

**Mr. Deputy-Speaker:** I will now put clause 7, as amended, to the vote.

The question is :

"That clause 7, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 7, as amended, was added to the Bill.*

**Mr. Deputy-Speaker:** I will now put the long Title and the Enacting Formula. I have already ruled out the various amendments that have been tabled.

The question is:

"That the Long Title and the Enacting Formula stand part of the Bill."

*The motion was adopted.*

*The Long Title and the Enacting Formula were added to the Bill.*

**Shri Satya Narayan Sinha:** Sir, I move:

"That the Bill, as amended, be passed."

**Mr. Deputy-Speaker:** The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*

#### DELIMITATION OF CONSTITUENCIES—contd.

**Mr. Deputy-Speaker:** Now, the House will take up further discussion regarding the delimitation of constituencies.

**The Minister of Law and Minority Affairs (Shri Biswas):** Mr. Deputy-Speaker, Sir, I come from a State where we turn to the South for soft and cool breeze. I found yesterday that a devastating storm can also blow from the South. I did not quite know whether I should be able to keep my feet.

**Several Hon. Members:** Why?

**Shri Biswas:** Because of the sudden fury of the storm. Sir, I am grateful to you that you gave me some respite and I had a few hours to examine the charges that were levelled against the Delimitation Commission and, in passing, against the Law Minister. I am now in a position to say I was really pleased that there was such a discussion.

For one thing, it has shown that there is a strong volume of opinion against the proceedings of the Delimitation Commission.

**An Hon. Member:** Very strong.

**Shri Biswas:** It is my regret and disappointment that not a whisper of it had been brought to my notice in the last one year and a half. The Delimitation Commission has been functioning for quite a long time. It was set up in 1952 and still I had not the slightest inkling of any dissatisfaction at the way in which it had been proceeding. Some complaints were made in respect of Madras and Andhra.....

**Shri Matthen (Thiruvellah):** Travancore-Cochin also.

**Shri Velayudhan (Quilon cum Malvelikkara Reserved—Sch. Castes):** We also did make complaints.

**Shri Biswas:** There are also many other States affected but the complaint was in respect of the two States.

**Mr. Deputy-Speaker:** There were also a number of Members from Travancore-Cochin.

**Shri Biswas:** They joined in the discussion, that is all, but the initiative was from those who were interested in the two States which I have mentioned. Be that as it may, I am accepting the tirades which poured out from all sections of the House as having been very useful in a way. I may say at once that in respect of Andhra and Madras, the point came to notice very prominently, because the 17th May had been fixed as the date for a certain pur-

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pose. It was supposed that there was a great urgency and something had to be done. The delimitation had been done in such a revolutionary manner or in such a fantastic way, ignoring all recognised principles of delimitation and so on that the matter had to be brought before the House in order to obtain instant relief. I may tell the House at once that it is not in the power of the Law Ministry or the Law Minister to give them instant relief. As hon. Members, Dr. Krishnaswami and Dr. Lanka Sundaram themselves recognised, the complaints are based on the ground that Delimitation Commission acted on an interpretation of the Constitution with which they do not agree. It is not open to us, it is not open to Parliament except by way of amending the Constitution, to express any opinion as to what the correct construction of any provision of the Constitution is. For that purpose, relief must be sought, if at all, elsewhere, not here. If you are pressing for a change in the Constitution, I can quite understand that, but that cannot be done before the 17th May, which was the immediate objective of those who raised this discussion.

**Shri Raghuramaiah (Tenali):** On a point of information, I wish to say this. Article 81(3) of the Constitution says . . . .

**Shri Biswas:** I beg of you that I may be permitted to go on in my own way (*Interruptions*).

**Mr. Deputy-Speaker:** I would make a request to hon. Members. When hon. Ministers, who are in possession of the House, are addressing the House, their trend of argument will be broken if they are interrupted. For purposes of elucidation, various points have already been raised in the House and let us see what the hon. Minister says is satisfactory to the House.

