

SHRI BASUDEB ACHARIA : In protest we walk out.

*Shri Basudeb Acharia and some other hon. Members then left the House.*

REPRESENTATION OF THE PEOPLE  
(THIRD AMENDMENT) BILL

[English]

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ) : Sir, I beg to move.

"That the Bill further to amend the Representation of the People Act, 1950 be taken into consideration."

The Constitution (Fifty-seventh Amendment) Act, 1987, inserted a new clause (3A) in Article 332 of the Constitution. This amendment had the effect of introducing a formula different from the provided in clause (3A) of Article 332 of the Constitution for the reservation of seats for the Scheduled Tribes in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland. According to the new clause (3A) of Article 332, the number of seats to be reserved for Scheduled Tribes in the existing Legislative Assemblies of the aforesaid four States was to be determined with reference to the actual number of seats held by the Scheduled Tribes in the existing Legislative Assemblies of the said States on the date of commencement of the Constitution (Amendment) Act. The new clause (3A) also provided that if all the seats of the existing Legislative Assemblies were held by the Scheduled Tribes on the date of commencement of the Constitution (Amendment) Act, one seat shall be kept open. As regards the question of actual determination of the number of seats to be so reserved for Scheduled Tribes, the Representation of the People (Second Amendment) Act, 1987, which had been passed by Parliament, gave the requisite power for such determination to the Election Commission

The determination by the Election Commission of the number of seats to be

reserved for the scheduled tribes in the aforesaid Legislative Assemblies under these amendments would have been a simple matter if the same had been left to be determined with reference to the factual position on a past date. But it had to be consciously and deliberately left to be determined with reference to a future date, namely, the date of enforcement of the new Constitution (Amendment) Act, because of the intention of the Government to add three more tribes to the list of scheduled tribes in the State of Meghalaya. At the same time, this device of determining the reserved seats with reference to the factual position on a future date had to take care of the possibility of changes occurring in the position of various Legislatures by reason of any vacancy on account of death, resignation, disqualification or otherwise. Such a situation had, in fact, arisen in the case of the Nagaland State Legislative Assembly where three vacancies which had occurred on earlier dates were not known to the Election Commission. This resulted in a situation that although by the provisions of the Constitution (Amendment) Act, 59 seats are required to be reserved for the scheduled tribes for that Assembly, it had reduced the number of seats in 57 in view of this position. To overcome this difficulty, it was decided, in consultation with the Election Commission and the Attorney General, that the Representation of the People Act may be amended to specifically indicate therein the number of seats that would be reserved for the scheduled tribes in the Legislative Assemblies of these States. This suggestion was also agreed to by the Election Commission which felt that though the power of the Election Commission to determine the Assembly constituencies would enable it to specify the number of seats also, it may not be possible for it to use its discretion to increase the number of seats upto 59 in view of the existing vacancies in the membership of that State Legislative Assembly and of the wording used in sub-clause (b) of the new clause (3A) of Article 332 of the Constitution that:

"a proportion not less than the number of members belonging to the scheduled tribes in the existing

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Assembly bears to the total number of seats in the existing Assembly."

The proposed amendment had to be done by means of a Presidential Ordinance on the 22nd September, 1987 in view of the factual position that the term of the present Nagaland Legislative Assembly would come to an end on the 28th November, 1987 and there was very little time for the Election Commission to determine the Assembly constituencies to be reserved for the scheduled tribes on the basis of the new enactments and then to issue the notification calling for the election.

The promulgation of the Ordinance was necessitated to fulfil the desire of the people of north-eastern States to provide for increase in the number of seats to be reserved for scheduled tribes then would have been by the application of the existing formula for the determination of scheduled tribe seats as applicable to Parliament and other State Legislative Assemblies. This demand was conceded, as the House is well aware, by the passing of the Constitution (Forty-seventh Amendment) Bill in the last session and the specific purpose for which the Ordinance was promulgated had been indicated clearly in the statement necessitating the promulgation of the Ordinance.

