

**LOK SABHA**

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

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

**REPORT OF THE SELECT COMMITTEE**

*(Presented on 18 December, 1992)*



**LOK SABHA SECRETARIAT  
NEW DELHI**

*December, 1992/Agrahayana, 1914 (Saka)*

*Price: Rs. 6.00*

**CORRIGENDA TO THE REPORT OF THE SELECT  
COMMITTEE ON THE CONSTITUTION  
(SEVENTY FIRST AMENDMENT) BILL, 1990**

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## CONTENTS

		PAGE
1. COMPOSITION OF THE SELECT COMMITTEE .....		(iii)
2. REPORT OF THE SELECT COMMITTEE .....		1
3. MINUTE OF DISSENT .....		4
4. BILL AS REPORTED BY THE SELECT COMMITTEE .....		5
APPENDIX I: Motion in Lok Sabha for reference of the Bill to the Select Committee.....		6
APPENDIX II: List of Association/Organisations, Individuals etc. from whom Memoranda were received by the Select Committee .....		7
APPENDIX III: List of witnesses who tendered oral evidence before the Select Committee .....		9
APPENDIX IV: Minutes of the sittings of the Select Committee .....		10

**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*

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

1. the Chairman of the Select Committee to which the Bill\* further to amend the Constitution of India viz., the Constitution (Seventy-First Amendment) Bill, 1990 (Amendment of articles 81, 82, 170 and 327), as passed by the Rajya Sabha, was referred, having been authorised to submit the Report on their behalf, present this Report.

2. The motion for reference of the Bill to a Select Committee was moved in Lok Sabha by Shri K. Vijaya Bhaskara Reddy, the then Minister of law, Justice and Company Affairs, on 7 May, 1992 and was adopted (*Appendix I*).

3. The Committee held 8 sittings in all.

4. The first sitting of the Committee was held on 26 May, 1992 to consider their future programme of work. At this sitting, the Committee decided that a press Communique inviting memoranda on the provisions of the Bill from public bodies, bar councils, bar associations, organisations, associations and individuals etc. by 20 June, 1992, might be issued. The Committee also decided that circular letter to all the State Government /Union Territory Administrations and other experts inviting their comments/suggestions on the Bill might also be sent.

5. Accordingly, a press communique inviting memoranda and requests for oral evidence before the Committee was issued on 29 May, 1992. The Director-General, All India Radio and Director-General, Doordarshan, New Delhi were also requested to broadcast the contents of the press communique from all stations of All India Radio/telecast it from all Doordarshan Kendras on three successive days in English and Hindi and in other regional languages.

6. As per decision taken by the Committee, a circular letter inviting memoranda containing suggestions/comments on the provisions of the Bill was also issued to the Chief Secretaries of all the State Governments/ Union Territory Administrations and individuals whose names were furnished by the Ministry of Law, Justice and Company Affairs.

7. 24 Memoranda containing comments/suggestions on the provisions of the Bill were received by the Committee from various Associations/Organisations etc. (*Appendix II*).

8. At their sitting held on 23 June and 14 July, 1992, the Committee took oral evidence of Shri S. L. Shakhder, former Chief Election Commissioner of India, and the representative of the Election Commission of India, the Registrar-General and census Commissioner of India and the Director General of the National Informatics Centre. (*Appendix III*).

9. The Report of the Committee was to be presented to the House by the last day of the first week in Monsoon Session, 1992. The Committee were granted an extension of time upto the last day of the Winter Session, 1992. Necessary Motion to this effect was adopted in Lok Sabha on 9 July, 1992.

10. The Committee held clause-by-clause consideration of the Bill at their sittings held on 8 and 19 October and 11 November, 1992.

11. At their sitting held on 19 November, 1992, the Committee decided that (i) the evidence tendered before the Committee might be laid on the Table of the House; and

(ii) two copies each of Memoranda received by the Committee might be placed in the Parliament Library, after the report had been presented, for reference by the Members of Parliament.

12. The Committee considered and adopted the Report at their sitting held on 19 November, 1992.

13. The observations of the Committee with regard to the various provisions of the Bill are detailed in the successive paragraphs.

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\* The Bill was published in the Gazette of India: Extraordinary, Part II, Section 2, dated 30 May, 1990.

**Clauses 2, 3 & 4—**

14. The Committee considered the matters relating to (i) Composition of the House of the People; (ii) Readjustment of constituencies after each Census; (iii) Composition of the legislative Assemblies; and (iv) Power of Parliament to make provisions with respect to legislatures.

15. The Committee note that the population of the country has increased enormously after the 1971 Census. As per the 1981 Census population figures, the average population in each Parliamentary Constituency in major States is about 12 lacs as against 8.9 lacs on the basis of 1961 Census figures and 10.5 lacs as per 1971 Census figures. The average is estimated to be around 14 lacs after the decennial Census of 1991 which means roughly a hundred per cent increase of average over the 1951 Census figures per constituency. The growth of population has not been uniform in all areas and, therefore, the size of electorate differs widely from constituency to constituency.

16. The Committee further note the following problems pointed out by the Election Commission:—

- (a) Existence of certain villages geographically found as enclaves have been included in certain Assembly constituencies due to inadvertence at the time of last delimitation.
- (b) Exclusion or inclusion of certain areas without any rationale in or from certain Assembly constituencies causing hardship to the local people.
- (c) the total number of electors overtaking in many cases the total population on the basis of which constituencies were carved out thus disturbing the earlier correlation between population and electors in a constituency or in a State.
- (d) Large scale migration of population from one area to another on various grounds especially in the metropolitan and industrial belts creating disparity in the number of electors among the various constituencies.
- (e) Certain Scheduled Tribes notified as such in earlier census not found at subsequent census in the same area but still the necessity of allocating seats as per their figures in the earlier census.
- (f) Many of the seats reserved for Scheduled Castes in particular have been continuing as such for the last 15 to 20 years causing feeling of frustration not only among the general public in that constituency but also the Scheduled Castes of other constituencies whose claim for reservation has not been met.