**Shri Raghuramaiah:** I wanted to have only one clarification. The hon. Minister said just now that the in-

terpretation sought to be put is not permissible until the Constitution itself is amended. Article 81(3) says:

"Upon the completion of each census, the representation of the several territorial constituencies in the House of the People shall be readjusted by such authority, in such manner and with effect from such date as Parliament may by law determine."

So, the manner of readjustment can be laid down by Parliament by a separate enactment without amending the Constitution.

**Shri Biswas:** That law has been passed. My hon. friend is diverting me to a line of argument into which I am prepared to enter, but then he should be prepared to sit till seven o'clock. The question is this. I was going to say something else. I was referring to the fact that this discussion was raised in view of the 17th May as the date fixed for certain purposes. I was going to tell the House that what I am prepared to do is to transmit the entire proceedings of the House, which took place yesterday, to the Delimitation Commission and invite their attention to the complaints which had been made regarding their work, and to see that no occasion arose for public dissatisfaction at their work. So far as the particular date is concerned, I would have suggested a postponement, but I have no power under the law to give them any directive. If the Members expect the Delimitation Commission to act within the framework of the law, they must also allow me to work within the framework of the law. I have no power to give any directive to the Commission, but I do propose to suggest to them that they might fix another date a little later. At the same time, I may tell you that the date, which has been fixed, is not a very material date. It is a date which has been fixed under section 8(3)(a), which says:

"First in respect of the determination of the numbers under

sub-section (1), and then again in respect of the distribution of seats and delimitation of constituencies under sub-section (2), the Commission shall—”

Clause (a) says:

“shall publish its proposals, together with the dissenting proposals, if any, of an associate Member, who desires publication thereof in the Gazette of India and the official gazettes of the States concerned and also in such other manner as it thinks fit;

(b) specify a date on or after which the proposals will be further considered by it;”

The 17th of May has been fixed as the date on or after which all objections which may have been received will be further considered. That is all. There will be time to subject these objections to scrutiny. They will be all duly considered. The proposals are not going to be finalised on that date in the sense that final orders will be passed at this stage. Then will follow a public sitting or sittings. That is under clause (c).

“The Delimitation Commission shall consider all objections and suggestions which may have been received by it before the date so specified”—17th May in this case.....“and for the purpose of such consideration hold one or more public sittings at such place or places as it thinks fit.”

It is after such public sitting that they will determine the boundaries of the constituencies and embody them in final orders. That stage has yet to come and is a long way off.

**Mr. Deputy-Speaker:** The hon. Minister will kindly remember that the argument advanced for putting off the date was for the purpose of the public knowing why the existing constituencies have been so radically altered; what is the reason for which they were altered so that they may

meet that. Otherwise they will only be groping in the dark.

**Shri Matthen:** What about the constituencies where the objections have been ignored and decisions finalised?

**Mr. Deputy-Speaker:** That is another matter; that will come later.

**Shri Biswas:** I was dealing with the date, 17th May, which has been fixed for Andhra and Madras.

There are certain preliminary proceedings which have taken place. The draft proposals, the tentative proposals of the Commission along with the dissenting proposals of the associate members, have been published, I believe, by this time, and then a date has been fixed by which objections and suggestions will have to be put in and they will be considered at a public sitting. So, it is not correct to say that the proposals have been finally considered. The date is the date on and after which these proposals will be further considered.

As to why the delimitation was made in a particular manner, that raises the question whether in making the delimitation in that way, to which objection is now taken, they acted against the spirit of the Constitution, or against the directions which were laid down within the framework of the Constitution by the Delimitation Act. That is a different question. I can quite understand that point. So far as that question is concerned, it was suggested that what they did was in contravention of the letter and spirit of the Constitution. That is a matter of opinion. The Delimitation Commission must be left to decide what the Constitution really requires them to do and act accordingly. I may take a particular view; I might say that the Constitution did not contemplate anything beyond minor adjustments. They may not take that view. Minor adjustments may not be possible in many cases. Drastic changes might have been inevitable in view of certain facts and under certain circumstances. Therefore, we must

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assume for all practical purposes that they are acting in accordance with what they believe to be the true import of the provisions in the Constitution. We might take a different view. It is not for us to lay down what view they should take; that will not be binding on anybody. If there was a pronouncement by the Supreme Court as to the interpretation of this clause, that would have been different. Hon. Members might.....(*Interruptions*). They may give a different interpretation. It is a very difficult question and you cannot insert anything in the Act.

**Mr. Deputy-Speaker:** The hon. Minister will see that the point is this. It may be that adjustment means only adjustments here and there and not a thorough overhauling as if it is a fresh demarcation. That is one point and that is a matter of interpretation and immediately nothing could be done as the hon. Minister has said. The other point that was suggested was why certain changes were made. What was in their minds? It is not that anybody questions the right of the Delimitation Commission. What was the reason? They may answer and offer the reasons, if any.

**Shri Biswas:** All that I can say is this. There are very good reasons for what they have done. Unfortunately, when this Bill was here before this House, a Joint Committee was also there to consider it; and not one suggestion was made at that time, that when the Delimitation Commission published its tentative proposals, these proposals should be accompanied by an explanatory memorandum. Because you do not find this memorandum attached to these proposals, you cannot blame them. They are acting according to the law as laid down for them; they have no choice in these matters. You have had applications for adjournment from the Congress Party, from the Government, from this person and

that person and that body or this body. They did what they thought to be right, and they did not seek to oblige this Party in preference to the other. That is the spirit in which they were working all the time, and I am sure there were very good reasons.

After these proposals are formulated by them and before their actual publication in the Gazette, they always send advance copies to the associate members and to the State Governments inviting them to meet the Commission on a particular date. Then there is an informal discussion and these tentative proposals are, with the dissenting proposals of the associate members, then published in the Gazette. They take all reasonable and possible steps to ascertain public opinion. I will not say for one moment—and nobody will claim, not even the members of the Commission will claim—that whatever they have done is perfectly right and that there could not be any alternative method of delimiting the constituencies, but I do claim for them and on their behalf that they have acted in the best and most proper way according to their light and judgment, without being influenced by any extraneous forces, whether governmental or otherwise. That is the position. (*An Hon. Member: Question*). My hon. friend here questions this. If our self-interest is affected, we shall question to the end of time, and it is impossible for even God himself to please all. So, I say it is not fair to charge the Commission with all sorts of atrocious irregularities. (*Interruptions*.) It is a very mild expression compared to what was said yesterday by some hon. friends. It was actually said that they had suppressed opinions which they had received. An hon. Member referred to a letter which had been received in answer to a query; in which they said that there had been no government proposals from the undivided State of Madras. I submit that was a perfectly correct statement. When

they ask for opinion from any State, they make it perfectly clear that they are not asking for the opinion of the Government, because they do not want it to be said that they are being unduly influenced either by the Government or by any other body.

They frame these proposals themselves, on their own responsibility, uninfluenced by any other considerations. But they do consult the State. As I have already stated, when the proposals are formulated, they send copies to the associate members, they send copies to the States. The States do send their representatives. If they do not, of course they cannot help it. Regarding Madras State no government proposals were asked for and no government proposals were received. That is a perfectly correct statement. As everyone who has got to do with administration knows, suppose something has got to be put up before a Minister. There is his staff. The staff collects the materials, and then they arrange the materials, and put them up in an orderly form before the Minister. For the purpose of getting these materials and marshalling them, they might obtain information from some other Ministry, not at higher level but at staff level. That might have taken place between the Delimitation Commission staff and the staff of some of the States. That is a different matter. But the tentative notes and so on made by the staff in one particular State cannot represent the views of the State. And if you ask whether any proposals had been received from the State of Madras, it will be quite correct to say that no proposals were received. That is the position and that position is not altered merely because some lower officials in the State staff had passed on some information to the staff of the Delimitation Commission at their request.

**Dr. Lanka Sundaram** (Visakhapatnam): Passed on from which quarter?

**Shri Biswas:** Then at a later stage, as I pointed out, they send these proposals to the Government as Government. Then they meet the officers of the Government, their representatives as well as the associate members. They go into the matter, then the proposals are published in the Gazette, and a date is fixed for filing objections and so on.

I did not want to go into these matters. You gave me time. Therefore I had time to examine these files and so on. I have also a note regarding the procedure which is followed, but I do not think I need go into it.

I have one specific point to refer to. That was a serious point, because Shri Gidwani said that he was not given any notice I made enquiries on that point. I find public notice was given on the 19th June, 1953, for a public sitting in respect of the determination of the number of seats for Bombay and other States. A second letter was sent to him on the 30th June, stating the exact place where the meeting was going to be held. Intimation to individual associate members about the public sitting went out on the 25th June. I do not know if that notice was mislaid. But it will not be correct to say that notice was not sent. I have a record in the office that notices were sent out.

That is all I could collect within the time at my disposal. I do not think I need go into these matters further. They did their best. Because they are not here I am referring to this matter. As I have said, I shall communicate to them the desire of the House for an alteration of the date 17th May in respect of these two States.

**Dr. Lanka Sundaram:** The hon. Minister just now said he will send the entire proceedings of yesterday and today to the Commission. I remember he said the Commission is on tour. And today is the 14th. May I request him to send a telegraphic summary first, so that they will not miss the bus?

**Shri Biswas:** What I propose to do is this. I shall send them a telegram saying that the date 17th may be postponed. They are coming on the 17th, and I shall then hand over to them the copy of the Debates.

**Dr. Krishnaswami (Kancheepuram):** I should like to put only two suggestions to the hon. Minister and it is for him to consider them. I think it would help us if the proposals that are submitted by the Delimitation Commission have reasons appended to them, instead of provisional proposals as at present looking like final proposals. If there are no reasons appended it would be impossible for us to put forward our objections.

**Shri Biswas:** As I said, I cannot give them any directions. I will speak to them and the proceedings of this afternoon's debate will also be made available to the Delimitation Commission, so that they will know.

**Dr. Krishnaswami:** I am not suggesting....

**Mr. Deputy-Speaker:** I think the hon. Member's suggestion is that if perchance the date—17th of this month—is altered and if there is sufficient time, they may publish an appendix giving certain reasons for their original proposals. That is his suggestion, I suppose?

**Dr. Krishnaswami:** Yes, Sir; that is my suggestion.

**Mr. Deputy-Speaker:** The hon. Minister says that he will indicate that also.

**Shri Biswas:** I shall suggest to them that they should alter this date and fix some other date. Then they will have these proceedings before them and they will know how to act. I cannot suggest this date or that date; it is a matter entirely for the Delimitation Commission to decide.

**Dr. Krishnaswami:** I am not suggesting that you should give executive directions. I am only suggesting that the reason for altering the date is

that it may append comprehensive reasons for its proposals.

**Shri Biswas:** Appending reasons is not contemplated in the Act. If they like to go beyond the framework of the law and voluntarily publish reasons for their proposals, that is a different matter. That is a matter in which they should take action and I cannot dictate what they should do.

**Mr. Deputy-Speaker:** Any other suggestion?

**Shri K. K. Basu (Diamond Harbour):** The reasons may be given, that is the only suggestion.

**Dr. Krishnaswami:** If there are any alternative proposals put forward, these also may be published in the Gazette so that we may examine them.

**Shri Ganpati Ram (Jaunpur Dist. —East Reserved—Sch. Castes):** According to article 341, sub-clause (2) of the Constitution, it is said:

“Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”

इसमें मैं यह कहना चाहता हूँ कि बहुत सी जातियाँ शेड्यूलड कास्टस की लिस्ट से निकाल दी गई हैं, लेकिन पार्लियामेंट के सामने स्वीकृति के लिये उनको कभी नहीं लाया गया और पार्लियामेंट ने कभी उसकी स्वीकृति दे कर पास नहीं किया।

दूसरी बात यह है कि १९ जातियाँ जो कि १९४१ की लिस्ट में राजस्थान में थीं वह १९५१ की लिस्ट में नहीं आई हैं। इसके विषय में ठक्कर बापा जी ने २२-११-५० को होम मिनिस्टर को एक पत्र लिखा था कि यह जातियाँ सेन्सस की रिपोर्ट में नहीं आई हैं।

**Shri Biswas:** Is there going to be a new debate?

**Mr. Deputy-Speaker:** Order, order. I have followed the hon. Member's complaint. He says that particular groups which must be included in the list of Scheduled Castes and Scheduled Tribes, has not been so done. There are as many as 21. In the absence of their inclusion, their number cannot be taken into account in the reservation which is made in their absence. The present population will be different from the population augmented by those persons. The persons belonging to the Scheduled Castes and Scheduled Tribes must have got themselves included through the Backward Classes Commission or by application to the President etc. I am afraid that this does not fall within the scope of the discussion on the Delimitation Commission.

**Shri Ganpati Ram:** Sir, one thing more.

**Mr. Deputy-Speaker:** What one thing more? That will only be irrelevant.

**श्री गणपति राम :** बैकवर्ड क्लासेज कमीशन जो इस वक्त टूर कर रहा है और जिससे यह मांग की गई है कि शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइव्स में जो जातियां इन्क्लूड नहीं की गई हैं वे इन्क्लूड की जायें। जब तक बैकवर्ड क्लासेज कमीशन रिपोर्ट नहीं देता तब तक सेन्सस के अनुसार यह निश्चित करना कि शेड्यूल्ड कास्ट्स की आबादी कम है इसलिये उनकी सीटें घटा दी जायें, ठीक नहीं है। यू० पी० के अन्दर यह बात हुई है और वहां एक सीट पार्लियामेंट में ब ५ ऐसेम्बली में शेड्यूल्ड कास्ट्स की सीटें कम की जा रही हैं, जब कि यू० पी० में यह नियम है कि किसी भी रिकार्ड में कास्ट नहीं लिखी जाती है

और वहां पर इस तरह से कुछ जातियों की संख्या घटा दी गई है। बैकवर्ड क्लासेज कमीशन के जिम्मे यह काम सुपुर्द किया गया है। जब तक वह डिलिमिटेशन कमीशन के सामने अपनी रिपोर्ट न रखे तब तक डिलिमिटेशन कमीशन को शेड्यूल्ड कास्ट्स की संख्या घटानी नहीं चाहिये। लेकिन डिलिमिटेशन कमीशन अगर उसके पहले अपना कोई फ़ैसला दे देता है और सीट्स घटा देता है तो मैं कह सकता हूँ कि यह शेड्यूल्ड कास्ट्स के लोगों के हितों की अवहेलना होगी।

**Mr. Deputy-Speaker:** He wants the proceedings to be stayed until this matter is decided, whether a particular group should be included in the Scheduled Castes and Scheduled Tribes list or not.

**Shri Biswas:** I may say that U.P. has not yet been delimited. No proceedings have been taken. My hon. friend can wait. When the matter is taken up, he can make a representation to the Delimitation Commission.

**Shri Velayudhan:** I have to ask only one question of the Law Minister, that is, regarding the Malabar district. The seat already reserved for the Scheduled Castes has been, under the new proposals brought forward by the Delimitation Commission, taken away to another area, about which I spoke. Can I get an answer from the Law Minister, supporting Shri Raghuramaiah's proposal and a clarification about the Law Minister bringing a proposal?

**Shri Biswas:** I regret I have nothing to add to what I have said. I cannot give an answer to that question.

*The Lok Sabha then adjourned till a Quarter Past Eight of the Clock on Saturday, the 15th May, 1954.*