The Ordinance amended the Representation of the Peoples Act, 1950 to specify that 59 of the 60 seats in the Nagaland Legislative Assembly, 55 of the 60 seats in the Meghalaya Legislative Assembly, 39 of the 40 seats in the Mizoram and Arunachal Pradesh Legislative Assemblies would be reserved for the scheduled tribes in the elections to these Assemblies to be held in future. This Bill seeks to replace the aforesaid Ordinance. It may, in this connection, be mentioned that the Election Commission had already taken steps on the basis of the provision of the Ordinance and the election to the State Legislative Assembly of Nagaland had already been called by the Election Commission.

I commend the Bill for consideration of the House.

MR DEPUTY-SPEAKER : Motion moved :

"That the Bill further to amend the Representation of the People Act, 1950, as passed by Rajya Sabha, be taken into consideration".

SHRI K. RAMACHANDRA REDDY (Hindupur) : Mr Deputy-Speaker, Sir, as far as the present amendment to the Representation of the People Act, 1950 is concerned, there cannot be any quarrel, there cannot be any dispute with regard to the contents of this Bill, but the way in which the Government have been dealing with the matter of issuing ordinances after ordinances, that is objectionable. Why did they not take the House into confidence? They should have told the House the total number of votes, the total number of scheduled tribes, why these constituencies were reserved for scheduled tribes in Arunachal Pradesh, Mizoram etc. Why 35 in Meghalaya and 59 in Nagaland are reserved for STs. With these facts the Government is trying to create some sort of mystery so that the House may not know the full facts. Now, as far as the question of issuing ordinance is concerned, I do not think that it is of any use telling that the power of ordinance has been misused time and again. In so many occasions it has been found out by one and all that the power of issuing ordinance has been misused. It should not be utilised very very lightly. Unless there is very pressing urgency, it should not be used. So merely saying that as the elections are going to be held in November for the Nagaland Assembly so we are issuing the ordinance a month earlier is not correct. The Constitution has given the right to issue ordinance to the Government to meet the cases of urgency, the cases which could not be foreseen, the cases which arise suddenly without the knowledge of the Government or under the control of the Government. So, in order to meet such situation, the power to issue ordinance is being given. Now, what is the power of issuing an ordinance? An ordinance is nothing but a legislation by the Executive. It is no doubt a power to issue in the name of the Presi-

dent. Ordinance is a legislation that is done by the Executive. It shows that the Executive is trying to take away the power of legislation from the legislatures. So, ordinances are being issued on the slightest pretext. Why an ordinance should be issued? Why the circumstance could not be foreseen is a matter the Government has to explain and satisfy the House. Merely by saying that because elections were being held on November 28, in Nagaland, we have moved it. Why? You should have moved it in August when the House sat. I do not think that it was not known at that time that the Nagaland elections will be held in November. You should have moved it then. Government should have some common sense that as the elections will be held in November, it should have passed an Act in the last Session itself. They should not have come out with an ordinance all of a sudden. Thus, the power of this House to pass legislation should have been usurped by the Government. Such a thing has been condemned by this House a number of times and even now we are condemning it. Even the Congress Party which is in opposition in many states is condemning it. But the Government did not stop at all. It goes on doing it. The objection to issue an ordinance has been falling on the deaf ears of the Government.

Now, as far as this ordinance is concerned, a strong protest should be lodged. Government should come out clearly whether such things will be repeated in future also or not. This question has been asked a number of times in this House. But the Government goes on issuing the ordinances. Something has to be done in this regard. A Constitutional guarantee has to be imposed so that more restrictions are placed in the way of issuing the ordinances.

Now, What is the purpose of this Act? You want to reserve some seats for Scheduled Tribes. Some 40 years back some seats were reserved. A decision had been taken that some seats will be reserved for the Scheduled Castes and Scheduled Tribes. Forty years have elapsed. I would like to know that by reserving these seats for the SC and ST, is there any marked im-

provement in the life style of these people? This is matter to be assessed. How many SC and ST people were improved in these 40 years. What all are the improvements? Those people who have been elected on their behalf, are they really working for the betterment of the reserved people? It is a matter which has to be ascertained. And then the Government should come forward with a comprehensive legislation and do away with it once for all. So, I request the Government to appoint a Commission to see whether this sort of reservation has helped the Scheduled Castes and Scheduled Tribes and whether their representatives has done anything to further the interests of the reserved communities. This Commission should assess how far this reservation policy is serving the intended purpose.