17. The Constitution also 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.

The Committee after examination of all these issues are of the opinion that there is a great need for fresh delimitation of constituencies on the basis of 1991 census. They also feel that the avowed object of the existing constitutional embargo could be fully achieved if the embargo is put only on the total number of Lok Sabha seats allocated to each State and the total number of seats in various State Legislative Assemblies and readjustment of territorial extent of Parliamentary and Assembly constituencies having regard to the fixed number of the seats be allowed and as such delimitation of constituencies may be done on priority basis.

18. The Committee, therefore, feel that Clauses 2, 3 and 4 need not be amended.

**Clause 5—**

19. Closely related to the delimitation of constituencies is the important question of rotation of seats reserved for the Scheduled Castes. The Committee on Electoral Reforms appointed by the Government have also recommended that seats reserved for the Scheduled Castes may also be rotated on the basis of their population in the constituencies. The Committee are of the view that even under the existing provisions of the Constitution, Parliament has legislative competence to make law for allocation of reserved seats among the various constituencies within a State/Union Territory and as such there is no need to insert specifically such provisions in the Constitution Amendment Bill.

20. The Ministry of Law, Justice and Company Affairs who were asked to tender their opinion in writing, in a written note, however, communicated as follows:—

"Constitutional provisions requiring reservation of seats in favour of Scheduled Castes/Scheduled

Tribes in the House of the People and the Legislative Assembly of every State are contained in articles 330 and 332. The number of seats to be reserved in any State or Union Territory is determined in accordance with the norms laid down in clause (2) of article 330 and clause (3) of article 332. The Constitution does not contain any explicit provision regulating the allocation of reserved seats among the Parliamentary and assembly constituencies within a State. However, by virtue of the provisions of articles 330 and 332 read with article 246(1) and Entry 72 of List—I Union List of the Seventh Schedule to the Constitution, Parliament has legislative competence to make law for allocation of reserved seats among the various constituencies within a State/Union Territory.

Section 9 of the Delimitation Act, 1972, *inter alia*, provides that constituencies in which seats are reserved for Scheduled Castes shall be distributed and located, as far as practicable, in areas where the proportion of their population to the total population is comparatively large. Similarly, the constituencies in which the seats are to be reserved for Scheduled Tribes shall be located, as far as practicable, in areas where the proportion of their population to the total population is the largest.

It would thus be seen that, as at present, the allocation of reserved seats is made on the basis of larger or largest population as the case may be, under the Parliamentary law. However, in view of the provisions of article 330(1) and 332(1) read with article 246(1) and Entry 72 of the Union List, Parliament would have power to provide for allocation of reserved seats by way of rotation.

However, since there is no explicit constitutional provision enabling Parliament to provide for reservation of seats by way of rotation, schemes of articles 330 and 332 envisage rotation of reserved seats, and also having regard to the provisions in the Constitution (Seventy-second Amendment) Bill, and the Constitution (Seventy-third Amendment) Bill relating to rotation of reserved seats/Chairpersons in Panchayats and Municipalities, it would be advisable to retain clause (5) of the Bill and nothing should be left to any doubt."

21. The Committee, as mentioned in Paragraph 19 above, are of the view that Clause 5 should be omitted since the opinion of the Ministry of Law is that even without amendment of Article 327, Parliament has powers to enact a law to provide for allocation of seats reserved for Scheduled Castes by way of rotation, under the existing provisions of the Constitution. However, the Law Ministry have also mentioned that since there is no explicit constitutional provision enabling Parliament to provide for reservation of seats by way of rotation, it would be advisable to retain Clause 5 of the Bill and nothing should be left to any doubt. The Committee, therefore, leave it to the wisdom of Parliament to decide whether Article 327 needs to be amended as per Clause 5 of the Bill.

Subject to the above observations, the Committee have decided that Clause 5 be omitted.

#### Clause 1 and Enacting Formula

22. Clause 1 and Enacting Formula have been adopted without any amendment.

23. The Select Committee recommend that the Bill as approved by the Committee be passed.

NEW DELHI;  
19 November, 1992

P.R. KUMARAMANGALAM  
Chairman,  
Select Committee

28 Kartika, 1914 (Saka)

## MINUTE OF DISSENT

1. The Select Committee report states the following:  
"18. The Committee, therefore, feel that Clauses 2, 3 and 4 need not be amended." and  
"21.....Subject to the above observations the Committee have decided that Clause 5 be omitted."

2. It is my considered view that the Select Committee has lost a valuable opportunity to examine in depth and clarify the principles of composition of Lok Sabha and the State Legislatures, of delimitation of constituencies and of reservation in favour of SCs & STs and place them on a sound constitutional and legal foundation.

3. It goes without saying that the strength of the Lok Sabha itself has no logical rationale and that growing population makes a mockery of the principle of democratic representation. It is also admitted that there is a wide variation in the population/electorate among the Lok Sabha constituencies from one part of the country to another and some times within the same part. This disparity has risen primarily because of the conceptually questionable practice of relating the Lok Sabha constituencies to States/Union Territories & its natural consequences. This is also partly due to inadequate directive in the Constitution on the principle of delimitation so as to ensure equality among the people in respect of representation in the legislatures. One may argue that these questions are outside the scope of the Bill before the Committee. But these questions which are inter-related and provide the framework within which the scheme of representation, reservation and rotation must function, cannot be brushed aside.

