER: That is the failure of political system. The point is that there should be no distinction so far as the persons who stand for election, whatever caste or community he belong to. A man or a woman who is more popular and who has done some good work there, whether he or she belongs to Scheduled Caste or any caste, can get elected. So, that is the failure of political system.

PROF. (SMT.) SAVITHIRI LAKSHMANAN: Let me invite your attention to the background material given to us. It says:

“The Constitution now lays down that the number of seats as allocated and the territorial extent of constituencies as determined on the basis of 1971 census are unalterable until the publication of population figures of the census following the year 2000. Thus after 1971 and till 2000, as things stand at present, there can be no fresh delimitation of parliamentary and assembly constituencies in the States and Union Territories. This was done as a measure to boost family planning norms.”

My question is whether we have to boost the family planning norms regarding SC/ST also.

SHRI S.L. SHAKDHER: I do not think that reason was a valid reason.

PROF. (SMT.) SAVITHIRI LAKSHMANAN: We have to appreciate this point. We have to boost the family planning norms.

SHRI S.L. SHAKDHER: I do not think that that was the reason. That was not an official reason.

PROF. (SMT.) SAVITHIRI LAKSHMANAN: I do not know about that. But this background material has been circulated to the members of this Committee. If by considering the increase of population among SC/STs we

are going to increase their seats in Lok Sabha, then we will be acting against this policy.

SHRI RAM VILAS PASWAN: This is not the question of population increase. This question arose because you have included new Buddhists in the Scheduled Caste list and you have included several tribes in the Scheduled Tribe list. When you include all these castes and tribes, then naturally their population will go up.

SHRI S.L. SHAKDHER: It will be a sub population increase in the over all increase. This was not the reason. I will tell you as to why the number of seats had been limited. As far as I can remember Parliament should be a debating Chamber and it should not become a public meeting. Suppose for Parliament, one million voters constitute a constituency, then today we should have 880 Members. Then, it will become a public meeting. Though the representation is quite large in all countries, in order to save the country from corruption and inefficiency, it should not be so large that it becomes unwieldy and useless. Parliament is not a public meeting. The Executive is accountable to Parliament. Therefore, the number of seats in Lok Sabha is limited to 540. In the House of Commons, there are 620 Members. But seats are not there for every Member. Seats are there only for 300 or so Members. They do not allot seat to each Member. They can come and sit as they like. They do not come everyday.

In the Constituent Assembly, a meeting was held in the Central Hall after the Constitution was made. At that time the Speaker's eye did not reach every Member. So, the Members who were sitting on the backbenches were sleeping soundly while discussions were going on.

SHRI RAM VILAS PASWAN: That is why, sleeping has become parliamentary.

SHRI MUKUL BALKRISHNA WASNIK: Only snoring is prohibited.

SHRI S.L. SHAKDHER: Even snoring also will not reach the Speaker.

Parliament should be kept a strong body. It is an organ of governance. We have to keep it in strong condition. That is why, the number of seats was limited. The Constituent Assembly was a sort of public meeting because the Members delivered only speeches and there was no debate. If you want Parliament like that then our Parliamentary system will be finished.

SHRI SUKH RAM: The Scheduled Caste people are not confined to a particular village. In a particular village, there are a number of castes. If it is confined only to SCs, then it will divide the country.

SHRI S.L. SHAKDHER: It will have a dangerous implication.

SHRI MUKUL BALKRISHNA WASNIK: Reservation is a result of the caste system. We have to put the whole thing in a proper position.

You have said that the constituencies represented by the Scheduled Castes have not received the required attention as far as development is concerned. If you think that the representatives were not capable, then you are questioning the wisdom of the founding fathers of the Constitution. If you do not question their capability, then the question arises that there was no proper response from those who were responsible for governance and development. And that itself means that you are not practising equality which is there in the Preamble of the Constitution.

SHRI S.L. SHAKDHER: It is a mixture of all the reasons.

MR. CHAIRMAN: You had stated that you supported the basic idea of the Bill and you gave a suggestion as Chief Election Commissioner. Basically you are talking of rotation of constituencies on the one hand and limitation or delimitation from the point of view of borders of constituencies on the other.

SHRI S.L. SHAKDHER: Corrections have come up. In 1971 when the constituencies were delimited, some of the constituencies were irrationally carved out. For example, in a particular constituency a Member has to travel by a circuitous route to reach his constituency and the constituencies were not systematically carved out. I had received many complaints from people stating that these constituencies should be corrected. That should be done now.

I had made another two suggestions as Chief Election Commissioner and also as a Member of the Committee. Those have not seen the light of the day because the Committee was wound up soon. My two suggestions are that the administrative and political division of the country must coincide. That is, the administrative boundaries must coincide with the political constituencies.

MR. CHAIRMAN: You are saying that the constituencies should not spill into different districts.