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND CO-OPERATION IN THE MINISTRY OF AGRICULTURE (SHRI YOGENDRA MAKWANA) : For your information, it is not necessary. Under Article 338, there is already a Commission to look into it.

SHRI K. RAMACHANDRA REDDY : I would mention one point here. The Government assumes that reserving certain seats for certain communities and devising some developmental schemes for weaker sections is synonymous with development. I tell you, it is not at all correct. I had an occasion to visit the North Eastern States recently. Money is being pumped into these States under various projects such as IRDP, NREP, etc. But I do not know what is happening to the money that is being pumped in. In Arunachal Pradesh, I had visited a tribal village which is situated just two or three kilometers away from Itanagar, capital of Arunachal Pradesh. In that village, people are living in very primitive huts made of bamboo. Even the roof is made of bamboo. There is no school in the village and children have to walk two or three kilometers to go to a school. No house sites have been given, nor are any houses constructed. Though funds are being provided under NREP, no employment is provided. What is happening to those funds? Government has to take a very serious note

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of these things and assess to how far these schemes are properly implemented. I believe that even if 10 per cent of the amount were utilised, these States should not have been to such sorry state of affairs. All the money is going down the drain, or reaching the pockets of a few vested interests. So, the Government should go into these aspects and see whether the money is being spent of the welfare of the backward people, Scheduled Castes and Scheduled Tribes and other weaker sections of the society

As far as reservation is concerned, probably the definition of reservation has to be reconsidered. While framing the Constitution, we had not visualised a situation where people for whom seats would be reserved, would be in a majority. For example, today in Nagaland out of total of 60 seats, 59 are reserved and one is under general category. The idea behind reservation is to see that people who are in a minority, whether it be a religious, linguistic or any other minority and people who belong to weaker sections like Scheduled Castes and Scheduled Tribes, get an opportunity to improve their lot by participation. Reservation is to protect the minorities from the domination and exploitation by the majority. In all these four States, which have sixty seats each, majority of the seats are reserved for Scheduled Caste and Scheduled Tribe people. For example, there may be 59 reserved seats and only one seat under general category. Is it necessary to have this sort of reservation? Can this aspect be not reconsidered so that instead of having 59 seats under 'reserved' category, you can have one seat 'reserved' for non-Naga people? Therefore, I request the Government to reconsider this whole issue keeping these aspects in mind.

As far as this Representation of People's Act is concerned, I would like to mention one thing. The Act says that the reserved constituencies should be placed far from each other. That means, the constituencies under 'reserved' category whether they come under 'Scheduled Caste', 'Scheduled Tribe' 'any other' category, should not

be adjacent to one another. They must be far away. For example, in Andhra Pradesh, Tirupati and Nellore are constituencies which are adjacent. These constituencies have been reserved for Scheduled Castes since 1952. Only people belonging to Scheduled Castes are representing these two constituencies; but the Representation of the People Act says that the constituencies should not be contiguous. They should be slightly far away, and they should not be in the same district, or in the same area. So, when the Representation of the People Act could not solve the problem, a review of this Act should be undertaken, to see that these anomalies are removed.

With these words, I support this Bill.

[*Translation*]

SHRI GIRDHARI LAL VYAS (Bhilwara) : Mr. Deputy Speaker, Sir, I support the Representation of People (Third Amendment) Bill, 1987. My submission is that through this bill, all but one seat each in all the four states have been reserved for Scheduled Tribes. I want to know as to what is the minority population in those States?

(*Interruptions*)

All right, there are five seats in Meghalaya and in the rest of the states there is only one seat each. Therefore, I want to know as to what is the population of minorities there. I have not been able to understand the objective behind allotting one seat each there. In the rest of the states where general seats are more in number, you have reserved seats for the scheduled castes and scheduled tribes according to the population. So I want to know whether here too the population has been taken into consideration or not. (*Interruptions*) If the population of minorities is more there, then the number of seats for them should be increased. If this be possible, a suitable provision can be made for this by bringing forward a bill for this purpose.

Similarly, my friends sitting here will tell you regarding Jammu and Kashmir. There has been a demand for the last eight years

for the reservation of a seat for scheduled tribes in the State and a bill for this too could have been brought along with this. Had a seat in the Ladakh region been reserved too, then definitely the people of that region would have got the benefit. In the absence of such a reservation, the people over there are not able to get even the other benefits. Therefore, this matter should be given a serious consideration. When a similar bill is brought forward in the House next, this too should be kept in mind.