4. It is my view that the total number of seats in the Lok Sabha should be revised every 20 years keeping in view the principle of effective representation, and the constituencies should be delimited on the basis of the latest census; that the total number of seats to be reserved in favour of the SC or ST should also be decided every 10 years on the basis of the latest census and that the constituencies selected for reservation should be decided on the basis of the principle of equity and fairness so as to ensure, as far as possible, that the largest possible segment of ST/SC population enjoys the benefit of reserved constituencies. One such principle could be that all constituencies in which the percentage of Scheduled Caste or Scheduled Tribe population exceeds the average national percentage must be reserved in order of concentration and, for the balance, if necessary, the constituencies in which the percentage of Scheduled Caste or Scheduled Tribe population falls short of the national average by 1/3 should be rotated in alphabetical order. I admit that there could be other formulations, but the objective must be the same as stated above.

5. Secondly, I generally endorse the view of the Ministry of Law & Justice that clause 5 should be retained so that nothing is left to doubt. However, I dare say that the language of clause 5 is susceptible of improvement. For example, it is imprecise to speak in terms of "rotation of constituencies reserved for the SC"; it would be more precise to speak of "rotation of reservation among the constituencies with a high concentration of the Scheduled Caste".

6. It would also be fair and equitable to exclude such constituencies from the scheme of rotational reservation which have a high concentration of a religious minority. In the existing circumstances, generally speaking, a member of a religious minority (which does not enjoy either reservation or separate electorate) has a reasonable choice to win only from such a constituency which has a demographic concentration of, say, above 25 per cent. The fact remains that the largest minority in the country has been consistently under-represented in the Lok Sabha and in most state assemblies.

I would request that this Minute of Dissent may kindly be placed on record and included in the report of the Committee.

NEW DELHI

26 November, 1992.

SYED SHAHABUDDIN



THE CONSTITUTION (SEVENTY-FIRST AMENDMENT) BILL, 1990

(AS REPORTED BY THE SELECT COMMITTEE)

[Asterisks indicate Omission]

A

BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Seventieth Amendment) Act, 1992.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 81 of the Constitution, in the Proviso to clause (3), for the words and figures “be construed as a reference to the 1971 census”, the following shall be substituted, namely:—

Amendment of article 81.

“be construed,—

(i) for the purposes of sub-clause (a) of clause (2) and the proviso to that clause, as a reference to the 1971 census; and

(ii) for the purposes of sub-clause (b) of clause (2), as a reference to the 1991 census”.

3. In article 82 of the Constitution, in the third proviso, for the words “readjust the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies under this article”, the following shall be substituted, namely:—

Amendment of article 82.

“readjust—

(i) the allocation of seats in the House of the People to the States as readjusted on the basis of the 1971 census; and

(ii) the division of each State into territorial constituencies as may be readjusted on the basis of the 1991 census, under this article”.

4. In article 170 of the Constitution,—

Amendment of article 170.

(a) in clause (2), the proviso to the *Explanation* shall be omitted;

(b) in the third proviso to clause (3), for the words “readjust the total number of seats in the Legislative Assembly of each State and the division of such State into territorial constituencies under this clause”, the following shall be substituted, namely:—

“readjust—

(i) the total number of seats in the Legislative Assembly of each State as readjusted on the basis of the 1971 census; and

(ii) the division of such State into territorial constituencies as may be readjusted on the basis of the 1991 census, under this article”.

\* \* \* \* \*

**APPENDIX I**

[ *Vide* para 2 of the Report]

**MOTION IN LOK SABHA FOR REFERENCE OF THE BILL TO THE SELECT COMMITTEE**

“That the Bill further to amend the Constitution of India viz., the Constitution (Seventy-First Amendment) Bill, 1990 (Amendment of articles 81, 82, 170 and 327)—as passed by Rajya Sabha be referred to a Select Committee consisting of 20 members, namely:—

- (1) Shri Raghunandan Lal Bhatia
- (2) Shri Buta Singh
- (3) Shri Chandubhai Deshmukh
- (4) Shri Jaswant Singh
- (5) Shri P.R. Kumaramangalam
- (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; and
- (20) Shri Mukul Balkrishna Wasnik

With instructions to report by the last day of the first week of the Monsoon Session, 1992.”

## APPENDIX II

[ *Vide* para 7 of the Report]

### LIST OF ASSOCIATIONS/ORGANISATIONS, INDIVIDUALS ETC. FROM WHOM MEMORANDA WERE RECEIVED BY THE SELECT COMMITTEE

1. The Election Commission of India,  
Nirvachan Sadan,  
Ashok Road,  
New Delhi-110001.
2. Shri K. Ganesan,  
Former Secretary,  
Election Commission of India,  
29 (Tower III), Supreme Enclave,  
Group Housing Cooperative Society,  
Mayur Vihar, Phase-I  
Delhi-110091.
3. Shri Maniram Yadav,  
Social Worker,  
Nehru Chowk, Baradwar,  
P.O. Baradwar,  
Distt. Bilaspur (M.P.).
4. Shri A. Marriappan,  
12, Bharathi Street,  
Vilathikulam-627907,  
V.O.C. Distt.
5. Shri Haridwar Singh,  
Social Worker,  
Village: Bamhaur Pandey,  
P.O. Bamhaur Khas,  
Via Mohania, Distt. Rohtas,  
(Bihar).
6. Shri Haridwar Singh,  
Social Worker,  
Village: Bamhaur Pandey,  
P.O. Bamhaur Khas,  
Via Mohania, Distt. Bhabua,  
(Bihar).
7. Shri Lakhyajit Bharal,  
Dhemaji Bidhan Sabha Samasti,  
Sangrakshan Mukti Dabi Samiti,  
Dhemaji-787057,  
(Assam).
8. Shri Deepnarayan Gupta,  
General Secretary,  
Distt. Congress Committee,  
Purnia (Bihar).

