

15.34 hrs.

CONSTITUTION (AMENDMENT) BILL  
(Amendment of Eighth Schedule)

[English]

SHRI CHITTA BASU (Barasat) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. CHAIRMAN : The question is :  
"That leave be granted to introduce a Bill further to amend the Constitution of India."

*The motion was adopted*

SHRI CHITTA BASU : I introduce the Bill.

15.34½ Hrs.

CONSTITUTION (AMENDMENT) BILL  
(Insertion of new Part XIA)

[English]

SHRI CHITTA BASU (Barasat) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. CHAIRMAN : The question is :  
"That leave be granted to introduce a Bill further to amend the Constitution of India."

*The motion was adopted*

SHRI CHITTA BASU : I introduce the Bill.

15.35 Hrs.

CONSTITUTION (AMENDMENT) BILL  
(Insertion of new article 16A)

[English]

SHRI CHITTA BASU (Barasat) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. CHAIRMAN : The question is :  
"That leave be granted to introduce a Bill further to amend the Constitution of India."

*The motion was adopted.*

SHRI CHITTA BASU : I introduce the Bill.

15.35½ hrs.

CONSTITUTION (AMENDMENT)  
BILL

(Insertion of new article 19A)

[English]

SHRI CHITTA BASU (Barasat) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. CHAIRMAN : The question is :  
"That leave be granted to introduce a Bill further to amend the Constitution of India."

*The motion was adopted*

SHRI CHITTA BASU : I introduce the Bill.

MR. CHAIRMAN : Shri Kashiram Rana—not present.

15.36 Hrs.

DELIMITATION (AMENDMENT) BILL  
(Amendment of section 9)

[English]

MR. CHAIRMAN : Before I call upon Shri Pawan Kumar Bansal to move the motion for consideration of his Bill, we have to fix the time limit for discussion of this Bill. Shall we fix two hours ?

MANY HON. MEMBERS : Yes.

MR. CHAIRMAN : Thank you. Two hours have been allotted for this Bill.

[Shri Pawan Kumar Bansal]

SHRI PAWAN KUMAR BANSAL (Chandigarh) : I beg to move :

"That the Bill to amend the Delimitation Act, 1972 be taken into consideration."

Madam Chairman, this Bill has been moved to amend the Delimitation Act, 1972 so as to provide for the rotation of seats reserved for Scheduled Castes. Article 81 of the Constitution of India provides for the composition of the House of the People. Clause (2) says :

(2) For the purposes of sub-clause (a) of clause (1) :—

- (a) there shall be allotted to each State a number of seats in the House of the People in such manner "at the ratio between that number and the population of the State is, so far as practicable, the same for all States; and
- (b) each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it is, so far as practicable, the same throughout the State."

Thereafter, Article 82 provides for the re-adjustment of the seats allocated to each State for the House of the People after each census. This practice was followed till after the census of 1971 and there was no problem felt by anybody. It was because, after every 10 years, there was re-adjustment of seats for the States in accordance with the same proportion between the seats and the population of the concerned State. There was also further re-adjustment and division of the seats in a particular State, and there was rotation of seats fixed for the Scheduled Castes and Scheduled Tribes.

Somewhere in the late '70s, the Constitution was amended to provide for the freezing of the number of seats till 2,000 A.D. In other words, there has to be no further increase in the number of seats till the year 2,000 A.D. I could understand the spirit of that Amendment. But what happened was, for all purposes, thereafter the Delimitation Act of 1972 became redundant. In this context, the constitution and the functioning of the Delimitation Commission postulated under the Act came to a standstill.

What has happened over the years is that seats which were fixed for each State and the seats which were thereafter reserved for the Scheduled Castes, after the census of 1971 continue till this date. There is no denying the fact that there is absolute necessity of providing for reservation of seats for the Scheduled Castes and the Scheduled Tribes in the country.

But what we have seen is that a seat which was reserved 20 years back continues to be so reserved to this date and if the law is not amended, the same position would remain for another 10 years or so. This has led to some sort of resentment in the minds of some people.

A person in certain cases may have to shift from his own Constituency, the Constituency in which his own house or his own village falls, to the adjoining Constituency which may be a reserved Constituency from which he could contest and the people of that reserved Constituency feel that an outsider has come to their Constituency for umpteen years, may be up to three decades by 2000 AD.

It is to rectify a situation like this that I introduced this Bill.

In this context, I would like to submit that the Election Commission had in its report submitted in November, 1980 also mentioned that there was need for the restoration of the practice of fresh delimitation after every decennial census without changing the total number of seats allotted to various States in the Lok Sabha and to different districts in the Legislative Assemblies.

The second recommendation was that the rotation of seats be accepted in case of reserved seats. This position was reiterated in its report of 1982 and then after in the annual report of the Election Commission for the years, 1984 and 1985 as well.

Briefly I would quote from the report of the Election Commission. The second annual report for the year, 1984 says :-

"The Commission had earlier recommended that Articles 82 and 170(3) of the Constitution may be amended so that while the total number of seats allotted to various States in the House of the People and to the various State Legislative Assemblies may remain unaltered, the original position of fresh delimitation in parliamentary and Assembly Constituencies in each State and Union Territory, after every decennial census is restored so that administrative

changes and other factors like growth in population, urbanisation and industrialisation etc., is taken into account in carrying out uniformly viable Constituencies.

The Commission had also recommended that after General Election, the seats reserved for Scheduled Castes and Scheduled Tribes should be rotated within a district for any other suitable administrative unit in a State so that a seat does not remain reserved for more than a few stipulated years at a time.

These recommendations were considered by the Government who sought clarification on certain aspects. The Commission informed that a close study of earlier Delimitation Orders shows that many of the Constituencies reserved according to the Delimitation Orders of 1956, 1966 and 1976 for the Scheduled Castes and the Scheduled Tribes continue to be more or less in the same area.

As such, unless some clear guidelines are provided in the Delimitation Act itself, it may not be practicable for the Delimitation Commission to ignore the highest concentration of Scheduled Castes and allow constituencies having smaller concentration of Scheduled Castes to be reserved."

The same sentiment was again reiterated by the Election Commission in 1985 when it was stated :

The Commission has been pressing for appropriate amendment to Articles 82 and 170 etc. of the Constitution and to revive the Bill which lapsed with the dissolution of the Lok Sabha so that while the number of seats may be frozen, the law should permit fresh delimitation of constituencies so as to take care of administrative and other changes that have taken place ever since the last delimitation. It was also suggested that seats reserved for Scheduled Castes and Scheduled Tribes should be rotated."

The principle of rotation particularly with regard to seats reserved for Scheduled Tribes in Assemblies seems to assume importance in those areas where the Scheduled Tribes population does not exceed 50 per cent. The Commission felt that rotation of seats would be possible only if a suitable enabling provision is included in the Delimitation Act itself. The presence of such a provision will leave the discretion to the Commission which could, after hearing all the parties concerned, take a view whether rotation should be allowed at all and if so, under what circumstances..."

Madam, in my humble way, I have sought to provide for a provision which, if accepted by the Government and voted by this House, would be in consonance with the consistent recommendations of the Election Commission from time to time. I feel that the purpose of making amendments to the Constitution—i.e. to Articles 81, 82 and 170(3)—and Article 330—was not intended to put an end to the delimitation of constituencies as such or at least to the rotation of reserved seats. All that was intended by those amendments was primarily to freeze the number of seats in the Lok Sabha and in various Legislative Assemblies. One could understand from the introduction to the proviso to Article 81 that the population referred to therein for the preceding census was with reference to the census of 1971. It stops there. What has happened in practice is, as I submitted earlier, that the entire process of delimiting the constituencies readjustment of the territorial constituencies within the State has come to an end with the result that today we find that there are some Parliamentary constituencies in a State where the total number of voters may be just as much as that of two Assembly Constituencies and in the same State, we may have constituencies two or three times of the size of the normal Parliamentary constituencies. Those are the distortions which have crept in because of the changing population, shifting of population, urbanisation and other various factors.

I, for a moment, did not think of bringing about a change in that because I feel that even the year 2000 A.D. is fast approaching and we can see the total overhauling the delimitation process taking place across the country after that. But after dealing with the people, after hearing my friends, I did think it advisable that at least for the time being there should be an amendment in the law that may provide for the rotation of the constituencies. Here, we would not have to go for an indepth exercise. All that the Delimitation Commission would have to do is to find out one important aspect. For instance, if the present reserved constituency is named 'A', it has to find out which is the next constituency which has a reasonably large population of a Scheduled Caste so that in place of 'A' constituency, 'B' constituency could be reserved for the Scheduled Castes. For this, I would like to refer to Section 9, Sub-section 1, Clause (C) of the Delimitation Act which says:

"That the Election Commission shall delimit constituencies on the basis of the last census figures, namely (a), (b) and (c) constituencies in which seats are reserved for the Scheduled Castes shall be distributed in different parts of the State and located, as far as practicable in those areas where the proportion of their population to the total is comparatively large."