Thirdly, I want to state that only three or four State have been covered under this law. I want to know whether Government is thinking in terms of de-limitation of all such constituencies in the country where reservation of seats for the scheduled tribes has been provided but the requisite population of these tribes is not there? If so, the time by which it will be done, so that we could know whether you are taking steps to do de-limitation or not? This matter needs consideration and you must consider it.

Just now Shri Reddy has rightly said that the objective behind reservation was to improve the condition of schedule castes and schedule tribes.

*(Interruptions)*

*[English]*

SHRI H.R. BHARDWAJ: Mr. Deputy Speaker, Sir, I am executing his instructions properly.....*(Interruptions)*.

*[Translation]*

SHRI GIRDHARI LAL VYAS: The intention behind the reservations which have been provided to the scheduled castes and scheduled tribes, was that their economic condition should improve. Has anything been done through this provision? A selected few, who have become M.P.s and M.L.As have surely risen high, but you know pretty well how much the economic condition of the other people belonging to scheduled castes and scheduled tribes has improved. I agree that the Congress Gov-

ernment has given a lot of facilities for them but have those facilities actually reached them? Has their condition improved? Has education spread among them, and have they been able to move forward through this? You have to consider these questions seriously and there is an urgent need for solid work. They cannot march forward merely through reservation. There are other works for their development. Have you kept your promise of ensuring that these benefits reach them? Have these benefits reached them or not? You should see to this too and should train the bureaucrats in such a manner that the economic condition of scheduled castes and scheduled tribes living below poverty line is improved. For this, you will have to make a fool proof provision. Today most of the people living below poverty line are generally from the scheduled castes and scheduled tribes. It is extremely essential today to take measures for their welfare.

About electoral reforms also you have said that we are bringing a comprehensive bill for this purpose. You had told that after having a dialogue with the Members of the Opposition Parties you would be bringing forward some new law so that the entire arrangement is set right and the elections are held impartially. You have recently held elections in Haryana. How many people indulged in booth capturing or various other malpractices is no secret.

Therefore, the Government should develop such a system whereby fair elections could be held in the country. In order to strengthen our democracy and present it as an ideal in the world, we shall have to enact a law so that the democratic set up is further strengthened. You had also said that there was corruption in the elections due to which the rich people managed to win the elections. Why can the Government not evolve a system whereby people contesting elections are provided funds from the Government for their election campaigns so that there is no need to spend private money? It will provide a healthy democratic set up and money will not be able to influence elections. The influence of black money can also be done away with through this system. I would like

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to know as to what the Government is doing to evolve such a system.

I would like to make one more submission. The communal parties are poisoning the atmosphere of this country. What law the Government is bringing to ban them? If it is done, it will set right the whole system of the country. A few days back, a lot of discussion took place on the practice of Sati. The hon. Members made a number of suggestions to stop the practice. What law the Government is bringing to oppose those people who support it? Is the Government bringing to oppose those who support it? Is the Government bringing a law on the lines of Lord Bentick and Raja Rammohan Roy who had introduced reforms to check the practice of Sati?

Finally, I would like to submit that the Government has made a provision that the number of constituencies will not be increased. The number has been frozen rather. On the other hand, the population of the country has increased. There has been no increase in the number of the constituencies even though the population has increased from 50 crores to 75 crores. Is there any proposal under the consideration of the Government to increase the number of the constituencies on the basis of population? I would like the hon. Minister to throw some light on it when he replies to the debate.

I hope that you will place the information asked for by me before the House. With these words I support this Bill.

[English]

SHRI THAMPAN THOMAS (Mavelikara): Sir, this Bill is such that the provisions of this Bill do not require much of a debate. But the introduction of the Bill and also your presentation make certain questions relevant in this matter.

One is reservation, as a whole, the policy of reservation and the Government wants to look into it, what are the conditions of the Scheduled Castes and the

downtrodden people, how they are going to be properly represented in the various forums.