9. *Shri Kailash Parmar,*  
Budhwara Ashta,  
Distt. Sehore-466116,  
(Madhya Pradesh).
10. Smt. Sarojini Muthanna, Advocate,  
No. 9, Kalengada, Tilaknagar, Main Road,  
30th Cross, Jayanagar,  
Bangalore-560041.
11. Shri Ajay Kumar,  
Village: Sandalpur,  
Teh. Khategaon,  
Distt. Devas (M.P.).
12. The Secretary (Administration),  
Administration of the U.T. of  
Lakshwadeep (General Section),  
Kaurati.
13. The Government of Pondicherry,  
Law and Labour Department,  
Pondicherry.
14. The Government of Arunachal Pradesh,  
Department of Parliamentary Affairs,  
Itanagar.
15. The Government of Meghalaya,  
Law Department,  
Shillong.
16. The Government of Kerala,  
Law Department,  
Trivandrum.
17. The Government of Sikkim,  
Gangtok.
18. The Administration of Dadra and Nagar Haveli,  
Silvassa.
19. The Union Territory of Daman & Diu,  
Administrator's Secretariat,  
Moti Daman-396220.
20. The Government of Gujarat,  
Gandhinagar.
21. The Government of Orissa,  
Bhubaneswar.
22. The Government of Mizoram,  
Aizawl.
23. The Government of Nagaland,  
Kohima.
24. The Bar Council of West Bengal,  
2 & 3, Kiransankar Roy Road,  
Calcutta-700001.

**APPENDIX III**

**[ Vide para 8 of the Report]**

**LIST OF WITNESSES WHO TENDERED ORAL EVIDENCE BEFORE THE SELECT COMMITTEE**

1. Shri S.L. Shakdher,  
Former Chief Election Commissioner of India,  
2. Palam Marg, Vasant Vihar,  
New Delhi.
2. Shri K.P.G. Kutty,  
Secretary,  
Election Commission of India,  
New Delhi.
3. Shri A.R. Nanda,  
Registrar-General and  
Census Commissioner of India,  
Ministry of Home Affairs,  
New Delhi.
4. Dr. N. Seshagiri,  
Director-General,  
National Informatics Centre,  
Planning Commission,  
New Delhi.

## APPENDIX IV

### MINUTES OF THE SITTINGS OF THE SELECT COMMITTEE ON THE CONSTITUTION (SEVENTY-FIRST AMENDMENT) BILL, 1990

#### I

#### First Sitting

26.5.1992

The Committee met on Tuesday, 26 May, 1992 from 1200 hours to 1300 hours.

#### PRESENT

Shri P.R. Kumaramangalam — *Chairman*

#### MEMBERS

2. Shri Raghunandan Lal Bhatia
3. Shri Jaswant Singh
4. Shri Arvind Netam
5. Shri K. Pradhani
6. Dr. Lal Bahadur Rawal
7. Shri Sudarsan Ray Chaudhuri
8. Shri Vishwa Nath Shastri
9. Shri Sukh Ram
10. Shri Syed Shahabuddin
11. Shri Mukul Balkrishna Wasnik

#### SECRETARIAT

1. Shri G.L. Bartra — *Additional Secretary*
2. Shri R.K. Chatterjee — *Deputy Secretary*

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

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

2. At the outset, the Chairman welcomed the members of the Select Committee and referred to the background and importance of the proposed legislative measures and task before the Committee. He stressed the need to chalk out a programme for future sittings and functioning of the Committee.

3. After a brief discussion, the Committee decided to issue a Press Communique (Annexure) inviting memoranda containing comments/suggestions on the provisions of the Bill from Public bodies, Organisations, Associations, Individuals etc., by 20 June, 1992. The members desired that the contents of the Press Communique be given wide publicity through Press/Television/A.I.R.

4. The Committee also decided that a circular letter might be addressed to all the State Governments/Union Territory Administrations/Bar Councils/other social organisations and experts inviting their comments/suggestions on the Bill.

5. The Committee desired that a detailed questionnaire on the subject might be prepared by the Ministry of Law, Justice and Company Affairs which could be forwarded to these Organisations, Bodies, Individuals, etc. to enable them to submit their memoranda to the Committee.

6. In this connection, the Ministry of Law, Justice and Company Affairs were requested to prepare a list of Organisations/Associations and experts whose views might be elicited. Thereafter the Committee would decide whether oral evidence is required to be taken from these organisations/association/experts etc.

7. The Committee decided to hold their next sitting at 1100 hours on Tuesday, 23, June, 1992.

*The Committee then adjourned.*

*ANNEXURE*

**SELECT COMMITTEE ON THE CONSTITUTION (SEVENTY-FIRST AMENDMENT) BILL, 1990 (AMENDMENT OF ARTICLES 81, 82, 170 AND 327)—AS PASSED BY RAJYA SABHA**

*PRESS COMMUNIQUE*

The Constitution (Seventy-First Amendment) Bill, 1990, as passed by the Rajya Sabha has been referred to its Select Committee by the Lok Sabha. At its first meeting held on 26 May, 1992 under the Chairmanship of Shri P.R. Kumaramangalam, Minister of State for Law, Justice & Company Affairs and Parliamentary Affairs, the Committee decided to invite memoranda on the Bill from public bodies, organisations, associations, individuals, etc.

2. The Bill seeks to amend articles 81, 82 and 170 of the Constitution so as to provide for fresh delimitation of constituencies on the basis of 1991 census without affecting the existing allocation of seats in the House of People to the States and a total number of seats in the Legislative Assembly of each State. The Bill further seeks to amend article 327 of the Constitution so as to enable the Parliament to make provision for rotation of constituencies reserved for Scheduled Castes.

3. Those desirous of submitting Memoranda to the Committee should send 40 copies thereof to the Secretary-General, Lok Sabha, Sansad Bhavan, New Delhi, so as to reach him on or before 20 June, 1992. The Memoranda, which might be submitted to the Committee, would form part of the records of the Committee and would be treated as strictly confidential and would not be circulated by anyone as such an act would constitute a breach of privilege of the Committee.