I seek to move for an introduction of a proviso to this Clause which reads as under :

"Provided that the Commission may, after the commencement of the Delimitation (Amendment) Act, 1991, re-distribute the constituencies in which seats are reserved for Scheduled Castes, after de-reserving the constituencies in which seats are reserved for them, on rotation basis, according to their population in each constituency."

It means that after constituency 'A', it will consider constituency 'B' and after another ten years, it should be the turn of constituency 'C' and so on. Now there are two reasons for this. One I enumerated earlier. The people should not have to move from their constituency to contest in a reserved

constituency for long. Secondly, if we adopt the system of rotation, two consequences would flow from this. One, that in the constituency so de-reserved, people from the general category would be able to contest and we would be able to eliminate any form of discontentment amongst people. And secondly, people belonging to the Scheduled Castes and residing in a constituency which would be subsequently reserved, would have a fair chance of seeking election to Parliament or the State Legislative Assembly, as the case may be. This would not harm the interest of anybody whatsoever. This would eliminate heart-burning and this would give a fair opportunity to people of all areas to try their luck at the hushings. That is what the democracy is about. Democracy gives wings to the wingless and it brings to the road the monarchs of the yore. And what we have seen contrary to the spirit of democracy that I have just referred to is that, with the passage of time vested interests creep in. If we resort to the rotation of the constituencies reserved for the Scheduled Castes. I suppose, we would to a great extent, ensure that the fruits of democracy are enjoyed, are at least attempted to be enjoyed by a larger number of our people. It is with this intention that I have sought to move this amendment. This is the primary amendment which I have read out and sought as the proviso to Sub-section 1 Clause (C). And thereafter, subsequent proviso only says that the total number of seats reserved need not be changed till the year 2000 AD. This I have mentioned for the reason that any amendment in the Delimitation Act should not be construed as being contrary to or in contravention of the provisions of the Constitution.

Subsequently, Madam, as is the usual practice, I have said that in addition to such proposals being only published in the official Gazettee, I would wish that the proposals to this effect should be published in three leading newspapers of the concerned States, in addition to the publication in Gazette of India and in the official Gazette of the State concerned, so that, the people—the poor and illiterate—in the constituencies which may be so de-reserved or sought to be de-reserved may have an opportunity to put across their view points, their objections



to the Delimitation Commission. Because, there could be a case where a constituency with second largest population of the Scheduled Castes may be ignored and one lower in the rank is picked up. An opportunity should be given to the residents of the constituency to file their objections against such a move and thereafter the Delimitation Commission could adjudicate about that.

With these words, Madam. I move that this Bill may be taken into consideration.

MR. CHAIRMAN : Motion moved :

"that the Bill to amend the Delimitation Act, 1972, be taken into consideration".

Shri Advani

SHRI LAL. K. ADVANI (Gandhi Nagar) : Madam Chairman, I rise to support the Bill that has been moved by Shri Bansal, though I wish this were more whole-hearted than it is and it was not a Private Bill; it was an Official Bill. This is particularly so, because, I would like to point out that this is a matter about which there is not much of a difference of opinion among political parties and in the House also. And also, because, late Shri Dinesh Goswami, who was Law Minister, last year, had already introduced in the Rajya Sabha a Bill—which is the Constitution 71st Amendment Bill—which not only covers what Shri Bansal seeks to achieve, but is goes beyond that and achieves something which is long pending. I think that there is a clear case of fresh delimitation of constituencies, even though one may not like to increase the number of seats until 2,000 A.D., as is provided for in the Constitution.

But, there is a clear case and whenever any Committee has gone into the question of Electoral Reforms, it invariably has come to the conclusion that as the Election Commission itself has recommended, let there be fresh delimitation of constituencies without changing the total number of Members in the House. But the present anomaly of seats, where some seats are very small not only because they represent a particular area in which they cannot but be small, as for example, Laksha-

dweep or Andamans or even Chandigarh—the Union Territories. One can understand that. But, even in other cases there is a wide disparity in the size of constituencies. In some cases, the constituency has an electorate of 3 lakhs and 4 lakhs and in some cases the constituency has an electorate of 16 lakhs and 17 lakhs.

Now, this kind of disparity has to be removed at the earliest and therefore, when I rise to support Bansalji's Bill, I do not propose to enter into any elaborate arguments. Why this ought to be done ? Reservations of seats is a must. But over a period of time, if there is no rotation, then, very many Members of the Scheduled Castes in certain constituencies feel that they are losing an opportunity and very many people who do not belong to the Scheduled Castes in their constituencies feel that they are being deprived of an opportunity. If the principle of rotation were to be accepted, this kind of heart-burning would not be there.

16.00 hrs.

I have a slight doubt whether this particular Bill can be introduced and can be effectively implemented without amendment of the Constitution. The Constitution 71 (Amendment) Bill takes care of that. Even in respect of rotation of seats, so far as delimitation is concerned, it just cannot be effected unless the Constitution is amended. For that purpose it is imperative that even in respect of rotation of reserved seats, an amendment to Article 327 is necessary, if not for any other reason, for the reason of abundant caution. Lest a plain Bill of the kind that has been moved by Bansalji may be struck down as *ultra vires*.

16.01 hrs.

[SHRI P. M. SAYEED in the Chair]

Therefore I strongly commend that in order to incorporate the purpose behind the Bill now moved by Bansalji, it would be better for the Government and for the Minister concerned who is here to assure this House that the Constitution 71 (Amendment) Bill which is pending in the Rajya Sabha, which has been introduced in the Rajya Sabha will be pursued in this

very session and enacted upon. Because only if it is enacted then a Delimitation Commission can be constituted and that Delimitation Commission will go into the question of delimitation of constituencies throughout the country—a process which would take not less a year or so. Hopefully your Government will survive till then and I wish this Government to last till then and that this Delimitation Commission would be able to complete its efforts and its labours by the time the next elections come back. If this is done, then the purpose of Bansalji and the principal parties which had prompted Shri Dinesh Goswami to move this particular amendment to the Constitution would be served.

With these words, I support the Bill.

**SHRI VIJAY NAVAL PATIL (Erandol) :** I do agree with Advaniji that this Amendment Bill will require a constitutional provision and an amendment to the Constitution is necessary for rotation of seats. Advaniji has said that all parties are unanimous on this issue. Way back in 1988 late Prime Minister Shri Rajiv Gandhi had also realised this and he wanted to introduce the Constitution amendment Bill; but then elections were due and the 1989 Lok Sabha elections were held.

After that when Janata Dal came to power with the support of Advaniji and his party, at that time also in May 1990 the then Law Minister gave an assurance on the floor of the House that the Bill will be brought for amending the Constitution for rotation of seats not only for Scheduled Castes, but also for Scheduled Tribes. But in between the Mandal and Mandir issues started and because of their infighting they could not introduce the Bill and went away. Now it is time and I will urge upon the Government that a comprehensive amendment bill to the Constitution should be brought for this purpose.

All agree that because of reservation in some constituencies for more than 30 years, people from Scheduled Castes are being elected while the people of other castes are denied an opportunity. If we consider the average life expectancy of Indian citizen, it is about 55 or 56 years. You can contest the election after 25 years of age which

means in the present generation's life time, in certain constituencies if a person belongs to other castes, he will not get an opportunity.

The panel constituted for suggesting electoral reforms has suggested so many things in which the point of rotation of constituencies is predominant. Rotation should be there not only for Scheduled Castes, but even for Scheduled Tribes, rotation is required. An argument is advanced that in the case of Scheduled Tribes, there are places where there is a concentration of Scheduled Tribes. As is suggested, in the case of Scheduled Castes, rotation of seats should be in administrative units like districts. There are States where there are more than one tribal belt. For example, in Maharashtra there are two or three tribal belts; in Madhya Pradesh there are two or three tribal belts. If it is to be rotated in the case of Scheduled Tribes, the seat can be rotated in the other tribal belt in the State. I for one, was a victim of this reservation. In 1977 I fought the election on a general seat in Dhule Constituency. But because of the recommendations of the Delimitation Commission and also because of the increase in the number of seats, one more seat was reserved for Scheduled Tribes in the State of Maharashtra. So, instead of three seats, there are four seats for Scheduled Tribes. When the question of reservation of one constituency for the additional, newly created Scheduled Tribes seat arose, there were two constituencies in the picture, one was in Chandrapur and the other was in Dhule district. One constituency was having a population of 22.8 per cent of Scheduled Tribes and the other constituency was having a population of 23.2 per cent of Scheduled Tribes. The difference was only 0.4 per cent. When the representation was made saying that if the reservation is imposed upon in the Dhule constituency, both the seats of Dhule district will be reserved for Scheduled Tribes and that there will be no opportunity left to people of other castes to contest the elections in future, the election Commission and the appropriate authorities decided to reserve the Chandrapur seat which was having a population of 22.8 per cent of Scheduled Tribes.