Second is the need for a comprehensive law on elections and the experience which we have got in the past years in the context of the elections in the country. I may submit that even though we are representing the people here, I do not think that the majority of the people have agreed for anybody to rule this country. Because the percentage of the people that are going to the polling station, is less than 50 per cent or near to 50 per cent, out of which those who got the majority got into power with majority of the seats. That means, a majority of the people have not told their opinion about forming a Government. That is a big problem. Therefore, there should be a reform that every man exercise his franchise and I have seen in certain countries there is a provision that if a person is not going for voting, to exercise his franchise he will be debarred from certain citizens' rights. Therefore, in our country no such protections are there. So, my submission is that a look at the election law is necessary, and reforms on the election front as we hear about the election booths etc. Of course we have been told of certain things (elaborately) that are very real with regard to the position of the country at this stage, how you are going to conduct the elections, booth capturing, everything becomes very pertinent, and how electoral rolls will have to be reformed. We hear stories about Bihar. People are capturing booths. We hear that one voluntary organisation has recently conducted a study of the by-elections which were held in Bihar, when it is said that votes were purchased and there officers were also a party to putting those votes in the ballot boxes when people do not come. If you go and see that place, there will be nobody to go to the polling station. Such things happened, investigations might have been made by this time and cases might have been highlighted by this time. Those things will have to be brought out. A comprehensive law has to be enacted

The third point is about the ordinance making power which the Government is

exercising. In this context I would like to invite the attention of the hon. Minister in the matter of the recent Supreme Court ruling in Vaidhya Versus State of Bihar, where the Supreme Court has ruled that the re-promulgation of ordinance is not a proper method. It has been considered as a clear fraud on the electorate and the people and the constitution, using the peculiar provision, a particular provision which is given in the Constitution to promulgate an ordinance. Government is using it as a usual method. That means, as a whole, in a democratic country, the government is not having any reliance on the elected body and in taking the representatives of the people who are elected here into confidence and tell us its opinion here. Therefore, this has been very well established in the Supreme Court ruling how sparingly the power of ordinance will have to be used. Certain State Governments have maintained local bodies to continue for many years, for years together for 14, 15, and 16 years, without conducting elections on the basis of ordinances.

Anyway, I am not going into those details. I am only drawing the attention of the hon. Minister. These are certain things which I would bring out in this discussion, and not much about the provisions of this Bill because there are some innocent things. Certain things you will have to do in Meghalaya and Nagaland and you are making. After all, as a consequence of certain things this Bill is coming. Therefore, I have nothing to say about it.

[Translation]

SHRI DAL CHANDER JAIN (Damoh): Mr. Deputy Speaker, Sir, I support the People's Representation (Third Amendment) Bill which has been introduced in the House. But at the same time, I would like to draw your special attention towards certain things. We bring forward Bills and enact laws for this country and also make amendments thereto. But these laws are not implemented properly. The Lok Sabha should, therefore, ensure that laws enacted by it are implemented. Just now the speakers who spoke before me said that there were a lot of malpractices in the elections.

Booth capturing is one such malpractice. It is very unfortunate that the Government machinery posted to conduct elections in far flung areas where the voters are not able to reach and exercise their franchise, grossly misuses the situations.

Sir, I would like to give a small example in this regard. A film "Pratighat" is being screened in the cinema halls of Delhi these days. If anybody wants to know the present state of affairs in the country, he can see that film. Another film "Kudrat Ka Kanon" is also being screened. The film speaks that when the administration fails to deliver justice, the hero takes the law into his hands. After all why such a situation is created? We sit here and formulate laws and get them passed in the House. But if those responsible for the implementation of the laws fail in the discharge of their duties, we can do nothing against them. It simply means that the administrative machinery is not working properly. Before we enact any law, it is very essential that a provision is made therein to set right the administrative machinery.

Secondly, the composition of the constituencies that have been formed need to be thoroughly reviewed. The composition of the constituencies for Scheduled Castes and Scheduled Tribes has not been done properly. Therefore, they require to be thoroughly reviewed. Though these constituencies have been formed on the basis of population yet at some place it is found that ratio of population has not been maintained properly. As such there should be a proper procedure for the fixation of that particular ratio. As regards fixation of the number of constituencies for the Scheduled Castes and Scheduled Tribes out of the total number of constituencies, I would like to suggest that a bill dealing with de-limitation clause should be introduced in the Lok Sabha as has been suggested by Shri Parashar.