SHRI S. L. SHAKDHER: Sometimes two districts are involved in one constituency and sometimes two constituencies are involved in one district. एडमिनिस्ट्रेटिव डिस्ट्रिक्ट और कांस्टीट्यूएन्सी की बाउंडरी एक ही होनी चाहिये। and therefore, the sub-division in the constituency should be according to the number of Assembly constituencies so that the District Magistrate and the Returning Officer of the constituency is the same person.

श्री सुरज मंडल: कई जगह एक डिविजन में दो डिविजनल हेड-क्वार्टर हो जाते हैं जबकि यह एक ही होना चाहिये।

SHRI S. L. SHAKDHER: On the administrative side there is a District Commissioner and on the political side there is a Member of Parliament and the Assembly Members are responsible to the Sub-division. This is most important if we want to preserve our freedom and political stability. Secondly, I said that the work of the electoral rolls, maintaining the

Register of births and deaths & Census should be combined in one Department so that identity cards can be issued, record can be kept and there will be a complete record for each voter. At present the work is divided into so many Departments. Electoral rolls say something, the Census says something else, and the Registrar of Births and Deaths says something else. I have seen that many people on the electoral rolls have died and still they are on the electoral rolls. So, if all this work is combined in one Department, there will be rationality, correctness and also economy. These two reforms must be made with the delimitation of constituencies effected.

SHRI MUKAL BALKRISHNA WASNIK: You have pointed out that 20 to 25 per cent of the constituencies were reserved. In the process of rotation, at the first stage these constituencies were reserved, they were supposed to have the largest concentration of Scheduled Castes. So, in rotation the next highest will become a reserved constituency. Today if 80 per cent of the other sections have been deprived because of reservation, tomorrow it can be 82 per cent or 85 per cent being deprived.

SHRI S.L. SHAKDHER: Where the population is 50 per cent and above there I am not advocating rotation. I want only rotation where the percentage of voters is just about the same.

SHRI MUKUL BALKRISHNA WASNIK: You say that sometimes it becomes 80 per cent.

My point is that today if a 20 per cent Scheduled Castes population constituencies are reserved, this was done because it had the largest concentration. Tomorrow the second largest concentration may be 18 per cent or 17 per cent or 15 per cent. If it becomes reserved, 80 per cent are being deprived of contesting the election, tomorrow may be 85 per cent may be deprived of contesting the election. If a constituency with 15 per cent concentration gets reserved because of its being second largest concentration....

SHRI S. L. SHAKDHER: Because the reservation is only for one term.

SHRI MUKUL BALKRISHNA WASNIK: Then do you think that an inborn instability as far as Parliament representation is concerned will prevail? Do you think that it will help in the development process because our Parliament Member is elected from one constituency, tomorrow he thinks that he will not have to go there? So, do you think that he will behave in an equally responsible manner if he has to go back to the same constituency?

PROF. (SMT.) SAVITHIRI LAKSHMANAN: He was representing that Parliamentary constituency up to that time and he was doing a lot of good to his constituency people and if that constituency is converted into a general seat, definitely he can do better than any other person.

SHRI MUKUL BALKRISHNA WASNIK: The principle of reservation

is because of the social system. The social system has not accepted one section of the society as equal. That is the reason for reservation and because of the non-acceptance of the section as equal, when you are reserving a constituency, after dereserving, don't entertain any other thing. It will be just trying to make ourselves understand. Yes, it is an utopian idea and we will achieve that. A constituency reserved for five years, next time if it is dereserved into a general constituency, the representation in Parliament will not be that effective if the constituency has to continue.

SHRI S. L. SHAKDHER: It depends upon the Member, not on the system.

MR. CHAIRMAN: Mr. Shakhder, is it possible that some of these constituencies which are reserved have populations slightly more than those not reserved as Scheduled Castes and Scheduled Tribes populations more than those actually reserved? Is it possible that such a situation is there?

SHRI S. L. SHAKDHER: No. The constituencies with the highest percentage are reserved. There may be one or two exceptions.

PROF. (SMT.) SAVITHIRI LAKSHMANAN: The constituencies can be rotated

MR. CHAIRMAN: Mr. Mukul Wasnik is seeking to know whether rotation is compulsory or there may be some sort of change.

SHRI MUKUL BALKRISHNA WASNIK: I am not against the idea that a constituency should not change its nature. I am only saying that because of instability of the constituency and its nature, there will always be instability in the political situation and it will affect the development. If there has to be a change in reservation, it should not be on the basis of rotation but as provided earlier—wherever there is higher Scheduled Castes population, it can be done. But the population is more or less equally spread.

SHRI S.L. SHAKDHER: You have to introduce some system. One can say rotation will solve the problem. Another will say, it will not. In a constituency which has been reserved for 40 years if a member is unable to do anything for 40 years, do you think, they will be able to do it in another five year?

SHRI MUKUL BALKRISHNA WASNIK: I have seen the delimitation at the lower levels. I do not want it to happen as it happens in the municipal bodies. If certain person was not wanted, that constituency will be reserved.

SHRI S.L. SHAKDHER: It depends upon the Commission which is delimiting the constituency

SHRI MUKUL BALKRISHNA WASNIK: I know, one Assembly constituency in Maharashtra has been cut from three blocks.

SHRI S.L. SHAKDHER: We are concerned with the area and not with the people. It should be a compact area.

MR., CHAIRMAN: Thank you very much.

(The meeting then adjourned for the day.)

II

TUESDAY, 14 JULY, 1992 FROM 15.00 TO 16.30 HOURS IN
COMMITTEE ROOM NO. 62, PARLIAMENT HOUSE, NEW DELHI

PRESENT

Shri P.R. Kumaramangalam — *Chairman*

MEMBERS

2. Shri Chandubhai Deshmukh
3. Prof. (Smt.) Savithiri Lakshmanan
4. Shri Ram Vilas Paswan
5. Shri K. Pradhani
6. Shri S.S.R. Rajendra Kumar
7. Dr. Lal Bahadur Rawal
8. Shri Sudarsan Ray Chaudhuri
9. Shri Vishwa Nath Shastri
10. Shri Syed Shahabuddin
11. Smt. Chandra Prabha Urs
12. Shri Mukul Balkrishna Wasnik

SECRETARIAT

1. Shri S.C. Gupta — *Joint Secretary*
2. Shri R.K. Chatterjee — *Deputy Secretary*

REPRESENTATIVES OF MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

1. Shri A.C.C. Unni *Additional Secretary*
2. Shri P.L. Sakarwal *Joint Secretary (Admn.)*
3. Shri B.L. Mathuria *Consultant*

Witness

1. Shri K.P.G. Kutty — *Secretary, Election Commission of India*
2. Shri A.R. Nanda — *Registrar General and Census Commissioner of India*
3. Dr. N. Seshagiri — *Director, National Informatics Centre*

MR. CHAIRMAN: May I at the outset welcome the Members of the Select Committee on the Constitution 71st Amendment Bill of 1990. During the last sitting we had certain brief discussion amongst ourselves about the Bill. But thereafter we had certain requests for information in regard to the total quantum of electorate in the various constituencies. The information was called for from the Election Commission as well as the Census Commissioner. I had also requested the NIC to help us. And whatever information was made available to the Committee had already been circulated to the Members.

I am quite aware that Members are not satisfied because the emphasis of the information that was required was on actually 1991-92 Constituency-wise population of Scheduled Castes and Scheduled Tribes. I would like to inform the Members that I had a meeting with the representatives of the Election Commission as well as with the NIC. Some of the information which we seek is not really available at the moment. However, may be with the assistance of the NIC it could be made ready. Attempts are being made in this regard. I had felt that before the process of analysis and collection as well as reports is being created on the data that we require, it would be worthwhile if the Committee does have an idea of what is being proposed and in case there are amendments or other information that you wish to have in addition, this would be the right time to tell them because then they could accordingly made their programmes or go for the data. I would request that the Election Commission would be called first. Shri Kutty, Secretary to the Election Commission, if he could tell the Committee briefly as to what data is available with him. I have already put questions. We have done it in writing and we have done it orally. What information have you supplied and what information is with you and whether you would be able to supply the information required or are you willing to supply the information to the NIC so that they could compile for us the information as we require.

Before I request Shri Kutty to give his views to us, I think it would be relevant for me to bring it to the notice of the Members that the Bill has a very limited scope. It is not a Delimitation Act. It is only an amendment of the Constitution wherein it provides for Delimitation keeping in mind the limited number of Constituencies since there is a Constituency ban and also it only provides for an enabling provision in the Constitution for rotation of Scheduled Castes seats. It does not do anything more. Still, however, if the Select Committee feels that this data would be required for us to appreciate the full scope, that data should be made available to the Members and if not available, we should do something to ensure that it is made ready and it is in that background that this effort is being made. Now, we have received memorandams from many people and copies of the same, I think, have been circulated by the Office. I came to know, it is being circulated. Those memorandams must have been sent only very recently because between the two sittings gap is not very much. I would request the hon. Members to analyse the memorandams so that may be in the next meeting we could on our own decide whom we should call for evidence, if necessary and if not whether we should go ahead and start our discussion of the Bill in general as well as Clause-by-Clause. But, we should go to that later. But, what we should do, in the first instance, to ask the Election Commission as to what exactly they have supplied and if not whether they would be able to supply the required data which

would be required to be given to NIC. Thereafter, we can request NIC and Census as to what is the position on the collection of data, the assimilation of the analysis on the production of the reports.

May I request Shri Kutty, with the permission of the Committee, to give his views.

SHRI K.P.G. KUTTY: Hon. Chairman and members of the Select Committee. In reply to the letter received from the Select Committee through the Ministry of law, we have already supplied the 1971 population figures, the figures for Scheduled Castes and Scheduled Tribes, and also the figures of total electors parliamentary-wise. We have also given parliamentary-wise figures of electors for 1977, 1989 and 1991. Thereafter, we have also supplied, on the basis of the 1992 summary revision with reference to 1.1.1992 as the qualifying date, the figures of total number of electors. These are the data which we have made available to the Law Ministry.

MR. CHAIRMAN: Do you not have the data about the Scheduled Castes and Scheduled Tribes after 1971?

SHRI K.P.G. KUTTY: No, Sir, we do not have because in our electoral roll we do not collect information regarding Scheduled Castes, Scheduled Tribes, religion etc.

MR. CHAIRMAN: When the delimitation was done, each constituency was formed with Tehsils, Blocks, Revenue Panchayats, etc. Do you have that information available with you?

SHRI K.P.G. KUTTY: Yes, that is available. Each parliamentary constituency consists of a number of Assembly segments and what is the extent of each Assembly constituency, that information is available with us.

MR. CHAIRMAN: Do you have up-to-date information about the changes in the names of various Revenue panchayats and Tehsils?

SHRI K.P.G. KUTTY: We have not updated the Delimitation Order, which was published in 1976, by incorporating all the administrative changes. Some of the changes have been incorporated but not all.

MR. CHAIRMAN: Would you make available this data to the National Informatic Centre for their analysis?

SHRI K.P.G. KUTTY: Yes Sir, we can make it available to them.

SHRI RAM VILAS PASWAN: Are you saying that after 1971 there is no data available with regard to Scheduled Castes and Scheduled Tribes?

SHRI K.P.G. KUTTY: Data is available but not with the Election Commission.

SHRI RAM VILAS PASWAN: But you have said that you have already supplied the data for 1971 and in that the percentage of Scheduled Caste population is also there. 1981 की सीट का सफाई कल रिजर्वेशन हो और सरकार चाहे कि

नई कांस्टीट्यूंसी हम खोजें तो नई कांस्टीट्यूंसी में जो ट्रांसफर होता है, उसमें यह माना जाता है कि अधिक से अधिक पोपुलेशन वाला एस० सी०, एस० टी० के एरिया को रिजर्व किया जाता है तो उस परिस्थिति में केवल सरकार निर्णय लेती है कि हम इसका रेटेशन, इसकी जो आज कांस्टीट्यूंसी रिजर्व है, उसको नहीं करना है, नई को रिजर्व रखना है और उस स्थिति में सरकार के पास डाटा ही न हो कि इलैक्टोरेट जितना है तो सरकार कांस्टीट्यूंसी किस आधार पर रिजर्व करेगी?

श्री के०पी०जी० कुट्टी: अभी जो डिलिमिटेशन हुआ है, वह पोपुलेशन के हिसाब से बनाया हुआ है। पोपुलेशन की फीगर्स सैन्सस कमिश्नर के यहाँ से मिल सकती है।

श्री राम विलास पासवान: आपका काम पोपुलेशन का नहीं है, इलैक्टोरेट का है।

SHRI SYED SHAHABUDDIN: I think you are having the records relating to a particular constituency and in that manner. I think you derive the data from the Registrar General of India, through his census figures, to arrive at the data. Do you have the detailed break-up with regard to Scheduled Castes and Tribes? I think you said that you have information upto 1971.

SHRI K.P.G. KUTTY: Sir, our information is based on the Census figures. We have given the details in our report.

SHRI SYED SHAHABUDDIN: In that case my problem or Shri Ram Vilas Paswan's problem pertains really to the R.G.I. We would like that the information obtained through 1981 and 1991 census be compiled and if possible the details of Scheduled castes and tribes also ascertained.

MR. CHAIRMAN: May I now request the Registrar General of India to give his points? You know what is the data that we are seeking. Can you give a detailed picture?

SHRI A.R. NANDA: Registrar General of India: May I seek your permission, Sir, to give a brief presentation through audio visual effects which has been prepared by us in coordination with N.I.C.? I think it will give full details.

MR. CHAIRMAN: Before we proceed, I think it is necessary for me to appraise the members of the Committee about the details. So far as 1991 census goes, the position, I think, is that the data has been collected but it has not been finalised. We require the constituency-wise details. The delimitation is yet to be done. I think this is the time for us to sit and look at it keeping in view the long term prospects of developments in the country. Therefore, with the permission of the Committee, I requested the R.G.I. to make a presentation.

SHRI A.R. NANDA: Sir, the data on the S.C. and S.T. based on 1981 census is available with us and it is prepared at ward level for towns, village level and district level. We also have information at the State level. These are available in the form of District Census, Hand Books for each district. There are two volumes of it for each district. This is available for each district in printed formats.

SHRI A.R. NANDA: These are all State Government publications. We prepare the data, but pass on the data to the concerned State Governments or Union Territory Administrations for printing. Except for a few districts, all hand books containing 1981 data have been published. The State Governments took a lot of time to publish them. Besides, these data for 1981 for each village are available in the NIC network. To day the N.I.C will be presenting the 1981 data of total population and of Scheduled Castes and Scheduled Tribes for each taluka or tehsil for 26 States and Union Territories.

श्री राम विलास पासवान: मान्यवर, पार्लियामेंट में तीन बजे से बहस चल रही है और हम लोग कई अपने जरूरी काम छोड़ कर, क्योंकि इसको भी महत्वपूर्ण समझते हैं इसलिए यहां बैठे हैं। चूंकि आप ही कलेक्शन करते हैं इसलिए हम यह जानना चाहते हैं कि आपके पास में 1990-91 का शेड्यूल्ड कास्ट्स एवं शेड्यूल्ड ट्राइब्स का फीगर एवलेबल है या नहीं है क्योंकि जो जनरल पापुलेशन है उसमें शेड्यूल्ड कास्ट्स / शेड्यूल्ड ट्राइब्स का भी फीगर रहता है तो टोटल आपके पास है। सारी चीजें आप हमको दिखला रहे हैं तो आपको इसको बताने में क्या दिक्कत है? यह कहां से मिलेगा, आपके पास में नहीं मिलेगा तो कहां से मिलेगा? हम लोग सिर्फ इतना जानना चाहते हैं कि हमें 1990-91 का शेड्यूल्ड कास्ट्स एवं शेड्यूल्ड ट्राइब्स का फीगर एवलेबल हो।

Every time we get information—either you are capable of that, or who is capable of that? Our point is only that.

SHRI A.R. NANDA: For the 1991 Census, so far we have been able to release only preliminary and provisional population figures with male and female break-up and certain other preliminary details. But so far as the Scheduled Castes and Scheduled Tribes population is concerned, these are under compilation and will be ready. Our target is to :compile these information at village level and ward level (for towns) by the end of September this year.

SHRI SUDARSAN RAY CHAUDHURI: Even if you give us a provisional report of 1990-91 census, if you make it available by September this year, not provisional but final, it will be all right. But this list which we have got is only indicating the population break-up in rural areas. We want at least for urban areas too because only then we can compute the constituency-wise SC/ST break-up. Will that be possible for 1990-91?

SHRI A.R. NANDA: For 1991 we have already released the provisional figure of overall population for rural and urban areas separately. That is available in Paper II of 1991 which is a publication at All India level. We have also figures up to taluka level in State level publications. These have come as part of the provisional results. We had however, not compiled the provisional figures of Scheduled Castes and Scheduled Tribes.

The final population along with that for S.C. and S.T. will be compiled by September of this year for each village and for each ward of the towns. The final population as confirmed, the population of Scheduled Castes and Scheduled Tribes and some other details will be compiled by the end of Sept. 1992.

SHRI SUDARSAN RAY CHAUDHURI : If you have provisional figures of Scheduled Castes and Scheduled Tribes, from that you can compute constituency-wise break-up. Would the NIC be in a position to compute constituency-wise break-up of SC/ST population by September or October?

SHRI A.R. NANDA : We do not have the provisional figures of Scheduled Castes and Scheduled Tribes of 1991 Census.

MR. CHAIRMAN : If all of you can wait for 10 minutes, they will make their presentation and then you can ask questions.

[At this stage, slides regarding 1991 Census were shown]

SHRI SYED SHAHABUDDIN : I want to ask one thing. We appreciate you for all the details you have given just now. We are anxious to have the final figures in respect of Scheduled Castes and Scheduled Tribes State-wise, to begin with. Once we have State-wise figures, then we can get going. Here, we are not performing the task of delimitation. The details which you gave would be useful at the time of delimitation. At this stage we would like to have the data with regard to the Scheduled Caste and Scheduled Tribe population State-wise. I address this thing to both the organisations. When would it be possible to you to give the details?

SHRI A.R. NANDA: The compilation is going on. Initially it is being done manually. We edit and check the figures three or four times. When the data is finally entered into NIC computer, we have a software programme to find out whether these figures are correctly added up or not. Whatever figures we will have compiled manually by September will also be in a way provisional figures till these are validated through the computer. If the Committee requires it, we can give these figures by September.

MR. CHAIRMAN : What you mean is that by September, you will be able to give us State-wise provisional figures in respect of SC/ST.

SHRIMATI CHANDRA PRABHA URS : Mr. Chairman, Sir, I would like to bring to your kind notice the latest population data that will be available to us through 1991 census. According to that, SC and ST population will increase in proportion. One of the reasons for the increase in number is that some of the communities have been included in the ST List recently by the order of the hon. President of India, For example, in Karnataka, the ST population is only two to three lakhs and now it has increased by nearly 30 to 40 lakhs, according to the gazette of India. That change also should be taken into account while doing population census as well as at the time of collecting the data of SC and ST people. They have not received the latest data population-wise. These should be made available to us with the additions or deletions, as the case may be.

I would like to seek one more clarification whether this is going to be

a condition for the delimitation only for the parliamentary segments or also for the assembly segments.

श्री राम विलास पासवान : सभापति जी, इन्होंने आपसे सवाल ही किया है कि हम लोगों ने जो डि-लिमिटेशन पार्लियामेंट के लिए किया है, वह असेम्बली के लिए भी है? असल में माननीया मੈम्बर जो सेलेक्ट कमेटी की मੈम्बर है, इस मामले में स्पष्ट नहीं है। आप इस संबंध में पूरी बात समझा दें।

MR. CHAIRMAN : The Bill does not restrict itself either to assembly or to parliamentary constituencies. This is a Constitution (Amendment) Bill. It is an enabling Bill. You still have a Delimitation Act to come thereafter. It enables in the Constitution for providing of rotation of Scheduled Castes constituencies and enabling clause does not mean that rotation will be there.

Thereafter, you have to pass a law. But firstly, how do you do it? The guidelines for delimitation and whether we are going to do rotation, all these things will come later.

SHRIMATI CHANDRA PRABHA URS : One constituency may be having the reservation now. But with the increase in the population of the SC/ST, in another area, then it may have to be rotated.

MR. CHAIRMAN : That is not decided by this Bill. The guidelines will not be decided by the Government; the guidelines will be done by the Delimitation Act, which will be passed later. This Constitution Amendment require firstly, to do the very act to enable the Parliament to have a Delimitation Act and enable the Parliament to take a decision whether to rotate or not to rotate. It is to authorise Parliament to have the Delimitation Act.

SHRIMATI CHANDRA PRABHA URS : Anyway, the basic information should be made available and we have to keep it ready.

MR. CHAIRMAN : The whole question is that for this 71st Amendment, whether at all this basic information is required or not? It is in dispute among various Members. I am not going into that. Some Members have sought to have that basic information. If it is available, it should be made available to them. And if it is not available, then we should try and make it available.

श्री राम विलास पासवान: एक सवाल उन्होंने किया था और मैं समझता हूँ कि बहुत ही महत्वपूर्ण सवाल था। उनकी जानकारी यह थी कि मान लीजिए भविष्य में जो 1991 का एस०सी०/एस०टी० का फिगर बनाएंगे लेकिन इस बीच में ऐसी जातियाँ जो एस०सी०/एस०टी० की नहीं हैं जिसको प्रेज़िडेंट अपने ऑर्डर से जोड़ देते हैं जैसे कुछ द्राइव्ज़ या नियो-बुद्धिस्त को जोड़ लिया उस तरह की जातियाँ हैं और उससे एस०सी०/एस०टी० के पॉपुलेशन में आप उसको कैसे जोड़ेंगे?

SHRI A.R. NANDA : Sir, the list with all the changes as was valid upto February 1991 (when census was taken) have been taken into consideration for enlisting the members of a particular community as Scheduled Castes or Scheduled Tribes. To that extent, the neo-buddhists...

SHRI RAM VILAS PASWAN : I am not talking about the neo-buddhists. You have no caste criteria. Suppose, bakkarbal in Jammu and Kashmir and some caste in Bihar, earlier that caste was not under Scheduled Castes or Scheduled Tribes List, but tomorrow, the Government may take a decision that this caste will be included in the Scheduled Castes or Scheduled Tribes List. So how do you propose to include that caste? And as you know, the population is always rising. So what is the criteria to include that caste in the census?

SHRI A.R. NANDA : I am not competent to say because the Ministry of Welfare will be doing this.

सभापति महोदय : पासवान साहब, ऐसी स्थिति है कि फरवरी 91 तक जो नोटिफाइड है उनको वह लोग एस०सी०/एस०टी० में देते हैं। उसके बाद उनके पास जनफर्मेंशन नहीं रहती है कि जो नॉन नोटिफाइड है उनकी क्या कास्ट है क्योंकि वह अदर कास्ट में आ जाते हैं। फर्में में तो हम कास्टवाइज़ कुछ नहीं करते।

You do not have caste-wise data or do you?

SHRI A.R. NANDA : No, Sir, we do not have caste-wise data, except for the Scheduled Caste at the time of Census.

श्री राम विलास पासवान : उस कास्ट को जो फैसिलिटी मिलेगी..।

सभापति महोदय : फैसिलिटी तो सर्टिफिकेट में मिलेगी। सेन्सस कैलकुलेशन से उसका कोई मतलब नहीं है।

May I thank the officers for the help they have rendered? We are obliged. We want that whatever data have been asked may please be made available to us soon. Whatever is ready you can send them immediately and whatever you have to collect, efforts may be made to have them also supplied to the Committee.

[The Witness then withdrew]

SHRI MUKUL BALKRISHNA WASNIK : These reserved constituencies and other general constituencies have undergone changes since the last delimitation was done. As a result what has happened is that in some cases only one fourth of a reserved constituency as per 1952 orders continues to be reserved whereas three fourths of it has become a part of the general constituency. There are some constituencies which are entirely reserved throughout this period. If data regarding this also are made available to us, we will be able to do justice to our job.

MR. CHAIRMAN : You can please give us a letter and we will forward it to the NIC.

PROF. (SMT.) SAVITHIRI LAKSHMANAN : We are anxiously awaiting the data they are going to give us by the end of September. But my doubts and suggestions are quite different from the expressions we had made here in this meeting. I think any MP who is elected from a reserved

constituency is supposed to work for the upliftment of the whole nation. Only because he belongs to a scheduled caste he may be having a special feeling for the upliftment of his community because he knows about them better than any other personality. I agree with that. But it is the primary duty of each people's representative to work for the upliftment of the depressed people without considering their caste or creed. Even then we allow a fixed percentage of seats to be exclusively represented by persons belonging to SC and ST. These representatives make the depressed class people confident about their upliftment. There are a number of people who know personally the grievances of the depressed people. We have to safeguard these people and that is the purpose of my expressing this important aspect here. To see its performance, we need only a fixed percentage of MPs and MLAs in Parliament and in legislative assemblies respectively. We should not stick to the point that those MPs and MLAs should come only from some constituencies. For the last two or three or four decades, certain constituencies are reserved for SCs and STs. What does it mean? May I know whether the depressed class from these constituencies only need special attention? What about the cases of depressed classes in other constituencies? My opinion is that without looking into the population of SCs and STs, we can rotate the reserved seats so that eminent SCs and STs from all over India get the chance to represent the people and work for the people especially the depressed class people. We cannot reserve a fixed percentage of seats in Lok Sabha or in Rajya Sabha or legislative assemblies, and so each State can act accordingly and the total number cannot be altered. It is foolish to think that a SC representative coming from a constituency where SC, ST people are less in number according to the population, cannot work for the uplift of the depressed class and if he is coming from a constituency where the reserved class people are in higher percentage, he can work for them.

Simultaneously, it is foolish to think that a higher caste MP or MLA is doing nothing to the depressed class people. So, the constituencies of the reserved caste can be rotated for each election. Our intention should be concentrated on the fixed number of reserved seats for them in Parliament or in Assemblies.

I have my views on delimitation of constituencies, according to population and I will put forth them.

I think we are getting different charts from the officers. In chart-1, according to the population of 1991, seats to different States are recorded. From that chart, I came to the conclusion that it is a total injustice done to the States of Jammu & Kashmir, Kerala, Orissa and Tamilnadu, which may lose their seats in Lok Sabha, totalling to eight, only because of the reasons that these States have strictly followed the instructions given by the Central Government to control the population, so as to save our country,

as far as possible. All the four States are losing their seats in Lok Sabha and that is why I am presenting it in such a way.

So, on the other hand, Madhya Pradesh, Maharashtra, Rajasthan, Uttar Pradesh and Bengal are getting eight Members to represent their States simply because of the reason that they neglected the call from the Centre to control the increase in population. Madhya Pradesh plus one, Maharashtra plus one, Rajasthan plus three, Uttar Pradesh plus two, Bengal plus one, thus coming to a total of eight. I have got that also from this chart. If our calculations are based upon the population, my suggestion is that the Government should delimit the boundaries of States also according to the population. I mean, please limit the total number of seats given to each State by 1971 census itself. And in order to maintain the uniform nature of the representation in number, delimit the boundaries of each State accordingly so that population control programme can be effectively implemented. If one State is strictly maintaining population control programme, it may get the chance to develop and vice versa. If one state is not interested in the goal of our nation, it may lose. If we are not ready to make balance like this, let the States which are not taking effective measures, suffer by over-population.

MR. CHAIRMAN: The Bill is very specific. It says that the allocation of seats in the House of the People to the States is readjusted on the 1971 census. And it only takes the 1991 census in so far as within the State, the territorial constituencies may be readjusted. In other words, what the Bill proposes is that the number per State does not change population.

PROF. (SMT.) SAVITHIRI LAKSHMANAN: Yes, Sir, that I knew very well but I was surprised to see this chart.

MR. CHAIRMAN: This chart was supplied because the Members asked for it. Suppose population is looked into, how much is the change? That is not proposed in the Bill. In that Goswami Committee, it was discussed. It was felt that it would not be exactly for the objective which you are trying to achieve. Therefore, it is better to allow the number of constituencies per State to be limited to 1971 census and only within the State, give incentive for population growth so that within the State the territorial boundaries of the constituencies will change on the 1991 census.

PROF. (SMT.) SAVITHIRI LAKSHMANAN: Mr. Vijaya Bhaskara Reddy also stated in Lok Sabha that we are only readjusting the constituencies—no delimitation regarding the constituencies. Yet when I got this chart, I was a little bit afraid. I have nothing more to add to this point.

MR. CHAIRMAN: I would like to draw the attention of the Members that while all the data are being collected, we know the time limit. Whatever is available, has been made available and whatever will continue to be available, I am sure, they will make available now having done the exercise of drawing as much as possible.

Even after the Committee is over I will try and see that the information comes to us even though the matter is over. But what is important is this Bill is a limited Bill. It only tries to achieve readjustment of allocation of seats on the basis of 1971 census and territorial area changes. I do not think any Member would have much objection on the first portion. Objection is on the latter. Now, we have taken a decision that we would receive the memoranda first. Now, eleven memoranda have come including from the Election Commission. We do not have time to go through these memoranda fully. But we will have to go through this data. I think before deciding whom we should call or whether we should call at all, let us go through these memoranda and we can have a meeting of a short duration to decide whom we should call. Then, we can go clause by clause, if you are all agreeable to this move.

SHRI SUDARSAN RAY CHAUDHURI: How about the recommendation about those which have concentration of Scheduled Castes?

MR. CHAIRMAN: It is provided under the Delimitation Act. That is where the basis of rotation will be provided. That does not mean that we cannot recommend it.

SHRI SUDARSAN RAY CHAUDHURY: Can we recommend it or not because we are asking this data for that only? we are asking for the data because of the fact that some of us or all of us are not ready to adopt the philosophy of indiscriminate rotation. Otherwise, why should we have so much data?

MR. CHAIRMAN: Clause 5 of the Bill reads like this:

"In article 327 of the Constitution, after the words "delimitation of constituencies", the words "including rotation of constituencies reserved for the Scheduled Castes" shall be inserted."

It is relevant that there is a historical background. I am saying it as a Member. The Goswami Committee realised that last time when delimitation took place, the largest population of Scheduled Tribes was the criteria. Maximum population was used as a criteria. But when it came to Scheduled Castes, there was little bit of indiscriminate depending on representative character. This is one thought. The second thought is that Scheduled Tribe was felt in a situation where the constituencies' population being the largest and it was also felt that to the extent development should have taken place has not taken place in most of the constituencies. That is what the Committee has felt regarding tribal constituencies. That is why, Scheduled Tribe was dropped.

SHRI MUKUL BALKRISHNA WASNIK: We have left those places where development has not taken place.

MR. CHAIRMAN: Yes. This is one of the reasons. They have given other reasons also in the Goswami Committee. We can discuss the terms of delimitation; there is no harm in discussing it because it would be of

some guidance to the framers of the Delimitation Act and it would tell them that this is the opinion of the Joint Select Committee and they can consider it.

श्री राम विलास पासवान: हम लोगों का कार्यक्षेत्र यह है कि जो सीट्स पार्लियामेंट की रिजर्व हैं, उनको रिजर्व रखा जाए या उनको डी-रिजर्व कर दिया जाए।

सभापति महोदय: अब बिल सलेक्ट कमेटी के सामने आता है, जो बिल कहता है कि 1971 के आधार पर स्टेटवाइज़ कितनी सीट्स होनी चाहिए, उतनी सीट्स तय कर दी जायें। लेकिन हर प्रदेश के अन्दर जो कांस्टीच्यूयेसी हैं, जो उनकी टैरिटी हैं, आम भाषा में उसको बार्डर कहते हैं, उसमें परिवर्तन किया जा सकता है। "मे-बी-रिएडजैस्टेड", "विल-बी-एडजैस्टेड" नहीं, 1991 की जनगणना के आधार पर। यह इसलिए कि कुछ कांस्टीच्यूयेसी पांच लाख की हैं और कुछ पचास लाख की हैं। दूसरा सवाल है, पार्लियामेंट चाहती है जो, सब्जेक्ट-टू-दैट—पहला वाला भी सब्जेक्ट-टू-दैट—कांस्टीच्यूयेसीज़ को आप रेटेट कर सकते हैं। इसका मतलब यह नहीं है कि रेटेशन कंपलसरी है, हर कांस्टीच्यूयेसी रेटेट होगी। इसमें बेसिकली यह है कि चेज होगा।

मैं एक बात और कहना चाहता हूँ, पहले दरवाजा खुला नहीं था, लेकिन अब दरवाजा खोलने की कोशिश की गई है। जो पैटीशन्स हैं, उन्हें आप देख लीजिए और पैटीशन्स के आधार पर यह तय करें कि ऐपीटैस की ज़रूरत है या नहीं। हमें संसद में लास्ट-डे-आफ-दि-विन्टर-सेशन-रिपोर्ट करना है। इसलिए 18-20 दिसम्बर तक हमें इस काम को खत्म कर देना चाहिए।

अगली मीटिंग हम अगस्त के पहले सप्ताह में करेंगे और तारीख की सूचना आपको दे दी जाएगी। आप सभी को धन्यवाद देते हुए, समिति की कार्यवाही समाप्त करता हूँ।

(समिति की कार्यवाही समाप्त हुई)

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