Even earlier when it was a general seat, a Scheduled Tribe person was getting elected continuously for three terms. But again representations and counter representations were made; and the seat was shifted to Dhule which has a population of 0.4 per cent more of Scheduled Tribes.

Now the time has come when we should again re-think about all these aspects and instead of waiting for the year 2005 AD, at least, the rotation of seats should be given thought to. To enable the Election Commission, the Delimitation Commission and the appropriate authorities to rotate the seats to the constituency which has more Scheduled Castes and Scheduled Tribes population, as the case may be, appropriate provision and amendment to the Constitution have to be made.

I thank Shri Bansal for bringing this important Bill as a Private Member's Bill. As Advaniji has pointed out, it requires a constitutional amendment. And that is why, I urge upon the Government again to bring a comprehensive Bill, both for Scheduled Castes and Scheduled Tribes, for protecting the seats and take 1981 census into account.

With these words, I support the Bill and I thank you for giving me an opportunity to speak.

[Translation]

**SHRI MOHAN SINGH (Deoria) :** Mr. Chairman, Sir, I rise to express my view in support of the Representation of People's Act (Amendment) Bill introduced by Shri Bansal. Shri Advani has very rightly pointed out that unless comprehensive amendment is carried out in Articles 80, 81, 170 and 330 of the Constitution it will be difficult to repeal the section of Representation of People's Act. In view of this, I have moved a Comprehensive Bill for the amendment to the Constitution before this House. I shall express my views when an opportunity to discuss the same arises.

This is a fact that the Election Commission was of the opinion that the Article 330 of the Constitution regarding the provision of reviewing the total number of

seats and delimitation of Constituencies after 2000 A.D., had been banned during the Emergency period. Unless there is an amendment to the said Article, the Election Commission was of the view that the seats reserved for Scheduled Castes and Scheduled Tribes would be rotated. Advaniji can in a better way throw light on how the constitutional amendments adopted during emergency period was undone by their Government. But why was this fact not taken into account at that time. Still there is time. The new Government may accept our amendments and bring before the House a new Constitutional Amendment Bill and we will adopt it unanimously. But so long as Article 330 regarding the delimitation of seats after 2000 A.D. is not repealed by amending the Constitution, at least, the Representation of People's Act can be so amended that the seats reserved for Scheduled Castes and Tribes are rotated. Sir, there are a number of seats which have been reserved in the Legislative Assemblies and the Lok Sabha since 1952. The very purpose of providing reservation was to develop leadership among the tribals. But this purpose has not been fulfilled. I would, therefore, like to suggest that if we want to develop leadership among Scheduled Castes and Scheduled Tribes, the reserved seats should be rotated and no seats should remain reserved for more than two years. It is my suggestion.

Secondly, I would like to submit that the constituency where more than ten per cent population consists of Scheduled Castes and Scheduled Tribes should be reserved in place of the above reserved constituencies, which will be dereserved. Because due to continuous reservation of certain seats since 1952, voters other than those belonging to Scheduled Castes do not evince interest in the elections. We are not able to get their active participation which is important in the democratic process. Hence this suggestion is very essential to remove this disparity. I support it on my own behalf and on behalf of my party and look forward for a new Bill from the Government's side. Instead of giving the credit of introducing the Constitutional Amendment Bill before Parliament to me the Government should introduce this Bill under Article 330, 170, 80 and 81. This is my suggestion.

**SHRI RAM NAIK** (Bombay North) :  
**Mr. Chairman, Sir,** I would like to congratulate Shri Bansal for two specific reasons. First of all, because he has raised the very important issue of delimitation of constituencies and secondly, because this happens to be the first Private Member's Bill to be taken up in the Tenth Lok Sabha. I too had given notice for a constitutional amendment in this regard, but it secured 10th position in the ballot. Two or three important matters have been mentioned in this Bill. One of them is that the constituencies should be reserved for Scheduled Castes in rotation, because as per the existing system, the Scheduled Castes in the General constituencies are unable to contest the elections. This is an undeniable truth and therefore, necessary changes in the present system is a must. This is one of the reasons for the present opposition to the reservation system, throughout the country. Such changes should be brought about under which the people belonging to the Scheduled Castes living in other areas too could get an opportunity to contest elections. Under the present system, sometimes, Scheduled Caste candidates residing in a particular area have no option, but to contest from other reserved constituencies, as their areas are not reserved. In Rajya Sabha, what happens is that candidates belonging to one state are nominated by their parties to represent another state. I frankly feel that if the constituencies are reserved in rotation, it would enable a large number of Scheduled Caste candidates to get elected. This is precisely the reason for my supporting this Bill, even though I do not agree to the arguments put forward by Shri Bansal. I also believe that the same should be made applicable in the case of Scheduled Tribes as well. As Shri Patil correctly observed, the Scheduled Tribes too face the same problem. The population of the Scheduled Castes too is not concentrated at one place. Their population too is spread all over the country, therefore constituencies should be reserved in rotation for the benefit of the Scheduled Tribes also. Though it would be a good sign for the country to have Scheduled Caste or Scheduled Tribe candidates from the general seat. There are only few such exceptions. Fortunately, in our party Shri Chandubhai

Deshmukh has won elections from Bharuch for the second time who is a Scheduled Tribe candidate. It is an exception and it would be a good thing for the country if the number of such exceptions increases.

I believe that this Bill should not be confined to Scheduled Castes and Scheduled Tribes only, because, as has been said by Shri Advaniji also that as long as Constitutional Amendment is not brought about to the provisions of the Constitution banning delimitation of the constituencies upto 2000 AD, it cannot be made effective. The previous Government had also introduced a similar Bill in the last Lok Sabha which was passed unanimously. That Bill was also discussed in the House. That Bill is pending in the Rajya Sabha. The Government would say that they would accept the Bill if it is passed by the Rajya Sabha. I have to make certain suggestions in that Bill also. That Bill is based on the census of 1981 but now 1991 census has been completed. Therefore, we have to reconsider the demarcation of the constituencies in view of the census of 1991. Rapid urbanisation is taking place in the country and large number of people are migrating from rural areas to urban areas. As per the estimate 25 to 30 per cent people from rural areas will migrate to urban areas by 2000 AD. This would be the position. The present situation is the result of not allowing any change in the criteria for delimitation. I would like to cite some examples here for putting forth my point. No delimitation took place after the elections of 1972, however, it was due in 1989. So, the number of the voters needs to be refixed. I tell you about my own constituency, Bombay North which I represent. In 1977 there were 9.60 lakh voters in that constituency but now their number is 15.85 lakh. Thus there is an increase of 6.25 lakh voters between 1977 and 1991. Their number has not increased because of increase in population of native people, it is because of the people who have migrated to that place from different parts of the country. Same is the case of Thane which is adjacent to Bombay wherefrom Prof. Kapse has been elected. The number of the voters was 7.22 lakh in 1977 and now the number of voters is 17.39 lakh which is biggest in India and voterwise it is the largest constituency. If we compare

it to 1977 10.17 lakh new voters have been added there.

Now, I would like to talk about Delhi. In outer Delhi Constituency the number of the voters in 1991 is 16.72 lakhs against that of 4.44 lakhs in 1977. Their number has increased there by 4 times. Thus, about 12 lakh 28 thousand new voters have been enrolled in outer Delhi constituency. The Election Commission has not taken it into consideration. I would discuss about this later on. On one hand there are such large constituencies in the country and on the other hand in the Chandni Chowk Constituency of Delhi the number of voters is only 3 lakh and 81 thousand. There is much difference between 3 lakh 81 thousands and 16 lakh 72 thousand. The later number is 5 times more than that of the former. One Member serves 4 lakh voters in a constituency and in another constituency the other Member serves 17 lakh voters. Therefore, I would like to say that there must be some sort of equality about the number of the voters the Members represent as well as the works they are supposed to perform.

Shri Murli Deora is not present at the moment. He represents the Bombay South Constituency where the voters number is 7 lakh 28 thousand. We serve voters which are two and half times more than the average number of voters a Member is supposed to deal. So these constituencies are required to be reconstituted immediately in order to bring all the constituencies at par. I have used the term immediately because as Shri Advani pointed out earlier that the present Government completes its term of five years or not is known to the congressmen only. It all depends upon them. The way they take decision and change it suddenly as we have witnessed this today at noon only. The decision taken by Government today regarding the Rajiv Gandhi Trust seems to be honouring the public's will at large, but it is not so in reality. They have honoured Smt. Sonia Gandhi's will only. They decided not to allocate funds to this Trust when its Chairman, Smt. Sonia Gandhi refused to accept it.

**SHRI SRIBALLABH PANIGRAHI (Deogarh) :** Is it relevant at present ?

**SHRI RAM NAIK :** He is saying this, because he is of the firm view that this Government will continue for the five years. But sudden change in its decision by the Government without stating the reasons thereof creates another picture which is very much relevant. Had it been irrelevant I would not have pointed out it. Further, I would like to request not to bring the same Bill, as one in which the constituencies are proposed to be re-constituted on the basis of 1981 census is pending in the Rajya Sabha. The Government should bring first an amendment in that to insert the 1991 census as its base instead of the 1981 census.

Mr. Chairman, Sir, if the Lok Sabha passed a Bill regarding the delimitation and after the enactment of this Law the Election Commission takes urgent initiatives in this regard, only then the work of the delimitation can take place. But I think the Election Commission does not take adequate care of these things as it is supposed to do. I tell you about the procedure the Election Commission is accustomed to follow. You will be surprised to know about that. I wanted some facts and figures from it. For these figures I wrote a letter to the Election Commission through the Reference wing of our (Lok Sabha) Library. I wanted to know the names of the 10 largest Lok Sabha and Vidhan-Sabha Constituencies in the country. But no information has been sent yet to the Reference Branch of our Library.

**MR. CHAIRMAN :** You did not ask about the smallest constituency ?

**SHRI RAM NAIK :** I wanted to know that also. But I could not receive any such information. I am not mentioning about the Union territory as I know that there are less number of voters. I asked about the states only. But nothing in this regard has been provided to me yet as the period of three weeks has passed. They have told me that they would seek informations from the states and send it to me later on. It shows how they work there. What does their statistics department do ? They should think about this. I am of the opinion that they too should take some initiative regarding this (delimi-

tation). I think Shri Bansal when replying to all these submissions will admit that for the immediate delimitation some change must be brought in the constitution by introducing a Bill in this regard.

Again I would like to insist on that the delimitation should be done on the basis of 1991 census only. In this regard I would like to suggest to keep in view the proportional percentages of the increase in population of the towns in coming five to ten years.

With these words I support this Bill brought by Shri Bansal and expect from him that he will consider all my three suggestions I have delivered here. I hope that the hon. Minister will reply about this after considering all these things and delimitation will be done on the basis of 1991 census and changes will also be brought in the constituencies reserved for the Scheduled Castes and Scheduled Tribes.

[English]

SHRI SYED SHAHABUDDIN (Kishanganj) : Mr. Chairman, Sir I rise to support the Bill in principle but I feel that the Bill, as pointed out by the other distinguished speakers does not quite meet the needs of the situation. I think more comprehensive amendment to the Constitution and to the Delimitation Act are called for.

We have the late Dinesh Goswami's Bill before us pending in the Rajya Sabha. But to my mind even that is deficient in some respect. I feel that there is a national consensus on the question of principle that there has to be reservation for the SC & ST and that there should be a rotation of such reservation among various parliamentary or assembly constituencies. But, there are other aspects of the matter which also needs to be taken into account.

I have not been able to gather from my research or understand from my discussion with very senior Members of the House a reply of a very simple question. How was the number of seats in the Lok Sabha decided? Why are they 540 and not 640? or why not 500 or 600? There has to be some basis to the number of seats. Every seat must represent a certain population

set. We are conscious of the fact that we are sitting in the House of the People, not in the House of the State. Therefore, the delimitation of the constituencies of the Lok Sabha should not be defined in terms of a State at all. The spatial distribution or the spatial demarcation of parliamentary constituencies must take the country as a whole and must divide it into constituencies of equal population so that each one of us sitting in the House representing an equal population set. That is one essential point that we must keep in view, when we come to the revision or review of the delimitation as it stands today.

Secondly, why must we not go beyond 1981? We have a national census every ten years and there is no reason why we cannot review the delimitation, at least make some minor adjustment every ten years, as soon as the population figures become available. And secondly, those of us who are in favour of rotation of reservation, why must we speak in terms of five years or ten years? Why can it not be done with every successive General Elections. So, first, we must have some rational reason, logical basis for determining the number of seats in the Lok Sabha disregarding in my opinion the boundary of the States. Secondly, having done that and ensuring that each seat represents a uniform population set across the country, we must have a re-delimitation with every census and thirdly the rotation of reserved seats must come about with every General Elections.

Now, the entire purpose of reservation was to guarantee that the weaker sections of our society the SC&ST have due opportunity for being represented in the deliberations of this House. That is why we have chosen to reserve seats for them that implies that the reserved seats taken together must represent their total population, their proportion in the population of the country or in the case of Assembly in the population of the State. Therefore, this principle implies that such constituencies should be reserved for the SC or for the ST



which taken together represent the maximum proportion of the population of SC&ST in the country. Therefore, when there is a wide variation in the absolute population of the SC&ST across the country or in terms of percentage of the total population, say, in a district or in a State there is no reason we should have a similar pattern everywhere. Therefore, I suggest that we have to have a pattern in which a dual pattern, if I may say so, a more comprehensive pattern in which having decided the number of parliamentary constituencies, having delimited them, when we come to the question of reservation, we take into consideration the population in actual terms or in terms of proportion of the total population of each constituency which belongs to the Scheduled Castes and Scheduled Tribes. If the actual population or the percentage of population is higher than the national average, then those constituencies must be reserved permanently.

For example, if the Scheduled Tribe population in the country is X per cent, then any parliamentary constituency which has a ST proportion exceeding X per cent must be reserved permanently for the Scheduled Tribes.

But what about then the constituencies which are below the average, either in actual terms or in percentage terms? I would suggest that the reservation process should go down to those constituencies which have, say, 75 per cent of the average per constituency SC&ST population, and then, in this lower end we should have a distribution. As Shri Vijay N. Patil pointed out just now, it is at this lower end that despite very minor differences. Some constituencies have been permanently reserved and some constituencies never come under the purview of reservation.

Therefore, my plea is this that in the process of reservation we must divide the constituencies into constituencies with higher population or higher percentage of Scheduled Castes and Scheduled Tribes, and those with lower than the average, then, permanently reserve the first set and rotate the second set, which would imply that at any given time in any general election, the maximum pos-

sible population of the Schedule Castes and Scheduled Tribes would be represented in this House, quite apart from the other benefits that would follow.

Sir, I do not have much to say. This is a general principle that I have placed before you and there has been a national debate on the subject and slowly yet another national consensus has emerged that while everyone of us is for reservation for the Scheduled Castes and Scheduled Tribes, we should not in the process of reservation deprive the others also of their representation in this House. And that is what is implied in the principle of rotation. That is, if there is a pattern of rotation, then some voters are not permanently disqualified from standing from their own constituency, or having their due say in the selection of their representative or a wider choice in selecting their representative, and they also get an opportunity. And that is why, I plead with the Mover that he should accept this idea that rotation should take place for every successive general election, and secondly that the constitution should be delimited every ten years. But before we come to that, we have to cross the constitutional hurdle. There should be a rational basis for fixing the number of seats in the Lok Sabha and the Assembly for keeping in view the nature of the House of the People and the Legislative Assemblies which represents all the people of the country, and all the people of the State, without being unduly deterred by the district boundaries within a State or the boundaries among the States.

With these observations, as far as the Bill stands, I support it in principle.

**SHRI SRIBALLAB PANIGRAHI** (Deogarh) : Mr. Chairman, Sir, I rise to support this Bill on delimitation of constituencies. As has rightly been observed by the honourable previous participant, there is hardly any controversy in this. This is a simple Bill with one provision and it is significant also. It is a simple Bill, but significant. It has a lot of importance.

The problem of delimitation, as I find, is two-fold now, or it has two aspects.



tation). I think Shri Bansal when replying to all these submissions will admit that for the immediate delimitation some change must be brought in the constitution by introducing a Bill in this regard.

Again I would like to insist on that the delimitation should be done on the basis of 1991 census only. In this regard I would like to suggest to keep in view the proportional percentages of the increase in population of the towns in coming five to ten years.

With these words I support this Bill brought by Shri Bansal and expect from him that he will consider all my three suggestions I have delivered here. I hope that the hon. Minister will reply about this after considering all these things and delimitation will be done on the basis of 1991 census and changes will also be brought in the constituencies reserved for the Scheduled Castes and Scheduled Tribes.

[English]

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The problem of delimitation, as I find, is two-fold now, or it has two aspects.

One aspect is with regard to rotation of constituencies in respect of, or, relating to reservation. That has been taken care of in this Bill.

But the second aspect, delimitation of constituency, that means refixation of area, readjustment of areas within the constituency, has not been dealt with in this Bill. Earlier, we had this provision or benefit of delimitation of constituency once in every ten years. Atleast three Delimitation Commissions had been constituted and they had accomplished this job. But, since 1973, so to say, there is a ban on delimitation work till the end of this century. I think, there has been a Constitutional Amendment, that is, 42nd Amendment, which has provided a ban on the consideration of taking this delimitation of constituency till 2000 A.D. In 1973 we had the last delimitation of constituency. But since then, two decades have elapsed.

And there has been a lot of changes, sea-change has taken place in many areas. Many new industries have come in some areas; where there was forest, we find now beautiful town, populous town. The very beautiful greeneries and very beautiful populous villages, which were there, were extinct with reservoirs. As a consequence of river projects, some dams have been constructed.

In my own constituency, Deogarh in Orissa, there were two major reservoirs—Rangali dam project and Sambal bariage Anicut Ayyacut—submerging more than one hundred villages. Sir, my constituency is 200 km long stretch. There are 21 Lok Sabha constituencies in Orissa. Probably, after the finalisation of 20 constituencies, whatever else was left formed my constituency, Deogarh. I sometimes feel like that.

We must have some sort of uniformity in respect of population and as far as possible in respect of areas also. I know that in cities like Calcutta, Bombay, and Delhi, there are four, five, six Lok Sabha constituencies whereas in some States, there may be one or two Lok Sabha constituencies in the whole State. That discrepancy will continue. I concede that. But, at the same time as far as possible there should

be uniformity not only in respect of population but also in respect of areas, where the scope does exist. I do not say that everywhere it is possible. Naturally, the delimitation of constituency is overdue.

As regards to rotation, I need not emphasise further. I agree with the previous Speakers, learned participants. The honourable Leader of the Opposition, Shri Advani, has already wholeheartedly supported this Bill. Of course, his colleague, Shri Ram Naik, is capable of travelling beyond the scope of the Bill and he has mastered this art probably. He was very fond of bringing Rajiv Gandhi Trust issue here, which has no relevance at all. Of course, he will say that it is relevant. Anyway, he has also supported this Bill. But there is a mania among some Members to bring in whatever they like possible in any sort a Bill.

It is a simple thing. But here also he has brought in Rajiv Trust, this and that. It appears as if Rajiv ghost is haunting them. And what will they do in UP? I tell you that it will not be a matter of surprise that with all their majority in UP they may collapse under own weight because of mal-administration and all that.

SHRI SUKDEO PASWAN (Araria) :  
There is no quorum in the House.

MR. CHAIRMAN : Let the quorum bell be rung. Now there is a quorum. Shri Panigrahi may now resume his speech.

SHRI SRIBALLAB PANIGRAHI  
This is a very good device they have found. Whenever anything is spoken here which is not palatable to them or whenever there is any criticism of them or their Government in UP, they raise the issue of quorum.

I support this Bill. Mr. Shahabuddin suggested that delimitation should be there at least once in ten years and rotation of seats regarding reservation should be done every five years. But I have a point to make here. I suggest that this should be done once in a decade after the census operation is over because, otherwise, who

will look into that matter. Secondly, if every five years the constituency is going to be changed, then in that case, probably a very few Members will be interested in taking interest in their constituencies in respect of development etc. So a dangerous consequence will arise out of that.

If nobody will be sure of the constituency where from he will contest next time uncertainty will prevail. I mean the status relating to reservation should not be disturbed atleast during 10 years time. Otherwise, nobody will take interest and in the process the poor people, the helpless people will be left there high and dry and nobody will be there to nurse the constituency. That is my point. Every ten years after the census operation, delimitation should be there and along with the limitation also this thing should be decided. The Bill is laudable no doubt in its objective, but at the same time, it is falling short of the requirement of the time. Therefore, a comprehensive Bill should be brought forward by the Government itself. There is a Bill pending in the other House by the Government and that Bill was introduced in 1990 and in 1991 only we had the last census. So, that should accordingly be revised. That Bill will not hold good now.

Therefore, taking all these aspects into consideration, it would also necessitate an amendment to the Constitution itself. If this Bill is passed, it will serve the purpose, but it will also necessitate an amendment to the Constitution because 42 Amendment to the Constitution has put a ban on delimitation till 2000AD. Therefore, the whole thing should be looked into from that angle and a comprehensive Bill should be brought forward. Anyway, I congratulate and thank Shri Pawan Kumar Bansal for having brought forward this Bill which has provided a very useful discussion. There is no controversy about it. I lend all my support to this Bill.

**SHRI V. DHANANJAYA KUMAR** (Mangalore) : Sir, I rise to support this Bill. I fully agree with the opinion expressed by all other learned Members. Now, I am on a different point. The necessity for delimiting the Parliamentary as well as

Assembly Constituencies with reference to the figures obtained on the basis of census has already been dwelt upon.

My submission is that the constituencies which are reserved for the Scheduled Castes and the Scheduled Tribes have remained under-developed and they are the most backward constituencies, as I could see. For example, I can quote from my own Parliamentary constituency. There is one Assembly segment named Sullia in Dakshina Kannada District falling within the Mangalore Parliamentary constituency. It is reserved for Scheduled Castes and it has remained so for the last over 30 years. Another Assembly segment namely Virajpet in Coorg District, that also falls within Mangalore Parliamentary constituency and that has remained reserved for the Scheduled Tribes for the last 30 years. Now, in my Parliamentary Constituency there are altogether 8 Assembly segments out of which these two assembly segments are the most under-developed and the backward areas.

I am sorry that even in the Sulya Reserved Constituency, my Congress friends could not find a candidate who is residing within the territorial area of that constituency, to be put up from the same constituency. It was my party, the Bhartiya Janata Party, which put up a candidate for the first time in 1983 from that Sulya constituency and he won the election. Till then, the candidate coming from some other parts of the district, residing at a distance of more than hundred kilometres from that particularly Assembly segment, were being put up. That may be one of the reasons why the hon. Member from that constituency could not give much attention to the development of the constituency. So, the proposal made in this Bill is very much relevant from this aspect also.

As we could see, may be that the voters also react in the same way. We find that in the Assembly elections, the percentage of voting in the Reserved constituencies remains much below the average, compared to other general constituencies. I do not know the reason for such a tendency but it has remained so.

So, my submission is that it has become very relevant, all the more important that the reservation for Scheduled Castes and Scheduled Tribes, in respect of the Assembly constituencies as well as the Parliamentary constituencies, should be kept, rotating them, as has been suggested, at least once in ten years.

My friend Shri Panigrahi has been referring to the neglect of the constituency by the Members once they are not sure that they would contest from the very same constituency. My submission is that those days have gone now. We know from our experience that each and every Member is interested in visiting his constituency and for looking after the welfare of the voters in that constituency, whenever he gets the time. By whatever mode or method he gets a chance to get more and more facilities for his constituency, he would definitely try to encash them. The modern trend is that the representative from the constituency would keep constant touch with his constituents. So, that may not be true. The rotation as suggested is very much necessary and relevant.

Coming to the Parliamentary constituency, I may be permitted to read out the relevant portion from the Act. Section 9(1) of the Delimitation Act, 1972 says —

“The Commission shall, in the manner herein provided, then distribute the seats in the House of the People allocated to each State and the seats assigned to the Legislative Assembly of each State to single member territorial constituencies and delimit them on the basis of the latest census figures, having regard to the provisions of the Constitution and the provisions of the Acts specified in section 8 and also to the following provision: namely,.....”

My learned colleagues have already spoken. I would draw the attention of the House to proviso (a). It says :

“(a) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them, regard shall be had to physical features, existing

boundaries of administrative units, facilities of communication and public convenience.”

17.00 Hrs.

With reference to my constituency, that is, Mangalore Parliamentary constituency, I would submit that my constituency is spread over in two districts. In Dakshina Kannada District we have 15 Assembly segments. In Karnataka one parliamentary constituency consists of eight Assembly segments. The Mangalore parliamentary constituency consists of five Assembly segments from Dakshina Kannada District and three Assembly segments from Coorg district. This is neither a geographically compact area nor it has any physical feature in common nor any existing boundaries as it is. The parliamentary constituency consists of places which are administratively separate units.

The centrally sponsored schemes, like Jawahar Rozgar Yojana, where money is provided and the programme is implemented, a district is taken as a unit. The Mangalore parliamentary constituency is spread over in two districts. It is neither taken care of by the administrative unit of Coorg district nor by the administrative unit of Dakshina Kannada district. Further, two of the Assembly segments in Dakshina Kannada district, namely Belthangady and Karkala, are attached to Chikmagalur district and they form part of Chikmagalur parliamentary constituency. My submission is that the Mangalore parliamentary constituency could very well be carved out of the areas coming within the Assembly segments in Dakshina Kannada district itself. This has remained so for a number of years.

SHRI M. RAMANNA RAI (Kasaragod) :  
It should be made a reserved constituency.

SHRI V. DHANANJAYA KUMAR :  
The suggestion is good. I have been submitting that the reservation should also be kept rotating. We have no grouse. Unfortunately, two Assembly segments in this parliamentary constituency have remained so backward and under-developed that even if they are made reserved constituencies and brought in that category, the entire parliamentary constituency may probably remain under-developed, when we go to 2000 AD.

My submission is this is a very good and valuable proposal. Necessary amendment could be incorporated in this Delimitation Act. As has already been brought out, the relevant Articles—Articles 170 and Article 82—of the Constitution of India may also have to be amended, to gain more strength. Otherwise the proposed amendment will not get the strength and also will not have the required effect. My submission, therefore, is that the hon. Member who has moved this Bill may also consider these aspects. I also find that the Members have cut across party lines and all are of the same opinion that the provisions contained in this amending Bill should be adopted and the Act should be changed.

I once again lend my full support to this Bill and request that the Bill be made into an Act.

I thank you very much for giving me this opportunity so that I could put forward the viewpoints expressed by people in my parliamentary constituency. I hope the hon. Member who has initiated this Bill will take into consideration the points put forward by me while giving the reply. Thank you. 17.05 Hrs.

SHRI M. RAMANNA RAI (Kasaragod): Sir, I rise to express my views on this Bill.

Now, the principle behind this Bill is laudable because now some constituencies are reserved for Scheduled Castes and Scheduled Tribes permanently. Then, naturally there is a feeling among others that they have no participation at all in the democratic process and particularly we know that the reservations are made not because a particular community of Scheduled Castes or Scheduled Tribes are in absolute majority in any constituency. The population of the Scheduled Castes and Scheduled Tribes is 10 per cent or 15 per cent in such constituencies. Then, under such circumstances, if a constituency is reserved, then what happens is, the majority community or a large number of people feel that they are neglected. Now, all of us agree that reservation is necessary. But we know that in the first general elections in 1952, instead of reserving one constituency for Scheduled Castes and Scheduled Tribes, there were double-Member constituencies. In the beginning the constituencies were double-Member constituencies

and it was felt by both the Scheduled Castes and Scheduled Tribes and others that there should have been separate constituencies. So, they have been given up and now some particular constituencies are reserved in States. Now, what is the remedy for this? Of course, there are various remedies. But in my opinion all the remedies suggested are not appropriate. What shall be the correct procedure? Our Member from Bombay suggested that there were some constituencies in which some are having three lakh voters, some are having 16 lakh voters and some are having other difficulties also. But to overcome these difficulties there is one alternative suggestion; it is the suggestion made by our CPI(M) Party that there should be a list system. If this list system is approved, the problems or difficulties expressed by my learned friend, Mr. Ram Naik, will not be there. If this system is adopted, then the entire population of Maharashtra will be taken into consideration. If a certain number of Members is fixed for Maharashtra, then the total number of voters of Maharashtra will be divided by the number of Member fixed for Maharashtra. So, if the list system is adopted, then there won't be any problem.

31/ Another problem expressed by some friends is that if a particular constituency is declared as a reserved constituency for Scheduled Castes and Scheduled Tribes, then others are feeling aggrieved. At the same time if a particular constituency is reserved for Scheduled Castes and Scheduled Tribes, not only others are aggrieved, but the entire constituency is feeling neglected. Those who spoke here argued as if they are independent candidates. In fact, nobody is contesting as an independent candidate. Nowadays elections are contested by political parties. So, if the political parties are contesting, where is the question of neglecting a particular constituency? In a State if a particular party is having popular mandate, then that party is looking after all the constituencies of the State. So, the argument that if a particular constituency is reserved for Scheduled Castes and Scheduled Tribes that is going to be neglected permanently is not correct because we know that we all contest on the party ticket and only a very few candidates are found here as independent candidates. So, to develop



the constituency, it should be a general constituency and it should not be reserved. But, at the same time, if a particular constituency is reserved for Scheduled Caste or Scheduled Tribe, then the majority community feels aggrieved. To avoid that, something should be done. We have been arguing for comprehensive electoral reforms. We are not serious about it and we are talking about it only at the time of elections. So, all the important political parties should sit together and consider as to what should be the proper and comprehensive electoral reform measures. My submission is, the spirit behind this Bill is laudable, but it is not practicable at all. Hence, the Government should come forward to bring a comprehensive Bill or at least a comprehensive amendment for electoral reforms. That is the only solution and this problem can only be solved in that way and not by adopting or rejecting this Bill.

Sir, I agree with the spirit behind this Bill, but I do not agree the argument put forth by him.

17.12 Hrs.

SHRI P. C. THOMAS (Muvattupuzha) : Mr. Chairman, Sir, I congratulate the hon. Member who has brought this Bill which throws light on a very important aspect to be considered by the Government. This is acceptable in principle and spirit and I feel that the present amendment is very simple in nature which seeks to amend the present nature of allotment of seats for the Scheduled Castes. The seats which are allotted to the Scheduled Castes and Scheduled Tribes should be rotated on a time-bound basis of 10 years in accordance with the population of the concerned community. I would say that this does not even cause any bar under the provisions of the Constitution also. Article 82 of the Constitution had been amended by the 42nd Amendment and a proviso was added to it. It deals with the re-adjustment of each constituency on the basis of each census and it does not bar a rotation of this nature. It is only dealing with the number of seats allotted for each State and also the division of constituencies. It does not, as such, cause any bar to reservation being rotated to a constituency from another constituency. I do not feel that the other concerned provi-

sions of the Constitution will cause any embarrassment by accepting this amendment. So, this is an amendment which is all the more acceptable in principle by all the sides. Even if the Government does not bring a separate Bill, this amendment, as such, can be accepted because the difficulties which are stated with regard to the provisions are not barred, which is thought to be existing under the Constitution.

With regard to the merits, there is absolutely no disagreement. Almost all the Members have said that the rotation system is to be accepted.

I would also say about some of the points which were suggested by some of the Members with regard to the way in which delimitation is to be done. I feel that it should not be merely on the basis of number as has been suggested by some of the hon. Members. For example, there are constituencies whose geographical lines are completely different from other parts to which it is not possible to link the two areas for the purpose of getting unanimity in number. I may take the example of Lakshadweep itself which is a collection of many islands. There are such constituencies where the number of voters may be very few but they cannot be comparable geographically with other constituencies. That is the spirit of the Constitution also. The Constitution also says that in the matter of delimitation geographical line of the land has to be taken into consideration. Therefore, Lakshadweep has to continue as one constituency and the Member elected from there should continue as a Member of the House, as he is continuing for the last so many years. I once again congratulate the Member on his representing the constituency continuously.

I think, if this Bill is not passed as such, the Government may take immediate steps to bring forward an amendment in the form of an official Bill to give effect to our feelings.

[Translation]

SHRI SURAJ MANDAL (Godda) : Mr. Chairman, Sir, I support the Delimitation Bill presented by Shri Bansal. All sections of this House should take it very seriously.



Mr. Chairman, Sir, the number of the Parliamentary Seats has been fixed on the same basis as had been fixed at the time of Independence. I do not have the figures of the country as a whole. But I may state about the state of Bihar. 4 seats for the Scheduled Castes and 5 seats for the Scheduled Tribes were reserved in the that state when its population was 3 crore. Sir, if the population has been the basis of the seats then why only 5 seats were reserved even after the census of 1981 when the population of the state has increased to 6 crores. And now in the census of 1991 the present population of the state is more than 8 crores, out of which the tribals constitute one and half crores of population. Even for the one and half crores population the seats still remain 5.

There are only 5 seats for one and half crore population of the areas of Chottanagpur and Santhal Pargana to which I belong to and which are the parts of Jharkhand-area. When these constituencies were formed, there was no industry in that area. But now there are industrial establishments like Bokaro, Hatia and Tata in that area. According to the census of 1971 the population of that area was 1 crore and 94 lakh. And now the population of that area has risen to 3 crore, but the base still remains as 1 crore 94 lakh. Many our learned colleagues put forth their points here. I would like to say that the seats for the Lok Sabha as well as the Vidhan-Sabha must be fixed on the basis of the population for the convenience of the Public Representatives. The population of the Constituency I represent now had been 6 lakhs earlier, which has now 10 lakh, and 74 thousand voters. You will be surprised to know about the two Lok Sabha constituencies in India, one is Jalore where from Shri Buta Singh comes elected. That constituency comprises of three districts. Another is my constituency, Godda which comprises of Five districts. A candidate in that Lok Sabha Constituency has to contact five districts during the election. The radius of that constituency is 150 kilometres. During the election one has to cross the Banka Lok Sabha Constituency where from Shri Pratap Singh comes elected, Munghyr and Bhagalpur constituencies respectively for campaigning. Sometimes I fall in doubt as to

whether the delimitation of the constituencies has been done for the convenience of the public or for their inconvenience. Whatsoever is matter but it has not been done with a good motive. In such circumstances a poor and resourceless candidate cannot dare to contest election. The prosperous persons who had been in power have got delimitation done in the country according to their own convenience I should thank the hon. Member who has presented this Bill in the interest of Public Welfare. I am of the view that this Bill must be passed immediately. In this Bill, the seats of the Vidhan-Sabha also has been mentioned. I would like to cite an example here. In 1962, Pt. Binodanand Jha was elected from Deoghar which is a religious place. In the next election after his defeat from there he contested from Rajamahall constituency and became M.L.A. and after that he became the Chief Minister of Bihar. Afterwards he got declared Deoghar Constituency as a Reserved Constituency. That constituency is a reserved constituency since then. I have got no objection regarding that as a change is quite natural. And nor have I any objection to other general constituencies. This is also correct that each Vidhan-Sabha as well as Lok-Sabha constituency must have its own specific area. But the delimitation of the constituency has not been done properly on the basis of the population which has drawn the attention of everyone. In my state the population has grown to 8 crore from 3 crore, but the number of the Reserved seats for the tribals is still 5 whereas the number of the Lok-Sabha seats has been increased to 545 from 525. Thus we think that the number of seats of Scheduled Tribes has not been increased. Therefore, it should be ensured through the provisions of the Constitution that the delimitation of the constituencies should be made on the basis of population or the number of voters in a particular number of years. Efforts should be made to reduce the distance by curtailing the area of nearby districts. So, we welcome the present Bill which has been introduced today. All the people have faith in the Constitution of India. People belonging to ruling party are also sitting here to protect the interests of Scheduled Castes and Scheduled Tribes and they are not have just to fulfil their selfish ends. We should not think in these terms

if we are in power for the last twenty years, there is no need for delimitation of the constituencies; we are getting the facilities whether the people may have it or not. The Government should consider this Bill very liberally. All the Members have demanded the delimitation of constituencies, so it should be initiated immediately. As Shri Advaniji and Naik Saheb have said that it is not known whether the Government runs for five years or not. We also concede that there is no guarantee of its running for five years. Therefore, a Bill should be introduced for delimitation of constituencies in 1992. This Bill should be passed with the consent of both the benches and should initiate the work relating to delimitation of constituencies so that people are able to start work in their constituencies. An M.P. can win the elections in the constituency of Andman and Nicobar islands only by getting fifty thousands of votes whereas we can't win even if we get three lakhs of votes.

MR. CHAIRMAN: There are three lakhs of people in Andaman and Nicobar islands. A lot of area has to be covered by the candidates.

SHRI SURAJ MANDAL: They win only by getting fifty thousands of votes. We will go to see Andman. The in-laws of Shri Manoranjan Bhakta reside in my constituency. I have got their invitations also.

MR. CHAIRMAN: If you go there, you would not even like to be nominated from there.

SHRI SURAJ MANDAL: If we go there, we will contest the elections from there also and put them into trouble because one and a half lakh of voters belonging to Madhya Pradesh and Ranchi. Live there therefore, we support the bill and both the benches should support it.

SHRI RAJENDRA KUMAR SHARMA (Rampur): Sir, Shri Pawan Kumar Bansal deserves congratulations for introducing this Bill in the House. By doing so, he has expressed the feelings of the entire House as well as of the people. It is our unfortunacy that our Governments have a very apathetic view towards the public.

It is evident from this Bill. It appears that they are concerned only to fulfil their own interest. There is no system at all of taking right steps at the right time for the welfare of the country and the people. I do remember well an incident when I was a Member of U.P. Legislative Assembly for some time. In 1972, a Delimitation Commission was appointed under the Chairmanship of Justice Kapoor. After having a country wide tour, he completed the work relating to delimitation of the constituencies of Lok Sabha and Legislative Assemblies with some geographical improvements. Though a primary decision had been taken by the Commission to appoint a delimitation Commission after every census to be conducted after every ten years and the work relating to delimitation of the Lok Sabha and Assemblies constituencies throughout the country would have to be performed, yet no change has been made even after passing out 30 years and once the constituency declared as 'Reserve'; it is still reserved, thus creating a widespread resentment among the people. Our hon. Members have expressed both types of views. But the truth is that the people belonging to Scheduled Castes as well as to other castes also think is this term whether they would have been given the opportunity of contesting elections from these constituencies or not. In the process, more, constituencies also on the basis of proportionate population alongwith the reserved seats of Lok Sabha and Legislative Assemblies should be taken at number two through delimitation process alongwith the Reserved Seats of Lok Sabha and Legislative Assemblies.

Mr. Chairman, Sir, through you, I would like to submit that the Government as well as the Minister for Law who is present here, should try to respect the feelings of this House. It is not only the feelings of the House, but also the feelings of the entire nation. If any Member of Parliament expresses his views, he expresses the views of the people of his constituency. Today, it is the remarkable thing that has ever seen in the House that nobody has opposed this Bill, and the Government should always welcome the Bill which is not being opposed by any one and should adopt the same immediately.

Mr. Chairman, Sir, my submission is that such a bill as may meet the purpose, should be introduced in the House and got it passed in this very budget session. I would like to mention that it was also considered during Janta Dal regime that a delimitation commission should be appointed; and even today there was a Bill pending in Rajya Sabha to this effect. I urge upon the present Government that they should introduce a new Bill and get it passed during this session and appoint a delimitation Commission so that the process could be completed within a period of one or two years. It is natural that the process would take at least two-three years. Our hon. Members have enlightened the House that on the one hand there are some Lok Sabha Constituencies which have three and a half lakhs of voters and on the other hand there are constituencies having sixteen to seventeen lakhs of voters. Such difference in the number of voters is not reasonable at all. By ending such a vast difference of population we should reconstruct the system afresh and have uniformity and equality in this respect. It is the feeling of the entire nation, which must be honoured and a delimitation commission should be appointed. Hon. Advaniji has also said that a delimitation commission would be appointed after constitutional amendments. This is my submission when nobody is objecting to it, you should immediately do this work.

With these words, I support the Bill presented by Shri Bansal and thank you for the opportunity you have given me to speak.

[English]

**THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI P. K. THUNGON) :** Sir, I was listening to the hon. Members with attention and I am very happy to see that the hon. Members are, in principle, on the same lines (*Interruptions*)

**MR. CHAIRMAN :** The time for this Bill was fixed up to 5.30 P.M., that is, two hours. Is it the sense of the House to extend the time further to 6 O'clock? (*Interruptions*)

**SHRI RAM NAIK (Bombay-North) :** There is no need to extend the time for this Bill up to 6 O'clock. The Minister has already started the reply. He may take ten minutes. And then Shri Bansal will speak. You please extend the time for this Bill by ten minutes or so, so that the next Bill can come. (*Interruptions*)

**SHRI PAWAN KUMAR BANSAL (Chandigarh) :** I will leave him the time move his Bill.

**MR. CHAIRMAN :** Is it the sense of the House to extend the time for this Bill by fifteen minutes?

**SOME HON. MEMBERS :** Yes, Sir.

**SHRI P. K. THUNGON :** Sir, I was saying that I am happy to note that the views expressed by the hon. Members, in principle, are in keeping with the ideas and thinking of the Government. Ours is a dynamic society. We have a dynamic democracy and most of our Members are progressive. Therefore, nothing can remain static. Along with the changes in the society, along with the changes of the needs and the change of the conditions, there has to be changes. This is why, the Government has already thought about it and introduced a Bill in the Upper House for the amendment of the Constitution in this regard.

Coming to the main points, as the hon. Members are aware, dealing with delimitation etc., in Constitution can be referred to Articles 81, 82, 170 and 327.

**SHRI E. AHAMED (Manjeri) :** Article 330 also.

**SHRI P. K. THUNGON :** To some extent.

These are the Articles which are relevant in respect of this Bill. I would like to read out the Statement of Objects and Reasons of the Bill introduced in the Upper House. This was introduced in May 1990. You will appreciate the main spirit behind this Bill, which the hon. Member, Shri Bansal has brought in for the consideration of the House and it is

taken care of. I would like to read out the Statement of Objects and Reasons.

The Members in both the Houses had been raising from time to time a demand for the delimitation of the constituencies. The Government has also been receiving representations and suggestions for such delimitation from various other quarters. Hence the matter was referred to the Committee appointed by Central Government to go deep into the matter of Electoral Reforms. The Committee has examined the question of increasing the total number of seats in the House of People and in the Legislative Assemblies of the States, the rotation of seats reserved for the Scheduled Castes and Tribes and delimitation of constituencies. After careful study and discussion they have recommended that a fresh delimitation on the basis of 1981 census may be undertaken, but such delimitation should not affect the total number of seats allotted to various States on the basis of 1971 census. They have also recommended that seats reserved for Scheduled Castes may also be rotated on the basis of their population in the constituencies.

These recommendations require amendments to the Constitution, as at present, there is a Constitutional bar, not only in regard to the increase in the total number of seats but, also with regard to delimitation of constituencies. The Government having accepted the recommendations of the Committee, now propose to amend the relevant Articles of the Constitution.

This explicitly gives the idea and takes care of the Bill which has been proposed by the hon. Member. Here, at this stage, I would like to express that as many Members have suggested that since 1991 census has already taken place, whether this Bill which the Government is considering has to be taken up in both the Houses as it is or with certain amendments, this is under examination of the Government.

Many Members have suggested about the problems of certain constituencies. Hon. Member Shri Ram Naik and many others suggested about disparity of the number of voters; that part is also being looked into.

I must mention that seeing the expression of some Members, the Government will certainly look into the matter in a manner in which utmost care will be taken, so that everyone's interest will be taken care of. When we talk about the equality in the number of voters' population, we will have to keep in mind the area of certain constituencies because the real representative of people must be able to be in touch with the people of that area whom he represents. For example in places like Ladakh, Arunachal and Andamans, unless certain considerations are specially made, they would not be able to represent the people in the real sense. So these are the matters which the Government will certainly consider. In other words, I can say that the basis of man-mass and land-mass shall be kept in mind so that justice would be done to the extent possible.

As I don't have much time, I come to the crux of the point. I would like to urge on the hon. Member Shri Bansal to understand my difficulty and I would like to request him to withdraw the Bill on two grounds. Firstly even if I agree to pass this Delimitation Amendment Bill, it is known to everyone of us and this House is the guardian of the Constitution that constitutional scope is not there. So we cannot agree to pass this Amendment Bill because we cannot put the cart before the horse. Unless and until these constitutional provisions are amended where freezing has taken place upto 2000 AD, we cannot agree and this House does not have the way to pass this Amendment Bill.

Secondly, as I have already stated, we have already introduced a Bill in the Upper House and the Government's mind is already fully exercised and it is under its active consideration. So I would request Hon. Member Shri Bansal to withdraw his Bill so that whatever is being done by the Government we can consider more actively. I can assure him that the Government will certainly look into this proposed Bill as soon as possible and try to bring it to this House after it is considered by the Upper House.

**SHRI PAWAN KUMAR BANSAL :**  
Mr. Chairman Sir. I thank all the hon. Members who have participated in the

discussion on this Bill and extended their support to the spirit of the Bill, that is to call for rotation of the seats reserved for the Scheduled Castes in the Lok Sabha and the various State Legislative Assemblies. Due to paucity of time and my commitment that I will finish it before 6 O'Clock so that the next hon Member would be able to take up his Bill. I would refrain from referring to the various points in detail.

But, at the very outset, I must submit that though I respect the views of all the hon. Members here, it is with utmost respect that I beg to differ with them and the hon. Minister when they said that a Bill like this, with limited scope that I have given to this Bill, cannot be passed in the absence of a constitutional amendment. If you were to refer to the provisions of the Constitution as it stand now, after the 42nd amendment; and to the amendment that I seek to introduced in the Delimitation Act, you would agree with me that this Bill could be passed with the present provisions of the Constitution remaining as such. I would just hurriedly rush through the scope of Article 81, Article 82, Article 170 and Article 330 of the Constitution.

Article 81 of the Constitution talks only of the ratio between the number of seats and the population of the State being same for all states. Article 82 in fact is the provision whereunder the Delimitation Act was framed in 1972. Giving the most strict interpretation to these two provisions, all that one can infer is that the number of seats in the Lok Sabha—in the case of Article 170, in the State Legislative Assemblies—will not be varied till 2000 AD. In the case of Article 330 also which talks of the number of seats reserved for the Scheduled Castes, the provision is that this will not be tampered till the year 2000 AD. Now, all that I would ask is that you do not change the number of seats. If there are say, 'X' number of seats reserved for Scheduled Castes, in a State, for the time being, do not delimit them; do not change the complexion; do not go into the question as to whether in a particular constituency there are three lakh electorates and in another constituency there are fifteen lakh electorates. There are also cases where the total number of

Scheduled Castes voters in a general constituency may be much more than the total electorate in another constituency. I know all these discrepancies and distortions. I do not want this change at this moment because I know that it would take a lot of time. Therefore, I limit the scope of my amendment only to the rotation. Sir, with humility I am submitting that to introduce this Bill, no amendment to the Constitution is called for. Sir, as an abundant precaution, I added a further proviso, which states :

"Provided further that the total number of such seats reserved for Scheduled Castes shall not be varied in constituencies located in a district in case of Legislative Assembly of the State and in the State in the case of House of People until the relevant figures for the first census taken after the year 2000 have been published."

I suppose that this meets my point. I would withdraw the Bill in any case. But before doing that, I want to very briefly refer to one provision. I would tend to agree with Mr. Ram Naik. He said that the relevant year now should be 1991 and not 1981 and that there is an immediate need to do this. There is a need to bring about a comprehensive amendment in the Representation of People Act.

Eletoral reforms is a continuing process. Shri Advani has always been actively advocating that. We are all concerned with it and that it should be done.

There was one view expressed by Shri Shahabuddin I want to refer to that. He wanted that his question of rotation should be applied after every election. I suppose that it will not be feasible because if an election is held, a snap poll is held, there is not enough time for the process to be gone into because at least he proposals have to be published and objections thereon obtained, which may take at least two months time, whereas in a period of two months, as happened recently, the elections had to be held. So, that would not be applicable.

To conclude I would say that Shri Shahabuddin did not find reason as to why the number of seats were limited to 525 in the case of States; 20 in the case of

Union Territories and 2—under Article 331 of the Constitution, that is nomination by the President—for the Anglo-Indian Community. In lighter vein I think, it is the size of this House which puts that limit on us. I do not know whether there will be space or not after more seats are added. I wish that after this census, more seats must be added, so that we will have a larger House with more representatives of the people here.

† Sir, I withdraw the Bill with one fervent hope that the other Bill which is pending in Rajya Sabha be taken up immediately with whatever necessary amendments which the Government wants. But this is a simple amendment which I had sought. If there is a limitation on a Private Members' Bill to be passed, I have no hassles about withdrawing it. I fervently hope that the Government would come forward at least with this amendment.

With these words, I seek leave of the House to withdraw the Bill to amend the Delimitation Act, 1972.

MR. CHAIRMAN : The question is :

"That leave be granted to withdraw the Bill to amend the Delimitation Act, 1972."

*The motion was adopted.*

SHRI PAWAN KUMAR BANSAL : I withdraw the Bill.

MR. CHAIRMAN : The House will now take up Item No. 8. Shri Ram Naik may now move his Bill.

SHRI RAM NAIK (Bombay North) : Sir, I am not pressing on this Bill.

MR. CHAIRMAN : So, Item No. 8 lapses.

Next comes Item No. 9. Shri Bhogendra Jha—not present.

Next Item is Item No. 10. The Bill to be moved by Shri Pawan Kumar Bansal cannot be taken into consideration as President's recommendation, required for the consideration of the Bill under Article 117 (3) of the Constitution, has not been received so far. So, we will move to the next Item.

We will now take up Item No. 11. Shri Bhogendra Jha—not present.

The next item is Item No. 12. Shri Ram Naik may move his Bill.

17.53 hrs.

*Infant Foods and Feeding Bottles (Regulation of production, supply and distribution) Bill.*

MR. CHAIRMAN : Before I call upon Shri Ram Naik to move the Motion for consideration of his Bill, we have to fix the time limit for discussion of this Bill. Shall we fix two hours ?

SEVERAL HON. MEMBERS : Yes.

MR. CHAIRMAN : Now Shri Ram Naik.

[Translation]

SHRI RAM NAIK (Bombay North) : I beg to move :

"that the Bill to provide for the regulation of production, supply and distribution of infant foods and feeding bottle with a view to the protection and promotion of breast feeding and for matters connected therewith or incidental thereto, be taken into consideration."

Mr. Chairman, Sir, I would like to express my views before this House on the Infant Foods and Feeding Bottles (Regulation of Production, Supply and Distribution) Bill, 1991 moved by me. Actually, I feel myself proud that I have got the opportunity to move this Bill in this House, which is very important one from the mothers' and the children's health point of view in this country. A conference of World Health Organisation was held in May, 1981 in which our late Prime Minister Smt. Indira Gandhi had delivered a key note address. In that Conference a resolution was passed that from point of view of the health of the children and mothers, breast feeding should be promoted and the use of artificial infant foods should be opposed.

After that, in 1986, a similar Bill was moved in the Rajya Sabha by the then Minister and the present Hon. Prime Minister Shri Narsimha Rao and it was passed by the Rajya Sabha. Later, it was