Sir, economic backwardness should be the basis for determining backward classes irrespective of their belonging to any community. Only those people who come under backward classes by virtue of their birth should not alone be considered eligible to get assistance because there are certain

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communities who are not included in the list of backward classes, but they are more backward than the backward classes. The Government should needfully take care of them also.

[English]

SHRI H.R. BHARDWAJ: I am grateful to all the hon. Members who have spoken on this small measure. I will just briefly submit the background to this Bill.

The hon. Members will appreciate that actually the constitution (Fifty-seventh) Amendment which we passed in the last session of Parliament, gave powers to give a different formula of reservations of Scheduled Tribes in the four States of North-east i.e. Arunachal, Meghalaya, Mizoram and Nagaland. Once a political decision has been taken that we will make a departure to the ordinary rule provided in article 332 of the Constitution, it was left to the Election Commission to delimit the constituencies. After the Act was given assent to by the President on 21st September, 1987, an ordinance had to be promulgated on the next day i.e. 22nd September, 1987 because the election schedule for the Nagaland Assembly was to be fixed and 40 days had to be given for elections and then a notification had to be issued on 1st October, 1987. So there was hardly any time to come to Parliament because Parliament had adjourned in September only. Therefore, when the two Acts were passed giving powers to the Election Commission to give a different formula, we had to implement this. After the Election Commission made de-limitations of these constituencies, the elections had to be notified on 1st October, 1987 for Nagaland Assembly. As a matter of fact, this is a *fait accompli*. The elections had taken place according to this and we are only going to affirm what the ordinance had provided.

With regard to the formula, I fully appreciate that this is a different formula than what is ordinarily provided for in the reservations in proportionate to the population of SC & STs elsewhere in the Constitution.

But this is a special provision for these four states. This House had almost unanimously supported that constitutional amendment and the Bill which was passed in the last session. So there was no political party which was opposed to this move to give a better deal to the Scheduled Tribes of the North-east. I am grateful to the hon. Members for extending their support on this issue now.

This provision is wholly non-controversial. And everybody has supported it. I have submitted the circumstances under which this ordinance was promulgated because there was no time lag. Therefore, this ordinance was a must and the Constitution does provide for promulgating ordinance in such eventualities.

As a matter of fact, there are several issues which have been raised by hon. Members. The first point is that we have to look at the broader scenario of the elections in our country. Nobody can deny that when the country goes to the poll, the people do their job beautifully. And the people of this country have the wisdom to really vote for the direction in which they want to send the country and to elect their representatives. There is nothing wrong with the people. But as has been pointed out, some evils have crept into our system of electioneering. That is where all the political parties must look into it. It is the job of all the political parties to sit together and discuss and see what steps we can take by which we can minimise occurrence of booth capturing or money spending excessively and all that. I fully share the sentiments of the hon. Members on that. The hon. Members will know that we are already discussing this within our parliamentary party. A workshop is there on the 25th on all these issues and also to discuss what type of electoral reforms we can have urgently. All these issues are there which we have received from the Election Commission as a part of the recommendation which the Election Commission has made to us. It is really necessary to curb booth capturing, muscle power and money power in the elections. I can assure the hon. House that the Government will come out with whatever measures are necessary in

this direction. As a matter of fact, I would like to share with the hon. House the information that we have in principle taken a very important decision of having voting machines for the next elections. The moment we are going to have electronic machines for voting in the next elections we will have to make wholesale changes with regard to registration of voters, counting of votes, casting of votes, etc. All these will have to be changed.

So, we are actually going very systematically in the matter of electoral reforms. The booth capturing, if you look at that, has to be curbed with the help of whom? We have to have only the administrative machinery. I do not share the view that the administrative machinery is responsible for all evils. I know that they discharge their very difficult task in the elections and they try to perform their duties very well and as fast as possible. The question is that evil lies with the evil. Those who want to come to Parliament or Legislative Assemblies through booth capturing, have to be identified, and they can be identified only at the polls. Therefore, if you introduce this voting machine, we will put a device in the machine. Wherever there will be an attempt of booth capturing, it will record that and then it is the wisdom of the House how to deal with that person who is alleged to have committed that offence. That would be discussed. I can only tell you that this proposal is getting active consideration at the hands of the Government.