4. Those desirous of giving oral evidence may submit their request for the consideration of the Committee to the Lok Sabha Secretariat.

**NEW DELHI**

**29 May, 1992**



## II

### Second Sitting 23-6-1992

The Committee met on Tuesday, 23 June, 1992 from 1100 hours to 1300 hours.

#### 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*

#### 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*

#### WITNESS

Shri S.L. Shakhder, Former Chief Election Commissioner of India.

2. At the outset, the Chairman apprised the Committee about the progress of the work of the Committee. He informed the Committee that initially the various State Governments/Bar Councils of India/Organisations/Associations etc. were requested to submit their Memoranda to the Committee latest by 20 June, 1992. But so far the Committee have received only one Memorandum from the Election Commission of India. The Chairman also informed the Committee that extension of time will have to be given to the concerned organisations so as to enable them to submit their memoranda to the Committee.

3. When some Members pointed out that the latest population figures on the basis of 1991 Census alongwith the latest data regarding SC/ST population constituency-wise be made available to them so that the question of reservation of seats for SCs/STs could be deliberated in the Committee, the Chairman promised to look into the matter and to furnish to the Members whatever material was available.

4. The Committee then considered the question of seeking extension of time for presentation of the Report to the House which was due to expire on the last day of the first week of the Monsoon Session, 1992. The Committee deliberated on the matter and felt that since they have yet to receive the data and Memoranda before they take evidence of experts, clause-by-clause consideration and complete other stages of the Bill, it would not be possible for them to present their Report to the House by the stipulated date *i.e.* the last day of the first week of Monsoon Session, 1992.

5. The Committee, therefore, decided to seek extension of time for presentation of Report to the House upto the last day of Winter Session, 1992.

6. Thereafter, the Committee took oral evidence of Shri S.L. Shaktiher, Former Chief Election Commissioner of India, on the provisions of the Bill.

7. A verbatim record of the evidence was kept.

*The Committee then adjourned.*

### III

#### Third Sitting

14-7-1992

The Committee met from 15.00 hours to 16.30 hours on Tuesday, the 14 July, 1992.

#### 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. Rajendrakumar
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 THE 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*

2. At the outset, the Chairman welcomed the Members of the Committee and stated that during the last sitting of the Committee some members had suggested to collect certain data and other relevant material from the Election Commission of India, Registrar General of India and the National Informatics Centre. The Chairman informed that the relevant material was called for from the concerned organisations and has already been circulated to the members.

3. Thereafter evidence of the following was taken:—

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

4. A verbatim record of the evidence was kept.

5. During the course of evidence certain slides pertaining to the availability of census data were shown to the members by the representatives of Registrar-General & Census Commissioner of India.

6. Some members desired during evidence that the state-wise latest population figures on the basis of 1981 and 1991 census alongwith the latest data regarding SC/ST population constituency-wise be made available to them.

The Registrar-General and Census Commissioner of India informed the Committee that the data on the SC/ST based on 1981 Census was available with them and it was prepared at the ward level, village level and district level. They had also information at the state level. This data was available in the form of District Centres

Handbooks for each district, in two volumes. These were State Government publications. Besides this data was also available for each village on the NIC Network. A compilation of total population and SC/ST population for each Tehsil (rural area only) in respect of 22 States, has been circulated to the Members of the Committee present at the meeting.

7. Asked about the times by which the data in regard to SC/ST population, state-wise, and its percentage to the total population in each state based on 1991 Census would be available, the Registrar-General and Census Commissioner of India informed the Committee that these figures were being compiled and the provisional data would be available by September, 1992.

*The witnesses then withdrew.*

8. The Chairman informed the Committee that 11 memoranda had been received from various individuals/organisations including the Election Commission; and these had been circulated to the Members. He requested the Members to go through them and thereafter a meeting of the Committee could be called to decide whether any of them should be called for oral evidence. It was decided to hold the next sitting of the Committee for this purpose in the first week of August, 1992.

*The Committee then adjourned.*

**IV**  
**Fourth Sitting**  
**17-8-1992**

The Committee met on Monday, the 17 August, 1992 from 15.10 hours to 16.00 hours.

**PRESENT**

Shri P.R. Kumaramangalam — *Chairman*

**MEMBERS**

2. Shri Jaswant Singh
3. Shri Ram Vilas Paswan
4. Shri K. Pradhani
5. Shri S.S.R. Rajendrakumar
6. Shri M. Baga Reddy
7. Shri Chandra Prabha Urs

**SECRETARIAT**

1. Shri R.K. Chatterjee — *Deputy Secretary*
2. Shri D.L. Kapur — *Under Secretary*

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

1. Shri A.C.C. Unni — *Additional Secretary*
2. Shri B.L. Mathuria — *Consultant*
3. Dr. D.B. Singh — *Under Secretary*

2. At the outset, the Chairman apprised the Committee that in response to Press Communique and letters issued by the Lok Sabha Secretariat to the Chief Secretaries of State Governments, Union Territory Administrations and Representatives of various Scheduled Castes and Scheduled Tribes Organisations etc. inviting their comments and suggestions on the provisions of the Bill, 23 Memoranda were received by the Secretariat. The Memoranda had already been circulated to the Members. The Committee also took oral evidence of some experts at their sittings held on 23 June and 14 July, 1992. The Chairman further informed that the comments furnished by the Ministry of Law, Justice and Company Affairs on the Memoranda had also been circulated to the Members.

3. The Committee after some deliberations felt that there was no need to take further oral evidence on the provisions of the Bill.

4. The Committee then discussed the matter relating to fresh delimitation of Parliamentary and Assembly Constituencies in the light of 1991 Census. The Chairman sought suggestions/comments from the Members on the various provisions of the Bill. As regards allocation of seats in the House of People to the States and total number of seats in the Legislative Assembly and their readjustment on the basis of 1991 census, some members observed that due to inclusion of certain castes in the existing list of Scheduled Castes and Scheduled Tribes, their number had substantially increased. They pointed out that though there was a Constitutional embargo to increase the number of seats till 2000 A.D., yet the Committee could reflect this point in one of their observations to be made in the Report of Select Committee.

5. The Committee arrived at a consensus that there should be rotation of seats for Scheduled Caste so that the political aspirations of those people living in areas or zones which had next higher concentration of Scheduled Caste could be fulfilled.

6. Thereafter, the Chairman announced that Members of the Committee desirous of giving notices of amendments to various Clauses of the Bill, might do so and send these notices to the Lok Sabha Secretariat latest by 8 September, 1992.

7. The Committee further decided to hold their next sitting at 15.30 hours on Monday, 14 September, 1992 for taking up Clause-by-Clause consideration of the Bill.

*The Committee then adjourned.*

V  
Fifth Sitting  
8-10-1992

The Committee met on Thursday, 8 October, 1992 from 15.00 hours to 16.30 hours.

PRESENT

Shri P.R. Kumaramangalam— *Chairman*

MEMBERS

2. Shri Chandubhai Deshmukh
3. Prof. (Smt.) Savithiri Lakshmanan
4. Shri Suraj Mandal
5. Shri S.S.R. Rajendrakumar
6. Dr. Lal Bahadur Rawal
7. Shri Sudarsan Ray Chaudhuri
8. Shri Vishwa Nath Shastri
9. Smt. Chandra Prabha Urs
10. Shri Mukul Balkrishna Wasnik

SECRETARIAT

1. Shri S.C. Gupta — *Joint Secretary*
2. Shri R.K. Chatterjee — *Deputy Secretary*
3. Shri D.L. Kapur — *Under Secretary*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

1. Shri A.C.C. Unni — *Additional Secretary*
2. Shri B.S. Saluja — *Joint Secretary*
3. Shri P.L. Sakarwal — *Joint Secretary*
4. Shri B.L. Mathuria — *Consultant*

2. The Committee took up clause-by-clause consideration of the Bill.

3. Clauses 2, 3 & 4 were adopted without any amendments.

4. Clause 5 :—The Committee noted that there had been a demand for rotation of reserved seats so that the same constituency did not remain so reserved for long period. The Committee further noted that there was no constitutional bar regarding rotation of constituencies reserved for the Scheduled Castes and as such the Committee felt that there was no need to insert specifically such provisions in the Constitution Amendment Bill. Some members expressed the view that after every delimitation, the system of changing the constituency should be followed on the basis of population.

It was clarified by the representatives of the Ministry of Law, Justice and Company Affairs that on the basis of recommendation made by the Committee on electoral reforms they had included the provisions regarding rotation of seats in the proposed Bill. On this some Members of the Committee felt that they might to given some more time to discuss the matter among themselves. Chairman stated that the matter could be discussed further in detail during the next sitting of the Committee to be held on Monday, 19 October, 1992 at 1000 hours.

*The Committee then adjourned.*

**VI**  
**Sixth Sitting**  
**19-10-1992**

The Committee met on Monday, 19 October, 1992 from 10.00 hours to 11.30 hours.

**PRESENT**

Shri P.R. Kumaramangalam — *Chairman*

**MEMBERS**

2. Shri Buta Singh
3. Shri Jaswant Singh
4. Shri Ram Vilas Paswan
5. Shri K. Pradhani
6. Shri S.S.R. Rajendrakumar
7. Dr. Lal Bahadur Rawal
8. Shri Sudarsan Ray Chaudhuri
9. Shri M. Baga Reddy
10. Shri Mukul Balkrishna Wasnik

**SECRETARIAT**

1. Shri S.C. Gupta — *Joint Secretary*
2. Shri D.L. Kapur — *Under Secretary*

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

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

2. At the outset, the Chairman welcomed the members and apprised them of the progress made in regard to clause-by-clause consideration of the Bill.

3. The Chairman elicited the views of the members on the amendment moved in regard to Clause 5 of the Bill. After a brief deliberation on the suggestions made by the members in regard to Clause 5, the Committee felt that there was no need to insert specifically such provisions in the Constitution Amendment Bill as there had been no Constitutional bar regarding rotation of Constituencies reserved for Scheduled Castes. However, it was agreed that the Ministry of Law, Justice and Company Affairs would tender their opinion in writing which would be included in the Report.

4. The Committee decided to finalise their report on receipt of the written opinion of the Ministry of Law, Justice and Company Affairs on the matter.

5. The Committee agreed to accept the Enacting Formula and Clause 1 of the Bill with suitable amendments of a formal nature.

6. The Committee decided to meet again on 9 November, 1992\* for adoption of the draft Report.

*The Committee then adjourned.*

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\* Met on 11 November, 1992.



VII  
Seventh Sitting  
11-11-1992

The Committee met on Wednesday, 11 November, 1992 from 15.40 to 16.15 hours.

PRESENT

Shri P.R. Kumaramangalam— *Chairman*

MEMBERS

2. Shri Buta Singh
3. Shri Jaswant Singh
4. Shri K. Pradhani
5. Shri S.S.R. Rajendrakumar
6. Shri Vishwa Nath Shastri
7. Shri Mukul Balkrishna Wasnik

SECRETARIAT

1. Shri G.L. Batra — *Additional Secretary*
2. Shri R.K. Chatterjee — *Deputy Secretary*
3. Shri Ram Kumar — *Under Secretary*

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

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

2. The Committee considered the written opinion (*Annexure*) tendered by the Ministry of Law, Justice and Company Affairs (Department of Legal Affairs) on Clause 5 of the Constitution (Seventy-First Amendment) Bill, 1990. The Committee recalled the deliberations on Clause 5 which took place in the earlier meetings when the Committee were of the view that it was not necessary to include Clause 5 in the Bill as even under the existing provisions of the Constitution, Parliament has legislative competence to make law for allocation of reserved seats among the various constituencies within a State/Union Territory. However, in the written opinion now tendered by the Ministry of Law, Justice and Company Affairs, it has been stated that "since there is no explicit constitutional provision enabling Parliament to provide for reservation of seats by way of rotation, schemes of articles 330 and 332 envisage rotation of reserved seats, and also having regard to the provisions in the Constitution (Seventy Second Amendment) Bill, and the Constitution (Seventy-third Amendment) Bill relating to rotation of reserved seats/Chairpersons in Panchayats and Municipalities, it would be advisable to retain Clause 5 of the Bill and nothing should be left to any doubt."

In view of the opinion of the Ministry of Law, the Committee felt that it should be left to the wisdom of Parliament to decide whether Article 327 need to be amended as per Clause 5 of the Bill.

Subject to the above observations, the Committee decided that Clause 5 be omitted.

*The Committee then adjourned.*

**ANNEXURE**  
[Vide para 2 of Minutes]  
**GOVERNMENT OF INDIA**  
**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**  
**LEGISLATIVE DEPARTMENT**

**SUBJECT:—** Select Committee on the Constitution (Seventy-first Amendment) Bill, 1990.

The Select Committee of Lok Sabha on the Constitution (Seventy-first Amendment) Bill, 1990 in its meeting held on the 19th October, 1992 had sought the opinion of the Ministry of Law, Justice and Company Affairs on the question whether under the provisions of Article 327, the Parliament could enact laws providing for rotation of seats reserved for the Scheduled Castes.

2. The matter was referred to the Department of Legal Affairs of this Ministry and the opinion given by that Department and approved by the Minister of State for Law, Justice and Company Affairs on the issue is as follows:—

“Constitutional provisions requiring reservation of seats in favour of Scheduled Castes/Scheduled Tribes in the House of the People and the Legislative Assembly of every State are contained in articles 330 and 332. The number of seats to be reserved in any State or Union Territory is determined in accordance with the norms laid down in clause (2) of article 330 and clause (3) of article 332. The Constitution does not contain any explicit provision regulating the allocation of reserved seats among the Parliamentary and assembly constituencies within a State. However, by virtue of the provisions of articles 330 and 332 read with article 246(1) and Entry 72 of List—I Union List of the Seventh Schedule to the Constitution, Parliament has legislative competence to make law for allocation of reserved seats among the various constituencies within a State/Union Territory.

Section 9 of the Delimitation Act, 1972, *inter alia*, provides that constituencies in which seats are reserved for Scheduled Castes shall be distributed and located, as far as practicable, in areas where the proportion of their population to the total population is comparatively large. Similarly, the constituencies in which the seats are to be reserved for Scheduled Tribes shall be located, as far as practicable, in areas where the proportion of their population to the total population is the largest.

It would thus be seen that, as at present, the allocation of reserved seats is made on the basis of larger or largest population as the case may be, under the Parliamentary law. However, in view of the provisions of article 330(1) and 332(1) read with article 246(1) and Entry 72 of the Union List, Parliament would have power to provide for allocation of reserved seats by way of rotation.

However, since there is no explicit constitutional provision enabling Parliament to provide for reservation of seats by way of rotation, schemes of articles 330 and 332 envisage rotation of reserved seats, and also having regard to the provisions in the Constitution (Seventy-second Amendment) Bill and the Constitution (Seventy-third Amendment) Bill relating to rotation of reserved seats/Chairpersons in Panchayats and Municipalities, it would be advisable to retain clause (5) of the Bill and nothing should be left to any doubt.”

(Dr. D.B. Singh)  
Under Secretary to the Government of India  
Tel. No. 389014

*Lok Sabha Secretariat, Attention:*  
*(Committee Branch-II) (Shri R.K. Chatterjee, Dy. Secretary)*  
*Parliament House Annex,*  
*New Delhi*  
*Leg. Dept. U.O.No. 7(22)/90-Leg. II dated 4.11.1992*

**VIII**  
**Eighth Sitting**  
**19-11-92**

The Committee met on Thursday, 19 November, 1992 from 15.30 to 16.00 hours.

**PRESENT**

Shri P.R. Kumaramangalam — *Chairman*

**MEMBERS**

2. Shri Chandubhai Deshmukh
3. Shri K. Pradhani
4. Shri S.S.R. Rajendrakumar
5. Shri M. Baga Reddy
6. Shri Vishwa Nath Shastri
7. Shri Mukul Balkrishna Wasnik

**SECRETARIAT**

1. Shri G.L. Batra — *Additional Secretary*
2. Shri S.C. Gupta — *Joint Secretary*
3. Shri Ram Kumar — *Under Secretary*

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

1. Shri A.C.C. Unni — *Additional Secretary*
2. Shri B.S. Saluja — *Joint Secretary and Legislative Counsel*
3. Shri P.L. Sakarwal — *Joint Secretary*
4. Dr. D.B. Singh — *Under Secretary*

2. With regard to Clause 5 of the Bill, the Chairman pointed out that taking into consideration the views expressed by some members and the opinion tendered by the Ministry of Law, the Committee felt that it should be left to the wisdom of Parliament to decide whether Article 327 need to be amended as per Clause 5 of the Bill. However, as a clear-cut decision of the Committee was necessary for adoption or omission of the Clause, taking into consideration that the majority of the Members were in favour of omission of the Clause, it has been proposed to omit Clause 5 from the Bill.\*

The Bill, as amended, was adopted.

3. The Committee thereafter considered and adopted the draft Report with the following modification:

In para 22

*For the words "The amendments made in Clause 1 and Enacting Formula are of formal nature"*

*substitute "Clause 1 and Enacting Formula have been adopted without any amendment."*

4. The Committee authorised the Legislative Council to correct patent errors and carry out minor amendments of verbal or consequential nature.

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\* The amendments received from the Members which were considered but not accepted by the Committee or were withdrawn by the Members are given in the Annexure.

5. The Chairman drew the attention of the Members to the provisions contained in Direction 87 of the Directions by the Speaker regarding Minutes of Dissent and announced that the Minute of Dissent, if any, might be sent to the Lok Sabha Secretariat by 1700 hours on Thursday, 26 November, 1992.

6. The Committee also decided that — (i) the evidence tendered before them be laid on the Table, and (ii) two copies each of the memoranda containing comments/suggestions on the provisions of the Bill, received by the Committee be placed in the Parliament Library, after the Report had been presented, for reference by the Members of Parliament.

7. The Committee authorised the Chairman to present the Report and lay record of evidence on the Table of Lok Sabha on a convenient date in the ensuing Winter Session. The Committee also authorised the Chairman to nominate an alternate Member of the Committee to present, in his absence, the Report and lay record of evidence on the Table.

8. The Committee placed on record their appreciation and thanks to Shri S.L. Shakhder, former Chief Election Commissioner of India, the Secretary, Election Commission of India, the Registrar-General and Census Commissioner of India, and the Director-General, National Informatics Centre, for the valuable suggestions made by them during evidence before the Committee.

9. The Committee also placed on record their appreciation of the assistance rendered by the officers of the Ministry of Law, Justice and Company Affairs (Legislative Department) during the deliberations of the Committee.

10. The Committee also placed on record their appreciation of the valuable services rendered by the officers and staff of the Lok Sabha Secretariat to facilitate the working of the Committee from its initial stages to the finalisation of their Report.

11. The Chairman thanked the Members of the Committee for extending their fullest cooperation and active participation in the deliberations of the Committee at all times and maintaining the most congenial atmosphere for fruitful discussions on the important matters entrusted to the Committee.

12. The Members of the Committee also placed on record their deep sense of admiration and regard for the Chairman for very ably conducting the proceedings of the Committee and guiding their deliberations at various stages of the Bill.

*The Committee then adjourned.*

**ANNEXURE**

[Vide para 2 of Minutes]

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

List of Amendments received from the Members of the Committee which were considered and not accepted by the Committee or were withdrawn by the Members.

Sl. No.	Name of Member and text of Amendment	Clause No.
<b>SHRI SYED SHAHABUDDIN:</b>		
1.	Page 1, line 16 and Page 2, line 1 <i>for</i> "allocation of seats in the House of the People to the States and the division of each State"  <i>substitute</i> "division of the Union"	3
2.	Page 2, lines 16—22 <i>for</i> "readjust—  (i) the total number of seats in the Legislative Assembly of each State as readjusted on the basis of the 1971 census; and  (ii) the division of such State into territorial constituencies as may be readjusted on the basis of the 1991 census under this clause".  <i>substitute</i> "readjust the number of seats in the legislative assembly of each State and the limits of corresponding territorial constituencies on the basis of the last decennial census so that, as far as practicable, each constituency represents a population of 2.5 lakhs.  Provided that no Legislative Assembly shall have the strength of less than 21 members and, consequently, in smaller states and population quantum shall be correspondingly reduced."	4
3.	Page 2, lines 24 and 25 <i>for</i> "including rotation of Constituencies reserved for the Scheduled Castes."  <i>substitute</i> "including rotation of reservation among constituencies with a high concentration of the scheduled castes or the scheduled tribes.  Provided that all constituencies in whose population the percentage of scheduled castes or scheduled tribes is higher than the average percentage in the Union or the State, as the case may be, shall be reserved in order of the absolute figure of scheduled castes or scheduled tribes population in the last decennial census and the rotation shall apply only for the remaining number of constituencies, if any, and take effect, in alphabetical order of the name of the constituency, among those constituencies in which the percentage of scheduled castes or scheduled tribes population falls short of the average percentage thereof in the Union or the State, as the case may be, by not more than 1/3 of the later.  Provided further that no constituency in which the percentage of population of any religious minority exceeds the national or state average thereof, as the case may be, shall be reserved."	5

Sl. No.	Name of Member and text of Amendment	Clause No.
<b>SHRI SURAJ MANDAL:</b>		
4.	Page 2, lines 24 and 25 <i>for</i> "including rotation of Constituencies reserved for the Scheduled Castes" <i>substitute</i> "the determination of the number of total constituencies and reservation of constituencies on the basis of the latest census and reservation of Scheduled Castes, Scheduled Tribes and Backward Classes in the Rajya Sabha and the Legislative Council of a State where such Council exists."	5
<b>*SHRI RAM VILAS PASWAN:</b>		
5.	Page 2, lines 24 and 25 <i>for</i> "including rotation of constituencies reserved for the Scheduled Castes" <i>substitute</i> "the determination of the number of total constituencies and reservation of constituencies on the basis of the latest census and reservation of Scheduled Castes and Scheduled Tribes in the Rajya Sabha and the Legislative Council of a State where such Council exists".	5
<b>*SHRI GIRDHARI LAL BHARGAVA:</b>		
6.	Page 2, line 25 <i>add</i> at the end— "and the following provisos shall be inserted at the end, namely:— "Provided that no constituency shall be reserved for Scheduled Castes— (a) consecutively for two elections; and (b) where the population of Scheduled Castes is less than twenty five per cent of the total electorate in the constituency. Provided further that two adjoining, constituencies shall not be reserved."	5