With regard to the effects of the reservation, that is a separate question. But our Constitution does give a protective sort of provision for the Scheduled Castes and the Scheduled Tribes. They deserve a better deal because of their backwardness, because of their weak economic conditions and because of several other factors. Everybody knows it that for ages they have been deprived of their due. But this is not the moment where we can discuss how to improve their living condition, their education, their health. That is a different issue and we will discuss it at some other time. But for the present I would only say that the tribes of the North-East are a part of the beautiful culture of our country. I have

travelled far and wide in the North-East. I have found that all these tribes are truthful, they are very educated and they are very nationalist and patriotic people, and if they are allowed to have their representation in their Legislative Assemblies to the maximum extent possible, it will be in the interest of the country.

We have not ignored the minorities. That is why we have left one or two seats. Actually if you look at the last bill we passed, we have preserved only for a temporary period the seat which was occupied by the tribals in the last elections. So, we have only carried forward their representation in this and we have not gone according to the normal formula of reservation provided in the Constitution. It is a very temporary period for some elections or for a very limited period.

So far as the delimitation is concerned, I submitted earlier also that this is one of the items of discussion with the leader of the Opposition which our Leader will discuss, and whatever decision will be taken, I would implement the same.

Vyas Ji has raised several other issues, touching almost every sphere of the discussion we do in the Parliament. But I would only point out to him that the comprehensive reforms in the elections can only be brought when you identify the areas where they are necessary. I have submitted that so far as the system is concerned, we have got a very satisfactory and very good system of electioneering. The only thing is that wherever evil are there, they have to be curbed and we must identify them.

So far as the question of financing the elections is concerned, this is not a proposal we have received from the Election Commission. The hon. Member who made this suggestion said that we could do it in a limited way by supplying petrol, paper or some other material to the various candidates. There also the question will arise as to how many candidates are you going to finance; are you going to finance only the political parties or are you going to finance the individuals; what system are you going

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to adopt in financing. If that is decided, then you can come to some sort of a conclusion that you finance the political parties. That can be considered if the Election Commission makes a recommendation. So, this issue also is under discussion as to what type of help can be given to political parties or candidates for contesting elections.

The number of seats is frozen up to 2000 A.D. The real delimitation would only be possible after the number of seats are adjusted according to the population of the country. At the moment, delimitation of a limited nature, namely, shifting of the Scheduled Caste seats and other limited delimitation is possible. I would welcome if this is discussed with the Government and decision is taken.

AN HON. MEMBER: What about the reserved seats?

SHRI H.R. BHARDWAJ: About the reserved seat, I have submitted that this is possible within the limited delimitation. We can have now. But I am only submitting that this issue has to be discussed in a meeting with the political parties and if they want it and we want it and a decision is taken, I would be very happy to establish a Commission for this purpose.

With regard to Ladakh, I fully share the sentiments expressed by very senior parliamentarian, Shri Vyas and the people of Ladakh are foremost in our mind and they are vociferous. A very brave MP from Ladakh has been taking up their cause and I have on many occasions taken up these issues with the Election Commission. But I do not know what has happened. But this issue needs consideration, as a matter of fact. So, Sir, I have almost replied to the points raised by the hon. Members and even to the other observations and submissions made by them. I would only submit that so far as this measure is concerned, it is only limited in scope. I would request the hon. Members may kindly support it.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Representation of the people Act, 1950, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY-SPEAKER: Now, we take up Clause-by-Clause consideration. The question is:

*"That Clauses 2 and 3 stand part of the Bill."*

*The motion was adopted.*

*Clauses 2 and 3 were added to the Bill.*

*Clause 1, the Enacting Formula and Title were added to the Bill.*

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): I beg to move:

*"That the Bill be passed."*

MR. DEPUTY-SPEAKER: The question is:

*"That the Bill be passed."*

*The motion was adopted,*

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CONTEMPT OF THE HOUSE

[English]

MR. DEPUTY-SPEAKER: As the House is aware at about 11.30 hours today, a visitor calling himself Dhirender Pratap Sharma, son of Shri Suresh Chand Sharma, shouted slogan from the Visitor's Gallery. The Director, Security, took him into custody immediately and interrogated him. The visitor has made a statement and has expressed regret for his action. He has also begged pardon for the same.

I bring this to the notice of the House for such action as it may deem fit.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS