

[Mr. Deputy Speaker]

associations vice Sarvashri Khan, Dubai Kasanji Desai and Nityanand Kanungo resigned."

The motion was adopted.

DELIMITATION COMMISSION (AMENDMENT) BILL

The Minister in the Ministry of Law
(Shri Pataskar): I beg to move:

"That the Bill further to amend the Delimitation Commission Act, 1952, as reported by the Select Committee, be taken into consideration."

Shri. N. M. Lingam (Coimbatore): On a point of information, may we know when the discussion of this Bill will be over and when the debate on the Progress Report of the Five Year Plan will be continued?

Mr. Deputy-Speaker: No time has been allotted. As soon as the House finishes this, the other item will be taken.

Shri Raghavachari (Penukonda): With your permission, may I know whether you have suspended the rule that two days should elapse between a Bill being presented and its being taken up. You should suspend that rule.

Mr. Deputy-Speaker: I have done so having regard to the....

Shri S. S. More (Sholapur): Without any motion for suspension, can there be a suspension *ipso facto* from the Chair?

Mr. Deputy-Speaker: I think it can be done.

Shri Pataskar: I will not take very long so far as the present motion is concerned, because last time when I put forward the motion for the consideration of the Bill which was referred to the Select Committee, I have explained the matters. We know under what circumstances the present Bill was brought forward and what the urgency for it is. I may say

that there are 26 States and final delimitation orders have been passed in respect of 17 States. That was the information supplied in order to enable the Members to appreciate what was being done and why it was being done quickly. In respect of five States, last public meetings have been held and final Delimitation orders are due to be made very soon. In regard to one State, the Commission is just now holding its last public sitting. In two States, public sittings are due to be held in January and February. In the U. P. also delimitation work is proceeding. That is the present position.

I would repeat what I said last time in order to shorten the discussion. In the case of Hyderabad and Sholapur, on account of the change in the figures or rather the correcting of the figures, so far as Scheduled Castes were concerned, in the last census of 1951, the Delimitation Commission had taken certain steps. This Bill, as it was originally introduced was intended to apply only to figures which are corrected in respect of those States where the final orders have not been passed. However, at the time when this motion was being considered last time, I did state that the Government will take all possible steps and are agreeable to what has been done in Saurashtra and Hyderabad being done wherever it is possible in other States also. In conformity with that statement, Select Committee have now widened the scope and therefore, the new clause provided not only for re-determining the seats and revising final orders with respect to those States where final orders have not taken place, but also in other States where such orders have been made. For that purpose, the whole clause 9A has been redrafted which hon. Members must notice. On a comparison, we found that there were many States where final orders have been passed and thought that it would not be just and proper that in respect of those States where final orders have been passed, if no relief could be given to the Scheduled Castes wher-

ever a case might exist for such a revision. After all, the revision has to be made. But, there is one thing which must be noted by all Members of the House, because I find so many notices of amendments have been given. Reference has been made to the speech made last time. This is a Bill which only enables the Delimitation Commission to take into consideration, in spite of final orders having been passed, figures whenever they are corrected by the Census authority. Primarily, it is for the Census authorities to correct these figures. This Bill enables the Delimitation Commission to take those figures into consideration whenever they are corrected. The whole idea of expanding the scope of the Bill is this. Whatever might have been done in respect of some States, whatever may be done wherever final orders have not been issued should be possible to be done in respect of those States whenever the Census authorities revise these figures. I think this new change will be welcomed by all the sections of the House.

Another provision has been made that this should be done before January 1956, because, as I said the work of the Commission was almost coming to an end. In order that cases may not escape, we have provided that whenever this is done, during the course of the next year, that should be taken into account. The necessity for fixing this period of one year arises from the fact that we cannot allow this sort of thing to be kept pending for all time to come. In one year we expect the Census authorities will try to revise these figures wherever necessary so far as the Scheduled Castes are concerned. Therefore, a period of one year has been provided in the new draft clause 9 A. We have also made a provision that in case the Delimitation Commission finishes its work and ceases to exist, and one year has not elapsed, then, the powers of re-determination, etc., will be exercised by the Election Commission itself. In conformity with what I said, Government wants to be fair and do

everything possible for the Scheduled Castes in the same manner it was done in the case of Saurashtra and Hyderabad. I think the present draft Bill as it has emerged from the Select Committee will meet with the demand that there should be a uniform sort of justice and equity administered so that there may not be any mistake. This is a small Bill and as I said the urgency arises from the fact that if we delay too long, probably the Delimitation Commission will have exhausted its work and all manner of complications might arise. Therefore, I hope, that, in view of the limited object with which this Bill was brought and in view of the fact that that limited purpose is being wholly served by the proposals now made by the Select Committee, this will be accepted by the House whole-heartedly, and that we will be able, if we pass it in this House, to send it to the other House and get it passed by that House tomorrow.

Shri Raghavachari: With your permission, may I just request the hon. Minister to answer this question, before the motion is put to the House. It is this. No doubt, you have provided that the correct figures of population must form the basis of the constituencies to be determined. You have provided even in cases where final orders have been passed, they may be corrected or revised. But what happens in the case of Andhra where elections have to take place now. On the basis of the correct figures, a few more seats for the representatives of Scheduled Castes and Scheduled Tribes will have to be provided there also. And therefore, why not you make this benefit of the additional number of seats to those communities available in Andhra State also. Was any consideration or thought given to this aspect?

Shri Viswanatha Reddy (Chittoor): May I ask for a clarification? The hon. Minister may answer both of them together.

Mr. Deputy-Speaker: I will call Mr. Reddy later.

Shri Pataskar: In the case of Andhra, the difficulty is that the elections are to take place shortly, and it will take some time before the Census authority revises these figures. As I said, the present Bill is only to enable the Delimitation Commission to take into account whenever those figures could be revised. Now, if we wait till the Census authorities revise those figures in Andhra, then that might delay the elections for which, I think, there is a great deal of anxiety in the House that they should be held as early as possible.

Shri T. B. Vittal Rao (Khammam): Immediately.

Shri Pataskar: I think the hon. Member realises that at the present moment there is not the ordinary, normal functioning of the constitutional machinery, and under these circumstances, to delay the elections on any account will not be proper. The difficulty is that if we could have immediately done anything to rectify that, we would certainly have been only too glad to do it. But, on enquiry I have found, because this fact was brought to my notice, that it is not possible to decide it so early. Unfortunately, that is the only State where, probably for five years, they will have to go on with the present arrangement. But the other alternative is, if we want to do something of that kind, it will delay the elections which are far more important from the point of the general public of Andhra than having a few seats and to have no elections or to hold up the elections for that purpose. I think the hon. Member will realise the difficulty and will not press for it.

Shri Viswanatha Reddy: I only wanted a clarification. In addition to what Shri Raghavachari has said, I understand that nearly 8 lakhs of Harijans have been left out of the previous census figures as far as Andhra is concerned. That means a number of reserved seats are lost.

An Hon. Member: Both for Andhra and Madras.

Shri Viswanatha Reddy: Both Andhra and Madras. Therefore, if elections are conducted now without taking into consideration this 8 lakhs population of Harijans, that means a number of seats lost. The safeguards given to the Scheduled Castes in the Constitution are vitiated by this method. Therefore, some method must be found to see that these 8 lakhs are included and seats are allocated accordingly. This is the only clarification I want.

Mr. Deputy-Speaker: Cannot the Census Commissioner be asked to look into the Andhra case first?

Shri Pataskar: I can ask the Census authorities to look into this matter first, but I am not sure whether, if that could not be done in this limited time at our disposal, the elections can be put off. It would be difficult to put off the elections for the time being.

Shri B. S. Murthy (Eluru): I raised this point.

Shri Pataskar: I am told there are no doubt some complaints that there are 8 lakhs of Harijans who have not been included in the figures as they are given in the last census. The correctness of that will have to be ascertained by the means that may be available or other means that may be found suitable. I think it is bound to take some time. And even that allegation relates to two States, the composite State of Andhra and Madras. So, I think on the whole hon. Member will see that there is no desire not to do anything that can be done for the sake of Andhra, but there is some difficulty, and I think in no case will Government be agreeable to put off the elections on that ground.

Shri Viswanatha Reddy: Does it mean that before the next elections, as far as at least the Parliamentary seats are concerned, some means will be found and rectification will be made to correct the errors that have been admitted even by the hon. Minister? I want a clarification on that point also.

Shri Pataskar: Oh, yes, naturally; before the next elections all over India, certainly.

Mr. Deputy-Speaker: What the hon. Member evidently wants to know is this. Now, the general elections in Andhra will be for the Assembly, these will not coincide with general elections for Parliamentary seats. When they are elected, they will continue for five years more in the Assembly. That is not a bye-election. Therefore, they will not synchronise hereafter. Whatever may happen with respect to the Assembly constituencies, what is the difficulty in readjusting these Parliamentary constituencies in accordance with the increased figures which may be available. That can be done.

Shri Pataskar: Yes. I believe, the Delimitation Commission will do that.

Mr. Deputy-Speaker: But hon. Minister will see that in sub-clause (1) of section 9A it is stated that if at any time before the first day of January, 1956, the Census Commissioner should have come to the conclusion that any mistake had occurred, he shall correct the figures and the correct figures shall be taken as the latest census figures. The hon. Minister may find difficulty and may not go into this matter so far as the Assembly constituencies are concerned, but would not this stand in the way of Parliamentary seats being re-adjusted?

Shri S. S. More: No, no.

Shri Pataskar: I think there is no reason why it should.

Shri Raghavachari: It will not stand in the way. They have provided so.

Shri B. S. Murthy: I may point out that the Census Commission need not go into conducting the enumeration process again, but on the available data they can give the benefit of general rise of population to the Scheduled Castes. For instance, in Madras State they said that the general rise is 14.39 per cent. whereas the rise in Scheduled Castes is only 4.73 per cent.

The average general increase is given. The Census Commission can supply the figures to the Delimitation Commission in no time, and the Delimitation Commission could also allot seats, three or four more seats. After all, this is a hard-earned right of the Scheduled Castes in which struggle even Mahatma Gandhi had also joined. Therefore, I do not see why the Andhra Scheduled Castes should be denied this privilege and this right for which they have fought. After all, if the elections were postponed by 15 or 20 or 30 days, the heavens will not fall.

Shri N. M. Lingam: On a point of submission, if a regular discussion proceeds on the Bill, of the issues will be clarified.

May I begin?

Mr. Deputy-Speaker: The hon. Minister is committing the same mistake. Let me place it before the House first.

Motion moved:

"That the Bill further to amend the Delimitation Commission Act, 1952, as reported by the Select Committee be taken into consideration."

Now, I have received notices of a number of amendments. I waive the...

Some Hon. Members: We have not received.

Mr. Deputy-Speaker: I have got copies here of notices received: one by Shri B. K. Das at 11 A.M., another received at 11-35 A.M. by Shri B. S. Murthy, another received at 11-40 A.M. by Shri Deogam and another by Shri R. D. Mishra and Shri B. S. Murthy at 11-55 A.M. Inasmuch as I waived notice regarding the Bill itself, I do not think it is proper that I should avoid these amendments on the ground that due notice has not been given. Therefore, I shall ask hon. Members who want to move them to read them out for the benefit of the other Members.

Shri T. N. Singh (Banaras Distt.—East): Are you going to take up clause by clause consideration just now?

Mr. Deputy-Speaker: The whole thing now.

Shri T. N. Singh: But the amendments could be moved only when the clauses are taken up for discussion.

Mr. Deputy-Speaker: There are no amendments now, when the motion for consideration is under discussion.

The matter has been discussed at length last time when the motion for reference to Select Committee was being discussed here. Hon. Members will kindly bear that in mind. We have got other work also to transact. This Session is going to be adjourned tomorrow evening. In view of all these considerations, hon. Members should be as brief as possible, without ignoring their points.

Shri N. M. Lingam: I find it difficult to persuade myself to give my whole-hearted support to the Bill, because it raises some important issues. After a great deal of debate, I think in 1952, the Delimitation Commission Act as passed, and it was then the expressed unanimous opinion of the House that the final orders passed by the Delimitation Commission should not be open to revision. Now, if circumstances have arisen which warrant a revision, it should be with regard to exceptional cases only.

It has been stated now that the census figures in respect of Scheduled Castes and Scheduled Tribes in certain States have been wrong. If that be so, it is for the House to consider the cases of such States only, where the tabulation of figures or the enumeration has gone wrong. But we are now, by this Bill as amended by the Select Committee, opening the door for revision of figures in all the States. In other words, we are making the Census Commissioner liable to pressure so

that he may have to revise the figures in almost all the States. This will lead to unpredictable consequences.

For instance, we are going to have elections in Andhra very shortly. If in the midst of the elections, a question is raised that the tabulation or the enumeration has been wrong, then we do not know how it will affect the course of the elections. The hon. Minister has not placed before the House the extent to which enumeration has gone wrong in certain of the States. The House should know whether the percentage of error in enumeration warrants a revision of the final orders passed by the Delimitation Commission. It would have been very helpful if the percentages of error—in respect of these States had been placed before the House so that the House could easily determine whether an amendment of this kind to the Delimitation Commission Act is necessary.

The effect of this Bill is that the Delimitation Commission will go on indefinitely, and even after that Commission ceases to function, the Election Commission will take over its functions. I am glad to hear, however, that a deadline has been fixed, namely the 1st of January 1956. But even so, if owing to circumstances which are now not predictable, elections are to be held, or emergencies arise in certain States, then we shall have to conduct elections, and if in the meanwhile, the question of revision of figures is raised in such States it will stand in the way of holding elections. These are some of the practical difficulties. So, I think it would have been better if we had confined our amendment to the Act only to those States where the enumeration has been glaringly wrong, and where it is liable to affect materially the number of seats.

Since we are at the far end of the Session, and the Bill has to be passed expeditiously, I do not want to sug-

gest any amendments; so, I have not tabled any amendments. But I hope the hon. Minister will see that this Act is not invoked to create doubts in other States as to the enumeration in those States of the population figures. I am told on good authority that these variations affect at best only the number of seats in the Assembly constituencies, and they do not affect the seats in Parliamentary constituencies.

Shri B. S. Murthy: Who said that?

Shri N. M. Lingam: I have this information from the Election Commission.

Shri B. S. Murthy: And it is very wrong.

Shri N. M. Lingam: If the Election Commission is wrong, then we do not know on what basis we are to proceed. We have to proceed on some basis. If you do not believe the Election Commission, if you do not believe the Census Commissioner or the Registrar-General of census operations, and some vague figures are sent here saying that in certain States the figures have been grossly increased or reduced, do you seriously want the House to go on that basis and go on amending the Acts? I do not think we should do that.

Mr. Deputy-Speaker: There is only a general provision here. The House does not want now, by itself, to amend all the constituencies. This is only a general provision. What is the hon. Member's ground for asking the House to make a distinction between those cases where the mistake has been committed, and the other cases where it is not yet clear whether a mistake has been committed or not? The Census Commissioner will look into it, and if there is a difference, does the hon. Member contend that notwithstanding the fact that the full and correct figures have not been given in the census, power ought not to be taken for readjusting the constituencies?

Shri N. M. Lingam: It will open the door for anybody to raise objec-

tions, and it will make the Census Commissioner to go into the whole question again unnecessarily.

Shri Pataskar: This is only an enabling provision.

Shri Kakkaiyil (Madurai—Reserved—Sch. Castes): Parliament has supreme power.

Mr. Deputy-Speaker: This is only with respect to those cases where certain communities have been omitted from the Scheduled Castes, for purposes of enumeration. It is not throwing the door open to anything.

Shri N. M. Lingam: All that has to be looked into only after full investigation.

Mr. Deputy-Speaker: That is why time is given.

Shri N. M. Lingam: In any case, since the Scheduled Castes and Scheduled Tribes Members of the House are apprehensive about their own future, I think the House is making a gesture by extending the scope of amendment to the Act.

Since the Select Committee has gone into the question fully so as to allay the apprehensions as to the state of affairs in other States as well, I hope we can pass this Bill without much waste of time.

Shri B. S. Murthy: I am afraid my hon. friend Shri N. M. Lingam has not given thought as to how this question has arisen. It is not a question of trying to alter the decisions of the Delimitation Commission every time. It is a fundamental question that is involved here.

In some States, the census figures have been wrongly enumerated. The Census Commissioner himself has taken up this question and conveyed it to the Delimitation Commission, and the Delimitation Commission thought it wise and fit to alter the quantum of seats to be given to the Scheduled Castes and Scheduled Tribes.

[Shri B. S. Murthy]

The mistake arose like this. In the President's order, several communities have been enumerated as Scheduled Castes and Scheduled Tribes, but there were other synonyms and generic names which have not been included in that order. For instance, the word 'Harijan' is not there, and the word 'Achut' is not there also. While doing the enumeration, the Registrar-General of Census took into account only such names as Adidravida or *Adi Andhra* etc. and the names such as *Harijan* or *Achut* were left out, so much so that several lakhs of people have been left out from the Scheduled Castes and Scheduled Tribes population.

1 P.M.

For instance, in undivided Madras State, as many as 8 lakhs of people have not been included.

Shri N. M. Lingam: What is the basis of his statement?

Shri B. S. Murthy: The basis is this. The census figures are enumerated once in ten years. If you take the 1931 census, then the 1941 census and again the 1951 census, there is a heavy fall in the population of Scheduled Castes, while the population of other communities has shown an increase. It is but common knowledge that where poverty is there fecundity is more and will have its full play. That is the greatest blessing God has given to them as long as they are grovelling in poverty. Again, when the percentage increase is taken in Madras State including Andhra State, it was 14.39 as regards the total population, whereas the percentage of the increase in the population of the Scheduled Castes is only 4.79. This is patently wrong. People have not gone to Andamans or Burma or other places and there has not been any heavy toll of lives by any calamity. It is common knowledge that Scheduled Castes are living in poor and very insanitary conditions but they are always prolific. Therefore all these factors have made the Registrar-General of Census to take into

recognize the fact that there were some mistakes committed. This has been proved in Hyderabad, Saurashtra and Rajasthan, and they have revised the figures. As a matter of fact, once the figures have been given as per the President's order, they cannot include persons who have enumerated themselves as *Harijans* and *Achuts*. Therefore, the question has been brought up to this august House, and this august House, which is only competent to revise the orders of the Delimitation Commission, is now taking up the question. Again, we must be thankful that this question has been thrashed out well by the U.P. Government and U.P. legislators who have been asked to collaborate with the Delimitation Commission. We are also grateful to Mr. Tiwary who has made a special study of the subject and who has been fighting for this.

I do not want to take up much time of the House because all these factors are there. Shri N. M. Lingam said that parliamentary seats would not be affected. I think Shri Lingam is aware that every 5 lakhs of people will have a Member representing the Scheduled Castes. In Madras and Andhra States alone nearly 8 lakhs of people have not been enumerated. If all these people had been enumerated, they would have got one more parliamentary seat. Coming to Andhra, I wanted to move an amendment that the benefits of this legislation shall be given to the Andhra State in the forthcoming elections in that State. This is a very important point and I want the House to give very dispassionate attention to it. After all, the question of representation has been hanging fire for long, and it was with the Soul's agony of Mahatma Gandhiji that the claim of *Harijans* had been accepted by the Poona Pact which was otherwise known as the Communal Award by Ramsay MacDonald. Ever since 1931, *Harijans* have been enjoying this right. In Andhra State elections are to be held by 11th February.

next year. If in the meanwhile nothing is done, the Scheduled Castes and Scheduled Tribes of Andhra State will lose to the extent of 4 or 5 seats. I am asking, is it fair, in the name of Mahatma Gandhi, in the name of justice, in the name of God, to deprive Harijans of these 4 or 5 seats for which they have struggled for years, a struggle in which Mahatma Gandhi took an important share and enabled us to succeed in getting as many seats as possible on the basis of our population? We are not asking anything new; we are not asking anything extraordinary; we are asking only for our birthright. After all, having been denied it for all these years, when there is a chance of getting three or four more representatives in the legislature, why should the Government or the Party in power or even this hon. House and hon. Members fight shy? After all, by postponing the election by 30 days will not make anything go wrong; it will not make the heavens fall, and will not wash away anything that is precious. Therefore, I humbly plead that the elections in Andhra may be postponed, and my amendment may be accepted. Within 30 or 40 days the Delimitation Commission can go into the matter and then allot four or five seats, for which the Harijans of Andhra will be very glad and will ever be grateful.

Mr. Deputy-Speaker: May I make one suggestion to hon. Members? Whoever is in favour of the Report of the Select Committee need not speak; whoever wants to oppose it may speak. This is the principle. Unless there is an error of grammar, the intention is that not only those cases which were brought to the notice of the House at the earlier stage, before reference to the Select Committee, but other States also will be touched and the figures will be revised. The only difference is that so far as Andhra is concerned, on account of the nearness of the elections, the hon. Minister feels that it is too late to interfere. There is a difference of opinion there; nothing harmful arises out of it. These are the simple points. Those who are

in favour of the Select Committee's Report need not participate in the debate. There is the motion regarding the Five Year Plan which we have to take up as early as possible. I am only throwing out this suggestion. Unless those hon. Members who are in favour of the report think that they have something else to contribute, they need not participate in it.

Shri T. N. Singh: There may be certain lines of suggestions to be made when this Bill is being considered by the whole House. Though there are persons like me who have signed the report and are in agreement with it there may be certain points which may be brought to the notice of the House for its consideration. In such cases, they may be allowed to express their views.

Mr. Deputy-Speaker: The general observation that I made was not with reference to any particular Member. I leave it to him to decide if he has a new contribution to make, more than what is contained in the report. We will accept, for the time being, that the Select Committee's report will be accepted by the House. Those who want to add something or suggest something else may take part.

Shri Raghavachari: I do not want to take the time of the House by repeating arguments already advanced. The only point I wish to urge is this. It is not strictly a matter that is concerned with the piece of legislation that we are considering. The legislation may have to go on; but my suggestion is that it is more a matter for the Government to consider and then postpone the elections in Andhra by the minimum time—may be four weeks or five weeks or even six weeks, not more than that. My point is simply this. It is conceded that throughout India this mistake in regard to the numbers of the Scheduled Castes has occurred and therefore, the Bill very rightly provides for rectification by way of revision of the whole thing; with regard to parliamentary seats as well as State legislature seats. In the case of Andhra, there will be a deficiency of

[Shri Raghavachari]

at least four or five seats for the representatives of the Scheduled Castes. The figures will have to be worked out. I expect that the whole process may take about a few weeks, if the Commission co-operates, and therefore, executive election may be put off by the minimum time of four to six weeks. In the meanwhile, the present final order could be examined and the correct number of seats determined. The point is simply this. Once there is an election, then there is no chance for another five years. They lose four or five seats in a House of 200. Five is a very big number in 200 and, therefore, so long as this separate electorate continues.....

Mr. Deputy-Speaker: The hon. Member suggests that they may have a Minister also?

Shri Raghavachari: They have a Minister even now. But the policies of the Government will be better influenced in their favour if more representatives are available. Therefore, the mistake must be rectified as soon as possible; the mistake should not seriously affect the community for about five years to come, in the normal course. Therefore, my submission is that executive election may be postponed. Government, no doubt, are running a risk. It is always possible for people to attribute motives and say, 'these people are want only adjourning the elections' and so on. Now, my submission is that in the course of four or six weeks nothing is really going to be prejudicially affected. After all, the Government will go on, the administration as it is will go on for a few weeks more and sometimes adjournment may be to the betterment or toning up of the administration. I am talking, may be not democratically but I am talking from the realistic point of view. Apart from all these considerations, my submission is that the elections may be postponed by executive action and the revision of the Andhra seats may be taken

up first and finished earliest. It will be really doing justice to the large community of people who would otherwise have reason to feel that they have not been dealt with fairly.

Shri Sadhan Gupta (Calcutta—South-East): Mr. Deputy-Speaker, while giving my general support to the Bill I have to point out a certain lacuna or a certain defect which, I think, is very vital. As regards the Bill, it is only justice we are doing to the Scheduled Castes and the Scheduled Tribes on a very minor matter. We know that in the census operations the Scheduled Castes get a very raw deal. They are mostly backward sections. The Scheduled Castes and the Scheduled Tribes are backward sections of the population; most of them do not know very much about census operations. Due to the bureaucratic way in which the census machinery works, the lack of enthusiasm that pervades those who are employed to do the counting, the lack of enthusiasm which is explained by the conditions in which they work for all these reasons, the census machinery only concentrates on getting together certain figures without checking them up by going to the villages and going to the remotest corners where the Scheduled Castes and the Scheduled Tribes live (*Interruption*). We know how they go to every village. Many of them just go to the tehsil and check up the papers relating to the village and they do not even go to the villages. I have known various instances where they have not gone to the remotest corners, where communications are difficult. The result is that many of the Scheduled Caste and Scheduled Tribe people are left out of account and that, perhaps, explains the disastrous fall in their numbers in many States.

But, there is another side and a more reasonable side, namely, the jugglery of mathematics, the mistakes of mathematics by which the figures are deflated, some confusion of names by which their figures are

deflated. In this way also the numbers of Scheduled Castes and Scheduled Tribes get reduced and their representation gets smaller. We cannot cure the first aspect except by radically curing the government machinery (*Interuption*) but we can cure at least this aspect and that is what we have sought to do by this Bill. That is why I support the Bill. As and when correct figures, correct in the sense of their being mathematically correct, are available, the Scheduled Castes and the Scheduled Tribes must get more representation. After all, a backward section of the population does need representation in the legislature, does need to voice its demands, does need to voice its grievances and does need to press them and to make them heard before the country. That is why representation is necessary and should be given.

This Bill, I think, will go a long way in correcting the defects that exist in the present *Delimitation Act*. But, there is one aspect of the Bill which might cause very great inconvenience during election. I wonder whether the Government realise the full implications of the provisions of section 9A. It provides that when figures are re-tabulated, when numbers are re-ascertained by the Census authority the *Delimitation Commission* or, when it has ceased to exist, the *Election Commission* must correct the number of reserved seats allotted to the Scheduled Castes and Scheduled Tribes.

[PANDIT THAKUR DAS BHARGAVA
in the Chair.]

That is very good thing on principle. But, there must be a time-limit to the operation of this clause. For example, there is an election, say a general election to Parliament. Now, the parliamentary roll consists of at least 3 lakhs of members. If, within a time before 1st January 1956, here is a parliamentary election, there are final orders delimiting the constituencies before the election—if the census authorities publish any figure—then the *Delimitation Commission* or the *Elec-*

tion Commission is obliged to make an amendment. That is to say, such election will proceed, amendments may be made and will have to be made from time to time re-determining the seats. This would obviously throw the election programme out of gear. The candidates are there, including the Scheduled Caste candidates. They will organise their election campaigns and their work on the basis of the existing delimitation and then the census authority will correct its figures and the *Election Commission* or the *Delimitation Commission* will be obliged to re-allot the reserved seats and it would really result in all sorts of confusion. Therefore, it must be provided that the power of amending should be exercised within a definite time before the elections are held. I think it may be provided that it must not be exercised, say, after a period of two months before the date fixed for polling or some such thing so that the whole election machinery, the whole election organisation of candidates and perhaps of the Government also, may not be thrown into confusion. The position as it formerly was, was that the *Delimitation Commission* would publish a final order and in accordance with the final order, elections to Parliament or to the Legislative Assembly of the State would take place, when the Parliament or the Legislative Assembly is dissolved. That was the position. Now, under section 9A, as it is proposed the time for amendment is not limited. As a matter of fact, amendment has to be made on an obligatory basis as soon as the census figures are corrected. Therefore, even while a general election for the Assembly or Parliament is proceeding within a date before the 1st January, 1956, delimitation orders will be amended. I would ask the Government to take this aspect of the matter into consideration.

It may be provided that no amendments will be made, say, within one and a half or two months or whatever period that is long enough, before the

[Shri Sadhan Gupta]

date fixed for polling. It may be fixed also like this: before any other date in the election time-table, say, before the filing of nomination papers, scrutiny or withdrawal or whatever it is, though I prefer the date of polling. So, no amendments should be made before one or two months of the date of polling. The polling should go on according to the constituencies delimited up to that time. With this suggestion about the provisions of the Bill, I give by support to the Bill and I think it is a very just provision to grant reservations to our backward brethren—the Scheduled Castes and the Scheduled Tribes.

Shri T. N. Singh: I shall be very brief.

Shri Barman (North Bengal—Reserved—Sch. Castes): I wish to make a suggestion. Actually, the Report of the Commissioner for Scheduled Castes and Scheduled Tribes is the last item on the agenda of the House. It was originally allotted six hours, and out of that, we have taken about two hours for the discussion of the Delimitation Commission (Amendment) Bill. Tomorrow, there is non-official business from 2.30 p.m. So, practically, we may get only two and a half hours to discuss that report. I think the discussion of the Five Year Plan Report will take another three hours today. In the circumstances, if there is no serious objection from any Member, I should like to suggest that the Delimitation Commission (Amendment) Bill may be passed as early as possible so that there may be sufficient time left for the discussion of the Report of the Commissioner for Scheduled Castes and Scheduled Tribes. That Report was deferred to this Session, even during the last Session. During this Session also, we do not seem to have much time for discussing it. Therefore, I suggest that the House may make some concession in the matter

of time for considering Shri Srikant's report.

Mr. Chairman: I think the appeal made by Shri Barman is very just. I also join with him in requesting the Members to be brief in their speeches and pass the Bill as early as possible. After all, there must be some time left for the Report of the Commissioner for Scheduled Castes and Scheduled Tribes. Otherwise, there will be little time left for consideration of that Report. Last time also, it was not considered. It will be a just grievance for the large numbers of Scheduled Caste people if they are not given sufficient time for consideration of that Report. So, I would request the hon. Members to see that their speeches are very brief—as brief as possible.

Shri T. N. Singh: That is why I began by saying that I shall try to be very brief. I have only to draw the attention of the House to certain points for consideration of the House I welcome the measure because it is going to meet the grievances of our Scheduled Caste brethren, for whom probably this general election will be the last election on which they will have separate reserved seats for themselves. After that, according to the Constitution, this right which they are enjoying temporarily will go. Therefore, I do not want any sense of grievance to be harboured by our Scheduled Caste people at least on this small matter. Therefore, whatever has been done, has been done in good faith and I think Shri Sadhan Gupta's objection that this will leave the door open to continuous amendments and changes in the constituencies is not based on any real facts; because we have made a limitation and said that changes made up to the 1st January, 1956, alone will be taken into consideration. It has taken two years for the Delimitation Commission to delimit all the constituencies and one year more is left. In 1957, general elections will be held and in making certain changes, a fraction alone of the constituencies are affected. So, I

do not think that is going to give any real difficulty. According to theoretical concepts, there may be some difficulty but I think that for all practical purposes, it is not going to raise any difficult problem in that regard.

Shri Sadhan Gupta: On a point of clarification. In Travancore-Cochin it is rumoured that the Congress has withdrawn its support thus far given to the Praja-Socialist Party. Suppose the Praja Socialist Ministry were to fall, and a General Election were to be held in Travancore-Cochin, then amendments could be made in the Travancore-Cochin State up to 1-1-1956, at any time even while the election is proceeding. That is the real difficulty. It is not a theoretical difficulty. What is the answer of the hon. Member to this point?

Shri T. N. Singh: I will come to that. As a matter of fact, according to law, whatever order is passed cannot be questioned in a court of law, and so long as that order stands, it will stand. The publication of some census figures will not in any way nullify the previous delimitation over which an election is being held. That is very simple.

Shri Barman: Till the dissolution of the House now sitting.

Shri T. N. Singh: Yes. I do feel that this country is a big country and there are 4,000 or 5,000 constituencies. It is stupendous task which the Delimitation Commission was asked to do. If this error has occurred I fear there may be many more errors of a different nature. I have some experience of the work in the Delimitation Commission. I was in it, and I know all kinds of difficulties arise. I do not know whether the House is seized of that fact and has applied its mind as to what will happen when certain glaring defects are noticed in the list. I wish that the revising authority has a little more wide powers for the revision work. Lacunae like contiguity occur often, and this occurred last

time also. The Election Commissioner must at best maintain some order in these matters. It was once noticed that a particular area was not contiguous to the constituency which was demarcated. These defects may arise. Sometimes they are not clerical errors. Sometimes sentences have been changed. The *patwari* circles are mostly defective; they are converted into *lekpal* circles. The revenue minutes are tampered with. All kinds of defects are there. That is the basis on which the constituencies were delimited. I wonder whether this amendment will meet the situation. As our work goes on and as our experience gains in proportion, as to what is happening, there will be a clear picture. Anyway that is for the Members of the House to keep that thing in mind. I think they should keep an open mind as to whether, in the interests of fair elections, it is not desirable to revise, if any errors are committed, even in other respects regarding the constituencies.

As regards the figures, I shall just mention one thing. There are two kinds of checks in the census. I think the census authorities have done quite a good job. It is not proper to censor them, especially for a huge country where the task is great. I have admiration for the admirable report that they have compiled and I would not condemn them for these mistakes which will occur even in the enumeration of the best regulated families. I would only say that there may be cases where the other record—that is, the National Record of Citizens—which is available in some States, is not available in some other States. There is the N.R.C. and there is the primary census. These are the two sets of figures which one can check. There are certain States where the N.R.C. does not exist. Therefore, there is difficulty in finding out the number of Scheduled Castes with the details required. Then, there will be the difficulty of checking them. The empirical way of calculation by the growth of population will not be con-

[Shri T. N. Singh]

sidered quite accurate and it cannot be acceptable to many. That is a serious problem, and I do not think the Census Authorities can do much unless the Parliament by itself passes a law on the subject. Under article 341 (2) of the Constitution, whatever errors of omission or commission is found in the list of Scheduled Castes, can be amended only by Parliament. That is one difficulty, and nobody else can remove that difficulty. Nobody else can do it. The Delimitation Commission cannot do it *suo motu*. This question has been agitating the minds of some of us. I would invite the attention of hon. Members to Article 341. Clause (2) of Article 341 says that any modification which may amount to adding or subtracting any sub-caste in the list of Scheduled Castes can legitimately be done by Parliament. So far as Government is concerned, they think they themselves can do it, because it is mostly synonyms or generic names. But this is a matter on which we should bestow some thought.

The third point I would like to bring to the notice of the House is that looking to what has been said by some friends from Andhra, I have every sympathy for them. I feel theirs is a hard case, because, probably this is the last election for the State Assembly for them when they will get their representation. The ten-year period will lapse. So, what will happen in the next elections? The Assembly in Andhra will be partly within the ten-year period and partly beyond. So, what will be the position of representation of Scheduled Castes in the Andhra Assembly? That is a point on which I am rather uncertain. I think somebody should apply his mind as to what will happen in Andhra. I do not want these small things to be made a grouse for extension of these special reservations. That is what I feel and it is rather important,

but I am not saying anything for the very simple reason that an hon. Member from the opposition made certain remarks. Everyone of us is anxious to safeguard the interests of Scheduled Castes. But to say that on account of this the elections in Andhra will not be held or that it is a political move is not fair. If that is the interpretation, at least I, who belong to the Congress Party will be the last person to say or suggest anything which may mean withholding or postponement of the elections in Andhra. I do not want to be misunderstood on that point. At the same time I feel that the Scheduled Castes in Andhra have got a case and I would not myself like to put the burden of this decision on the Government; nor would I like to put the burden of taking that decision on our own party, the Congress Party. It is for hon. Members of the opposition to advise us, as to whether they feel that some injustice has been done to the Scheduled Castes in Andhra, and if it is so, they should advise us as to what we should do. It should not be left to the initiative either of the Government or Members on this side of the House. It is rather a very delicate question and I would be the last person to make any suggestions. I have every sympathy for my hon. friend Mr. Murthy and others who have spoken on this matter and I do want that justice should be done by them; we wish that they should be allowed the right to exercise this privilege, probably in the last election that is going to be held in Andhra. I for one, the party I have the honour to represent and Government also would welcome the views of hon. Members of the opposition in this matter.

Shri Bhagwat Pha Azad (Purnea cum Santal Parganas): Mr. Chairman, I will not take much time of the House, but I consider it my duty to draw the attention of the House to two or three points. In this matter Bihar is the worst sufferer. At first

sight, this is a very simple Bill. But it goes a long way in the direction of doing justice to that community of people for whom, day in and day out, we express our sympathy, not merely lip sympathy, but our active support.

Hon. friends who have preceded me have spoken about census figures. I, and some other M.P. friends, wrote a letter to the Home Ministry pointing out the great injustice done to the Scheduled Castes and Tribes in some parts of Bihar. Dharbhanga is one of the biggest districts in India, with a population of 37 lakhs. But we find that that district has been very badly dealt with in the census. The population of one of the Sub-Divisions has fallen from 2,11,000 to 1,89,000. I do not wish to weary the House by quoting more figures. My hon. friend Mr. Mishra has tabled an amendment without meaning any reflection either on the Commission or the authorities doing the delimitation of the constituencies. It says that the final delimitation order of the Commission should be placed before the House for approval. I have my reasons, very strong reasons, for it. As will be found from the Statement of Objects and Reasons, in two of the States of India it was done; in the case of two other States it could not be done because there was no time. But there are other States, for example, Bihar, where great irregularities have occurred, so much so the population of Scheduled Castes and Scheduled Tribes has gone down. The Delimitation Commission is not an infallible body. I do not blame them; I do not for a moment question their *bona fides*. But where a mistake is committed by them unintentionally, it is open to Parliament to correct it, and the amendment of my hon. friend Mr. Mishra would go a long way in this direction.

Shri N. B. Chowdhury (Ghatal): The mistake has been committed by the Census authorities, not by the Delimitation Commission.

Shri Bhagwat Jha Azad: For example 85 Members of this House have sent a representation pointing out the mistakes committed by the Commission with regard to delimitation of constituencies in Uttar Pradesh and for their rectification. I have pointed out one instance in Bihar. The acceptance of my hon. friend's amendment will rectify these mistakes.

So far as this Bill is concerned, I welcome it. Some injustice has been done and the sooner it is corrected the better. But Bihar is the worst victim in this respect.

श्री जांगड़ (बिलासपुर-रिजित-अनुसूचित जातियाँ): पहले जो बिल आया था और जो अब प्रवर समिति के पास से आया है इन दोनों में बहुत अन्तर है। जो अब बिल प्रवर समिति से आया है इससे अनुसूचित जातियों और आदिम जातियों को बहुत फायदा होगा। इसलिए मैं इस संशोधित बिल का हृदय से स्वागत करता हूँ। फिर भी मुझे दो एक सुभाव भवन के सामने रखने हैं।

मैंरा पहला सुभाव यह है कि जिन प्रदेशों में अनुसूचित जातियों और आदिम जातियों की संख्या निर्धारित करना कठिन हो जाय। उनमें सेंसस के रिजिस्ट्रार जनरल को उन्हीं तरीकों से काम लेना चाहिए जिनसे उन्होंने हिमाचल प्रदेश और दिल्ली आदि में अनुसूचित जातियों की संख्या निर्धारित करने में काम लिया है।

श्री नवल प्रभाकर (बाह्य दिल्ली-रिजित-अनुसूचित जातियाँ): दिल्ली में जो संख्या निर्धारित की गयी है वह सर्वथा गलत है।

श्री जांगड़: पहले जो बिल आया था उसके अनुसार लो दो चार राज्यों में यह पता चला था कि कुछ गलती हुई है। पर ज्यों ज्यों हम गहराई में जाते हैं हमको मालूम होक

[श्री जांगड़]

हैं कि अन्य प्रदर्शनों में भी इस प्रकार की गलतियाँ मौजूद हैं। इसलिए इस बिल का संशोधित रूप में आना बहुत अच्छा रहा। मैं दख्खता हूँ कि राष्ट्रपति की १९५० की आज्ञा और १९५१ की जनगणना के बीच में अनुसूचित जातियों की संख्या में बहुत कमी कर दी गयी है। हैदराबाद आदि कुछ स्थानों में तो आदिम जातियों की संख्या ४० प्रतिशत और २९ प्रतिशत तक घटा दी गयी है। मैं नहीं समझ सका कि किन करिणों से इन स्थानों में आदिम जाति के भाइयों की संख्या इतनी घटा दी गयी। तो ऐसी अवस्था में क्या यह प्रश्न नहीं उठता है कि जो संसद आथारिटी है यह फिर से जांच करे और डिलिमिटेशन कमीशन अपने फाइनल आर्डर को रिवाइज करे। इसके लिए यह बिल बहुत आवश्यक है।

जैसा कि हमारे मित्र श्री भागवत भा आजाद ने कहा है कि डिलिमिटेशन कमीशन के फाइनल आर्डर को जो कि आने वाला है संसद के सामने स्वीकृत के लिए लाना चाहिए। यह अत्यन्त आवश्यक है। अभी हमारे एक दोस्त ने कहा कि यह डिलिमिटेशन कमीशन की गलती नहीं है बल्कि यह तो संसद आथारिटी की गलती है। पर यदि आप बारीकी से देखेंगे तो आपको मालूम होगा कि राष्ट्रपति की घोषणा के अनुसार भी डिलिमिटेशन कमीशन ने कहीं पर कुछ किया है और कहीं पर कुछ किया है। इसलिए इस बिल की आवश्यकता थी। अब हर एक जगह पर गलतियाँ महसूस की जा रही हैं। इसलिए इस सदन के सामने इस सदन की स्वीकृत के लिए डिलिमिटेशन कमीशन का फाइनल आर्डर आना बहुत जरूरी है। यह बात नहीं है कि हमको अपनी कांस्टिट्यूएँसी के बदलने का दुःख है, न इसमें कोई पार्टी पार्लियामेंट का प्रश्न है, न किसी दल विशेष की हार और जीत का प्रश्न है, बल्कि हम यह इसलिए चाहते हैं कि इस प्रकार हमको

न्याय होने की आशा है। कुछ लोगों का जो भ्रम है वह इस प्रकार से दूर हो जायगा। इसके अतिरिक्त जो अब चुनाव होगा वह संबन्धान के अनुसार हरिजनों के लिये अन्तिम चुनाव होगा। इसको ठीक प्रकार से होना चाहिए। यह केवल एक या दो सीटों का ही सवाल नहीं है।

This is not the question of a few seats here or there; but it is the question of the bonafides of the Government.

सवाल यह है कि जो सरकार की बफादारी की भावना शिष्टयुक्त कास्ट वालों और आदिम जातियों के प्रति है उसको ठीक से निभाया जाना चाहिए। इसलिए डिलिमिटेशन कमीशन का जो १९५१ के बाद का फाइनल आर्डर आने वाला है उसको इस सदन की स्वीकृत के लिए आना चाहिए।

अन्त में मैं यह कहना चाहता हूँ कि रीजिस्ट्रार जनरल संसद ने नियुद्धता से काम किया है। लेकिन मैं यह कहना चाहता हूँ कि जिन प्रान्तों से आवेदनपत्र या कम्प्लेंट्स नहीं भी आयी हैं उनमें भी उनको फिर से जांच करनी चाहिए और देखना चाहिए कि यदि कुछ अनुसूचित जातियाँ अपने को भिन्न भिन्न नामों से पुकारती हैं इस कारण से उनकी संख्या कम न हो जाय। हम देखते हैं कि एन० सी० आर० और संसद के फिर्मासों में फर्क है। ५० पी० में एक जिला गाँडह है जहाँ पर कि संसद में तो पापुलेशन ज्यादा बतलायी गयी है और एन० सी० आर० में कम बतायी गयी है। यह बात समझ में नहीं आती। इसलिए मैं चाहता हूँ कि संसद के रीजिस्ट्रार जनरल साहब फिर खोज करें। क्योंकि बहुत सी आदिम जातियाँ जो कि एक ही हैं अपने एक एक हिस्से को अलग अलग नामों से पुकारती हैं। जिनको सरकार नहीं जानती है और न यहाँ पर कोई जानता है। इसको तो केवल उस जेब के

लोग ही जानते हैं। मैं समझता हूँ कि ज़ातीय बन्धनों के कारण कुछ अनुसूचित जातियों के लोग अपने को दलित जातियों से ऊंचा बताने के लिए अपने को अलग अलग नामों से पुकारने लगे हैं। इन गलतियों को सुधारना चाहिए। चाहे किसी प्रान्तीय सरकार की तरफ से आवेदन-पत्र आवें या न आवें। मैं समझता हूँ कि वह रीजिस्ट्रार जनरल का कर्तव्य है कि वह इस बात की जांच करे और इस प्रकार की गलतियों को ठीक करे। मुझे दुःख है कि राजस्थान में हरिजनों की संख्या 55 हजार कम कर दी गयी केवल इसी कारण कि कुछ लोग अपने को यादव और कुल जाटव कहते हैं। वास्तव में ये दोनों एक ही हैं। इस फिगर को रीजिस्ट्रार जनरल फिक्से से रिवाइज करे। यही मेरी अन्तिम प्रार्थना है।

Shri M. L. Agrawal (Pilibhit Distt. cum Bareilly Distt.—East): The original Bill that was introduced in this House was of a very limited scope no doubt.

Shri Pataskar: May I make a request? Up till now most of the Members who have spoken, almost all of them, I find, have supported the Bill. Therefore may I suggest that it would be better if, instead of replying to the arguments of other Members, he suggests specific points that may require attention. That would be better in the interests of everybody and of the Scheduled Castes and Scheduled Tribes themselves.

Shri M. L. Agrawal: Sir, I had just begun.

It is a matter of congratulation that the Bill that has come before the House is considerably improved and the scope has been widened. Still I would have liked the Bill to go further than it does, especially in respect of the fact that there should be a revising authority over the performances of the Delimitation Commission. It has

been pointed out during the discussion of the Bill when it was referred to the Select Committee and even now that the Delimitation Commission have made certain mistakes, and very serious mistakes. For example, they have not accepted the revised figures in the case of some States while they have accepted them in the case of others. There is another thing, about representation in the House of the People. The Constitution has provided that a certain minimum number of people should get one representative. But they have ignored that provision. Then also the Scheduled Castes in Part C States have to be given certain representation in the House of the People. I understand they are entitled to certain representation in the House of the People. But they have not been given that representation. Then the Delimitation Commission have not adopted the directions contained in the Delimitation Commission Act, like those about facilities for communications in different constituencies.

If these defects are to be found in their performance then it is necessary that there should be some provision for revising their work, and for this purpose amendments have been tabled in this House and it would be well for the hon. Minister to accept them.

About the Scheduled Castes and Tribes, there are thirteen States in which the population of the Scheduled Castes has considerably gone down while there has been an increase in the population of the other people generally. There are 14 States in which the population of Scheduled Tribes has gone down considerably. It was not a matter of accident that that population has gone down. In Census of India Paper No. 4, 1953, the Registrar-General has himself given a clue as to why this population has gone down. It is this:—

"The figures for Scheduled Castes given in this brochure do

[Shri M. L. Agrawal]

not include persons who returned themselves under a caste name which, though locally believed to be identical with a Scheduled Caste (e.g. Harijan Achut, etc.) is not specifically named as such in the President's Orders. Members of the Scheduled Castes who maintained that they were not Members of any caste or tribe are also not included."

This led to the discovery that there are such mistakes in many States on account of which a reduction in the population figures of the Scheduled Castes and Scheduled Tribes has taken place. On this basis, the Registrar General revised the figures in Hyderabad and Saurashtra. I think if the population figures of the Scheduled Castes and Scheduled Tribes in other States also where there has been a marked reduction are considered, it would be found that they are entitled to a much greater representation in both the House of the People and in the State Legislative Assemblies than what has been given to them. It becomes necessary that all those figures should be revised. For this reason, the time given in the Bill, till January 1956 may not be sufficient.

Some doubts were expressed by some Members who have spoken that it would be very inconvenient if at any time before that anybody wants revision. They would not be revised when final orders have been passed. Once they would be revised in those cases in which the population has fallen. It is not a question that they would be revised every now and then. The case of Andhra was mentioned. I have very great sympathy with the Scheduled Castes of Andhra. They must certainly be given increased representation to which they are entitled. I am cognisant of the fact that that may dislocate the time-table of election that is going to take place. I think that if the Government gives a direction that the Andhra State is to be considered first by the Delimitation Commission under the provisions

of this amending Bill, it may not take much time to complete the revision. It may be a question of a few weeks. I think in doing justice to the Scheduled Castes and Scheduled Tribes, we should not grudge if the elections in Andhra have to be postponed by a month or so. With these words, I support the Bill as it has emerged from the Select Committee.

Shri Kasliwal (Kotah-Jhalawar): I will take one minute.

Mr. Chairman: I do not oppose taking any amount of time. Hon. Members know that the matter has been sufficiently discussed, I would therefore like hon. Members to conclude the discussion at least by 2 o'clock. I am making a request to hon. Members. I am not putting any time-limit. If two or three hon. Members want to speak and if they agree to take 2 or 3 minutes each, the discussions can be finished at 2 o'clock.

Pandit Munishwar Datt Upadhyay: (Pratabgarh Distt.—East): Five minutes each.

Shri Kasliwal: I welcome the Bill, especially as it has emerged from the Select Committee, so far as Rajasthan is concerned, for two reasons. In most of the States, it appears that enumeration of the Scheduled Castes and Scheduled Tribes has been less than what it was thought it would be. In the case of Rajasthan, in some districts, the position has been a bit different. Take the case of Alwar district. In Alwar, 80,000 Ahirs were enumerated in the Scheduled Castes. They were confusing Ahirs and Ahirdes. You, Sir, will be able to distinguish between Ahirs and Ahirdes. The Ahirs submitted a representation to the Census Commissioner for correcting the figures. Then, they made a representation to the Delimitation Commission. The Delimitation Commission found that they had wrongly been enumerated and that they are

not Scheduled Castes. Now that correction is being made. I am very glad so far as this Bill is concerned; it gives relief to those persons in many districts of Rajasthan. Also in Shri Madhaopur district, some trouble arose. Some non-Scheduled Castes were included in the list of Scheduled Castes. That is being corrected.

In the case of the Scheduled Tribes-Bhils, it is a matter which should have come to the notice of the Census Commissioner as well as to the Delimitation Commission. The Bhils in Udaipur Division have suffered very greatly. What happened is this. The Bhils call themselves as Mina Bhils also. Minas are an old tribe in Rajasthan. They are not considered as a Scheduled Tribe. When they said that they were Minas, they were excluded from the Scheduled Tribes and they were not considered as Bhils. The Bhils have made a representation. They have said that they are Bhils. The result has been that because of the non-inclusion or exclusion of these Bhils from the category of Scheduled Tribes, one seat in the House today, which is being held by an honoured Member of that Tribe, Shri Bheeka Bhai, is in jeopardy. I hope that with the suggestion which has been made in the Bill by the report of the Select Committee, all this would be taken into consideration and this particular anomaly which is a grave anomaly will be rectified.

पंडित मुनीरवर वत उपाध्यक्ष : सभापति महोदय, यह विधेयक जो इस सदन के सामने आया है, पहले तो यह जान पड़ा कि इसका क्षेत्र इतना सीमित है कि हम लोग शायद ऐसे विधेयक का किसी प्रकार समर्थन नहीं कर सकेंगे लेकिन मंत्री जी जो कि इसके जिम्मेदार हैं उनकी सहानुभूति के कारण और जिस सहानुभूति से उन्होंने इस याचना पर विचार किया है और जो कुछ इस सीमित क्षेत्र के अन्दर कर सकें वह सब कुछ करने को तैयार हुए तो संसद-कमिटी

का वायुमंडल बंदूक जिसके कारण प्रायः आपने पूछा कि जो संशोधन हो गये हैं उनमें सम्भव है कुछ बाढ़ से ही सदस्य ऐसे हों जो उसके सहमत न रह गये हों। मुझे जो एक बात निवेदन करनी है वह यह है कि मंत्री जी कितनी ही सहानुभूति रखें, कुछ भी करना चाहें वह विधेयक जिस शक्त में आया है, उसका क्षेत्र इतना सीमित है, उसका दायरा इतना संकुचित है कि उसके अन्दर वह बहुत कुछ कर नहीं सकते हैं। सही बात तो यह है कि जब हम अपना संविधान बनाने लगे तब उस वक्त हमने एंसी एंसी चीजें रख दीं और व्यवहारिकता पर कुछ विचार नहीं किया उस वक्त हम ने यह नहीं समझा कि इस में क्या क्या दिक्कतें पड़ेंगी और कल को हमें इनके अन्दर बहुत ही संशोधन करना पड़ेगा। नतीजा यह हुआ कि संशोधन जब आता है तो लोग कहते हैं कि यह तो एक बहुत पवित्र चीज है, उसका संशोधन क्यों करना चाहते हो। हम जब एक कानून बना रहे हैं तो व्यवहारिकता पर टिप्पट डालनी चाहिये। दरअसल कौन सी चीज एंसी हो सकती है जिसके जरिये से हम अपने चुनाव-को, सही रूप में ला सकते हैं। हमारे शंख्यलक कास्ट के भाइयों को इस तरह का हमारा कानून बना होने से चिंतित पहुंच रही है। इस कानून में थ्रुट होने से कई लोग छुट मचे जिससे उन को कई सीटें कम मिलीं। बावजूद इसके कि यह विधेयक हमारे उत्तर प्रदेश से सम्बन्धित है और उसको इससे फायदा पहुंचने वाला है, जैसा कि सभी जानते हैं, इसके होते हुए भी मैं उससे संसुप्त नहीं हूँ। दरअसल जितने एंका भर के हमारे हरिजन भाई हैं, जितने शंख्यलक कास्ट के लोग हैं उन सब को बराबर का फायदा पहुंचाना चाहिये। बहुत से राज्ज इंचे हैं कि जिनमें फाइनेल आर्टिस भी हो चुके हैं और उनमें अब कुछ हो नहीं सकता लेकिन शक्य है कि जो संशोधन आया हुआ है इसके जरिये से

[प्रीहित मुनीश्वर दत्त उपाध्याय]

कुछ उसका रास्ता खुला, लेकिन उस रास्ते को खोल देने के बाद भी मेरी यह धारणा है कि यह ५० पी० के बार्स में जो कानून पास हो रहा है, यह और इसके अलावा और भी जो इस संशोधन विधेयक के जरिये आप कानून लाने जा रहे हैं यह सार का सारा जब किसी अदालत में पहुंचेगा तब उस वक्त यह सब बंकार हो जायगा और किसी प्रकार से यह आगे नहीं चल सकता है। इस वास्ते जरूरत तो इस बात की है कि बुनियादी चीज पर आप गौर करें और जब तक उस बुनियादी चीज पर आप गौर नहीं करते हैं तब तक यह विधेयक पास करके और कानून बना लेने से हमारा कोई अर्थ निकलेगा नहीं।

एक और भी संशोधन आया हुआ है जो रधुबन्द्याल मिश्र जी ने दिया हुआ है और वह संशोधन यह है कि यह विषय हमारी लोक सभा के सामने आये। मैं नहीं जानता कि क्या इसमें परेशानी होती है, क्या इसमें इतनी बड़ी एक हिचक होती है कि अपनी कांस्टीट्यूंसी को हम ही यहां बैठ कर तय करें। इस सार मुल्क पर इस पार्लियामेंट की हुकूमत है। जितने भी मामलात होते हैं वह पार्लियामेंट तय करती है तो हमारा अपने दिंश में तो इंटरस्ट हर जगह है और ऐसा सोचना कि हम अपने इंटरस्ट का काम करेंगे और दूसरों को रिजेक्ट करेंगे, यह कोई हमारा तरीका होगा, इस तरह से सोचना गलत है, कभी भी इस तरह सोचना नहीं है। यही विचार आपके थे और यही विचारधारा थी जिसका कि अपने दिमाग में रख कर आपने अपना संविधान बनाया था। आज वह संविधान चलता नहीं है और जब आप संशोधन की तरफ जाते हैं तो कहराम मच जाता है। और जगह जो विधान में हुए हैं वह एक व्यवहारिक तरीके के प्रोक्टिकल संविधान हैं जो ठीक ठीक समाज में चल सकते हैं।

लेकिन हमने जो अपना संविधान बनाया उसमें बड़ी ऊंची ऊंची और हवाई बावें रखीं जो कि दंवताओं के लोक में भले ही चल सकें मृत्यु लोक में वह नहीं चल सकती हैं और उनमें दिक्कतें पड़ सकती हैं और हमें उनमें संशोधन करना पड़ता है, और जब संशोधन करने लगें तो एक कहराम मचाना कि आप बैठ कर अपने मतलब के कानून बनाते जा रहे हैं, यह दुस्त नहीं है। संशोधन जो आवश्यक हो वह अवश्य करना है। सही काम करने में किसके हित में है और किसके अहित में है इस पर विचार नहीं होना चाहिये जब कि वह सार्वजनिक हित में है। हम को इस मसले को आखिर में लोक सभा के सामने विचार के लिये लाना चाहिये क्योंकि क्योंकि इस लोक सभा के सदस्य लोग सार दिंश की लाक छाने हुए हैं और चप्पा चप्पा घुमे हुए हैं और वह समझते हैं कि किस तरह से कांस्टीट्यूंसी का बनाना ठीक होगा और कैसे ठीक से काम चलेगा। मेरे पास समय ज्यादा नहीं है। मैं यही निबंदन करूंगा कि इसमें हिचक न होनी चाहिये और वह मिश्र जी का संशोधन मान लिया जाना चाहिये। इसके अलावा यह आर्टिकल २४१ के मातहत जो प्रोसीडर के आर्डर की तरमीम है, जब तक उस आर्डर में तरमीम करके आप उन जातियों को नहीं ला दते हैं जिन जातियों की तादाद के बाबत हम रिवाइज्ड संख्या लाकर उसके आधार पर कांस्टीट्यूंसी बनाने जा रहे हैं, जब तक यह नहीं होता तब तक यह सार का सारा आपका बनाया हुआ कानून बंकार हो जायगा। न यह हमारे ५० पी० के काम आयेगा और न किसी और के काम में आयेगा। मेरी अपनी सहानुभूति मंत्री जी के साथ में है कि वह इसमें कुछ नहीं कर सकते कारण कि उसका क्षेत्र सीमित है। हमने कौशिश की कि कोई संशोधन इसमें लायें और इसमें कुछ हो जाय

लोकन संशोधन इसमें नहीं आ सकता है क्योंकि इसका इतना सीमित दायरा है। मैं निवेदन करूंगा कि मंत्री महोदय को इन बातों पर गौर करके दूसरा बिल लाना चाहिये, जिस में सब चीजों का प्रबन्ध होना चाहिये। यह कुछ भी आगे हम को नहीं ले जा सकता है और खतरा में डालता है।

श्री कजरालखर (बम्बई नगर-उत्तर-रक्षित-अनुसूचित जातियाँ): सभापति जी, यह जो संशोधित बिल लाया गया है मैं उसका समर्थन करता हूँ। पहले जब यह बिल आया था तो वह हमारा मित्र श्री वेंकटेश्वर नागयण तिवारी के प्रयत्नों का फल था और जिसके द्वारा ५० पी० के मामले में जो अन्याय हुआ था उसको रीक्टाई करने के लिये वह बिल आया था। तिवारी जी की कोशिश के अलावा शंद्दयल्ड कास्ट और शंद्दयल्ड ट्राइब्स के लोग लीडर और स्पीकर साहब से खुद मिले थे और इन प्रयत्नों के फलस्वरूप वह बिल लाया गया और हमने उनको धन्यवाद दिया कि हमारे साथ होने वाले अन्याय को उन्होंने दूर किया। लेकिन साथ ही साथ दूसरे बहुत से ऐसे संस्करण हैं जिनकी कि कांस्टीट्यूशंस के विषय में भी अन्याय हुआ है, तो वह अन्याय भी दूर होना चाहिये। बड़ी खुशी की बात है कि इस हाउस के संस्वरों ने और ला मिनिस्टर श्री पाटस्कर साहब ने बड़ी सहानुभूति दिखाई और इस बिल को सिलेक्ट कमीटी के सुझाव दे दिया। सिलेक्ट कमीटी में भी हमारे संस्वरों ने इस बिल पर काफी सांच विचार किया और काफी सुधार किया है। मैं जानता हूँ कि यह सुधार सेंट परसेंट नहीं हैं लेकिन फिर भी यह बिल पहले से अब काफी अच्छा बन गया है। हमारे मित्र मूर्ति जी और जांगई जी ने बहुत सी कमीयां बतलाईं। मैं

ज्यादा बक्त नहीं लेना चाहता और इतना ही कहना चाहता हूँ कि सेंस करके बक्त बहुत सी जातियों को शंद्दयल्ड कास्ट या शंद्दयल्ड ट्राइब्स की लिस्ट में नहीं रखा गया है। इन जातियों को प्रेजिडेंट साहब और शंद्दयल्ड कास्ट कमिशनर साहब के नॉटिस में लाया जाना चाहिए ताकि वे इन जातियों को ठीक कर सकें। बकवर्ड क्लासिस कमिशन जो नियुक्त किया, सौभाग्य से उस की रिपोर्ट भी जल्दी ही पेश होनी वाली है। मैं उसका एक सदस्य होने के नाते यह कहना चाहता हूँ कि जो भी सुधार वह आपके सामने लाए उन पर पूरी पूरी तरह से अमल किया जाए ताकि जो अन्याय हरिजनों के साथ हुआ है वह ठीक किया जा सके। इसके साथ ही साथ मैं ला मिनिस्टर साहब से यह अर्ज करना चाहता हूँ कि शंद्दयल्ड कास्ट और शंद्दयल्ड ट्राइब्स के बारे में जो भी लिस्ट वह दे उस पर पूरी तरह से अमल किया जाय और उन जातियों को शंद्दयल्ड कास्ट में शामिल कर लिया जाय।

इतना कहते हुए मैं ला मिनिस्टर साहब को धन्यवाद देता हूँ और आशा करता हूँ कि जो बातें मैं ने बताईं हैं वे उन को अमल में लाने की कोशिश करेंगे।

Some Hon. Members rose—

Mr. Chairman: I find that as soon as one Member finishes, four or five Members stand up. I thought that the discussion was to be concluded after the speech of the hon. Member who has just spoken. If it is the desire of the House that we should go on till 5 O'clock, I will not stand between the House and those Members who want to speak in this debate, but at the same time, I must again repeat to the hon. Members that we have sufficiently discussed the

[Mr. Chairman]

subject and I find the arguments are being repeated. I would therefore, request the hon. Members to be very brief, take one minute each, state his point of view and finish. Otherwise, the other discussion which we hope to finish by 5 O'clock will have to be prolonged, and it may become necessary that this discussion or the other discussion may have to be curtailed which I do not propose to do.

Yes, the hon. Member there.

Three Hon. Members

Mr. Chairman: I am sorry I forget the name. I will give an opportunity to all the three. Let one of them speak.

श्री नवल प्रभाष : सभापति महोदय । मैं, दिल्ली, हिमाचल प्रदेश और विलासपुर के बारों में विशेष तौर से कहना चाहता हूँ । जो एस्टीमेट इन जातियों का किया गया है उसके बारों में मुझे बड़ा कटु अनुभव है । एक वर्ष से मैं लगातार इस काम में लगा हुआ हूँ और मैंने इस सम्बन्ध में कई पत्र भी लिखे हैं और कई मेमोरैंडम भी भेजे हैं । अनुसूचित जातियों और अनुसूचित आदिम जातियों की किस तरह से गणना की गई है वह कमिश्नर की रिपोर्ट में पृष्ठ १०५ पर दी गई है । इस रिपोर्ट में लिखा है --

'भारत की जनगणना पं० ४ और राज्य की जनगणना तालिका में दिल्ली, विलासपुर और हिमाचल प्रदेश की अनु० जातियों और अनु० आदिम-जातियों की जन-संख्या के जो आंकड़े दिये गये हैं, वे भारत के संविधान के २४१ और २४२वें अनुच्छेदों के अधीन राष्ट्रपति द्वारा जारी किये गये आदेश में बिना अनु० जातियों और आदिमजातियों के नाम दिये हैं, उन की जन-संख्या के साथ नहीं मिलते । अगले पैरा में स्पष्ट किये

गये कारणों से अनु० जातियों और अनु० आदिमजातियों की पंजाब-पैम्पू सूची को जनगणना करते समय इस्तेमाल किया गया और बाद में वह मान्य हुआ कि इस सूची और राष्ट्रपति के आदेश में सम्मिलित सूची में बहुत अधिक अन्तर है ।'

जैसा कि मैंने अभी पढ़कर सुनाया दिल्ली की जन गणना करते समय पंजाब पैम्पू की सूची को ही इस्तेमाल में लाया गया है । इसका नतीजा यह हुआ कि जो कामना जातियाँ थीं, जो पंजाब और दिल्ली में थीं उनकी गणना तो हो गई और जो जातियाँ जो इस लिस्ट में नहीं थीं उनकी गणना होना से रह गई । १६ जातियाँ ऐसी थीं जो कि पंजाब में भी थीं और दिल्ली में भी थीं इन को तो गिन लिया गया परन्तु २५ जातियाँ छोड़ दी गई । इन २५ जातियों के सम्बन्ध में एक स्टेटमेंट तैयार किया । जब यह स्टेटमेंट भेजा गया तो पंजाब में मुझे कहा गया कि यह जातियाँ १९११ में, या १९२२ में या १९२२ की लिस्ट में कहीं भी नहीं हैं । मैंने मिसाल के लिए बसाई जाति को ही लेता हूँ जिस के बारों में यह कहा जाता है कि यह कहीं भी नहीं मिलती । पहले यह जाति राबस्थान में बसी और अब यह दिल्ली में आ कर रहने लग गई है । इस जाति के सम्बन्ध में डिप्टी रीजिस्ट्रार जनरल ने मुझे लिखा है कि यह जाति नान-अवलेबल है । लेकिन मैंने कहा था चाहता हूँ कि अगर वह कहते हैं कि यह जाति नान-अवलेबल है तो वे मरने साथ चलें और मैंने दिखाऊंगा कि यह जाति अवलेबल है या नान-अवलेबल । मैंने दावे से कह सकता हूँ कि इस जाति के सम्बन्ध में जो उन्होंने ने कहा है कि इसका एक भी आदमी नहीं है, कम से कम इस जाति की आबादी दिल्ली में ४०,००० है । अगर हम इस तरह से काम करेंगे तो हम वास्तविकता से बहुत दूर चले जाएंगे । तो मेरी ला मिनिस्टर

साहब सं प्रार्थना हैं कि इस काम में व्यवहारिकता जरूर होनी चाहिए और इस बिल में लिखना चाहिए कि जो जातियां छूट गई हैं चाहे वह कितनी संख्या में ही क्यों न हों उन को लिस्ट में शामिल कर लिया जाए। अगर हम इसी तरह से चलें कि यह जातियां १९२९ में नहीं थीं, १९२९ में भी नहीं थी, १९३९ में नहीं थीं और १९४९ में इनके होने का तो सवाल ही पैदा नहीं होता तो यह ठीक न होगा। इस काम में व्यवहारिकता से काम लिया जाए और हर स्टेट के अन्दर जा कर देखा जाए इन नामों की कोई जातियां हैं। बलाई जाति के इलावा ८ वा ९ और ऐसी जातियां हैं जो कि छोड़ दी गई हैं।

दूसरी बात सब रियासतों या राज्यों के कई लोगों ने अपने नाम के आगे भंगी लिखवा दिया, किसी ने जमादार लिखा दिया, किसी ने कुछ लिखवा दिया और किसी ने कुछ। इन सब की भी गणना नहीं की गई क्योंकि एकही जाति के लोग होते हुए भी उन्होंने अपने नामों के आगे भिन्न भिन्न नाम लिखवा दिए हैं।

दिल्ली, बिलासपुर और हिमाचल प्रदेश में जो तरह की गलती हुई हैं। मैं चाहता हूँ कि इस बात पर सहानुभूतिपूर्वक विचार किया जाए और इन जातियों को जो कहा जाता है कि स्टेटमेंट में नहीं जाती हैं, यह सर्वथा अनुचित है। मैं प्रार्थना करता हूँ इन जातियों के नाम में सहानुभूतिपूर्वक विचार किया जय और इन के नाम गणना लिस्ट में शामिल कर लिए जाएं।

Shri Kakkan: I express my heartfelt thanks to the Government, and especially the hon. Minister in the Ministry of Law, for having brought forward this Bill.

Mr. Chairman: Let the hon. Member come to the main point, without all this preface.

Shri Kakkan: I say so because I believe that the Congress Government alone can bring forward a measure of this nature to safeguard the rights of Harijans, and the Harijans are believing that the Congress Government alone can do something for their uplift.

Certain safeguards have been provided for us in the Constitution, and we are only asking for our legitimate due. We are not asking for more, but we are asking only for our seats to be fixed according to our population. As far as Madras is concerned, the figure according to the 1951 census is 56,72,126. But only 36 seats have been given to the Scheduled Castes, and 1 seat for Scheduled Tribes, whereas on the basis of our population, we should get at least 42 or 43 seats. We request the hon. Minister to do justice to us, and to give a reasonable number of seats for the Harijans. When we met the Delimitation Commission at Coimbatore, we requested them to allot the proper number of seats for us. I and some other Members requested them to replace the Melur constituency in the Thirupparanganur constituency, but that was not done. I feel that Shri N. M. Lingam did not support this Bill, because I believe he thought that the reserved constituency which was removed from Ootacamund constituency will again come back to his constituency.

Shri N. M. Lingam: The hon. Member is entirely mistaken. On the merits of the Bill I expressed my views. That is all.

Shri Kakkan: Without thinking properly of the interests of the Harijans, he opposed this Bill. I am afraid he is not aware of the sense of the Harijans in Madras over this matter.

On the basis of our population according to the 1951 census, which

[Shri Kakkan]

is 56,72,126, Government must give us at least 42 or 43 seats, as against the 38 seats we are having at present.

I whole heartedly support this Bill, for I feel that the Congress Government have rectified the mistake that has occurred, and have done something real for the Harijans.

श्री पी० एल० बालूपाल (गंगानगर-भुम्भन्-रीक्षित-अनुसूचित जातियाँ): सभापति महोदय, मैं राजस्थान के विषय में कुछ कहना चाहता हूँ। मेरे जो साथी पहले बोल चुके हैं और उन्होंने जो सुभाव दिये हैं उनसे मैं सहमत हूँ। परन्तु मैं यह निवेदन करना चाहता हूँ कि यादव माने अहीर के हैं और नाटव का अर्थ चमार हैं। कुछ चमार लोग राजस्थान में अपने को यादव कहने लगे हैं, सीकन वं वास्तव में चमार हैं अहीर नहीं हैं। पूज्य ठक्कर बापा ने अपने एक पत्र में ता० २७-११-५० को चीफ सेक्रेटरी, गृह विभाग, भारत सरकार को लिखा था कि राजस्थान में सिद्धयूट कास्ट वालों की जनसंख्या सन् १९५१ में २० लाख ५० हजार थी। परन्तु सन् १९५१ में यह जनसंख्या कम दिखलाई गई है। हम देखते हैं कि हमारे देश की सब जातियों की संख्या बढ़ी है, तो हमें यह देखकर राज्जुब होता है कि हरिजनों की संख्या कैसे कम हो गयी। इसी प्रकार ५० पी० में कुछ जातियों को हरिजन माना जाता है पर महतरों को हरिजन नहीं माना जाता। इसी प्रकार राजस्थान में एक ही हरिजनों की जाति है और वह है चमार। उसके लोग अपने को भिन्न भिन्न नामों से पुकारते हैं जैसे मेघवाल, बलाई, भांभी, जाटव, बँरवाल और मेघवंशी। इन भिन्न नामों की वजह से इनको छोड़ दिया गया है और हरिजनों में नहीं लिखा गया। सिर्फ जिसने चमार लिखवाया उनको ही अनुसूचित जाति में माना गया। यह उनके साथ अन्याय है। इन सब लोगों की संस्कृति एक है, वेष-भूषा

एक है, रस्मों-रिवाज एक हैं, इनका धन्धा एक है और इस तरह से इनमें कोई फर्क नहीं है इनके आपस में रिश्ते होते हैं। इन का आर्थिक और सामाजिक स्तर एक है। मेरी समझ में नहीं आता कि इनको किस तरह से अलग कर दिया गया है। हमारे गृह उप मंत्री श्री दातार जी ने जब ता० १२-१२-५२ को घोषणा की थी कि भारत में हरिजनों की संख्या ५ करोड़ है, तो मैं ने कहा था कि गजस्थान में हरिजनों की गणना कम हुई है। जहां तक मेरा ख्याल है वहां तक हरिजनों की संख्या राजस्थान में २० लाख है, जब कि उन्होंने २५ लाख २० हजार ही बताया था। यह हमारे साथ अन्याय है। यदि सरकार हमारा आर्थिक और सामाजिक उत्थान करना चाहती है यदि सरकार हम को आर्थिक, सामाजिक व शिक्षा की दृष्टि से आगे बढ़ाना चाहती है और हमारी उन्नति करना चाहती है तो उसको इमानदारी से हमारा काम करना चाहिए और हमको हर तरीके से सहूलियतें देनी चाहिए। यह नहीं करना चाहिए कि हमारी जाति को घटाकर कम कर दिया जाय और हमको उचित सहूलियत न दी जा कर हमें उस से वंचित कर दिया जाय। जब हम यह देखते हैं तो हमको समझ होता है। मैं चाहता हूँ कि जो गलतियाँ रह गयी हैं उनको दूर किया जाय और मैं प्रार्थना करूंगा कि जो प्रेसीडेंट महोदय का अर्थ है उसको भी वंच करके इन जातियों की संख्या में जो कमी हुई है उसको ठीक किया जाय। मैं इन शब्दों के साथ अपना भाषण समाप्त करता हूँ।

Mr. Chairman: I think the matter has been sufficiently discussed now.

श्री गणपति राम (जिला जॉनपुर-पूर्व-रीक्षित-अनुसूचित जातियाँ): मैं एक मिनट में तीन बातें कहना चाहता हूँ।

Mr. Chairman: All right. The hon. Member will be the last Member to speak.

श्री गणपति राम : मेरी पहली मांग यह है कि उत्तर प्रदेश में जो सिद्दयुल्ड कास्ट की सीटों का निर्धारण हो वह उनकी जनसंख्या के अनुसार हो क्योंकि प्रयत्न देखा गया है कि कहीं पर १६ पर सेंट पर सीटें नहीं दी गयी हैं और १६ पर सेंट पर दी गई हैं। कहीं २६ पर सेंट पर नहीं दी गयी हैं और १६ पर सेंट पर दी गयी हैं। इसलिए इसका विशेष तौर से ध्यान रखा जाना चाहिए।

दूसरी मेरी मांग यह है कि delimitation का जो दूसरा बिल लाया जाय उसको बैंकवर्ह क्लास कमिशन की रिपोर्ट के अनुसार जोड़ी गई जातियों के बड़े हुए आंकड़ों का ध्यान रखते हुए लाया जाय और हमारी सीटों की संख्या उसके अनुसार निर्धारित की जाय और वह भी जनसंख्या के अनुपात से की जाय।

तीसरा मेरा निवेदन यह है कि जहां उत्तर प्रदेश में विधान सभा की तीन सीटें बढ़ायी जा रही हैं वहां पार्लियामेंट की एक सीट कम की जा रही है यानी १७ से १६ कर दी गयी है। मेरा निवेदन यह है कि यह सीटें हमारी आबादी के अनुसार रखी गई थीं। अगर इनको बढ़ाया न जाय तो कम से कम स्टैंडस को तो कायम रखा जाय। मैं अन्त में फिर यही कहूंगा कि बैंकवर्ह क्लासिंज कमिशन की रिपोर्ट के आधार पर हमारी बढ़ी हुई आबादी के अनुसार हमारी सीटें निर्धारित की जाय।

Shri Pataskar : I have very carefully listened to the discussion of this measure in this House. The first thing that I would like to do is to assure the House that I have carefully examined the position and I find that neither the census authorities nor the Election Commission nor anybody connected with this Government has deliberately done anything which would give rise to any the least suspicion on the part of those Scheduled Castes and Scheduled Tribes for whom for a period of ten years the Consti-

tution provides some special representation. To clear up all grounds of misapprehension on that score, I would like, shortly, to tell the House what has happened and why this Bill has been introduced by me in this House.

In 1941, there was a census taken as it was being taken every ten years before, and the method and manner of it was consistent with what was being done then. Every little caste and sub-caste, according to the orders of Government, were then entered in that census. The subsequent census was in 1951. Here I would like to draw the attention of the hon. Member, Shri Bhupesh Gupta, who said...

An Hon. Member : That gentleman is in the other House.

Shri Pataskar : I am sorry; I meant Shri Sadhan Gupta.

For the last few days I was replying to another Gupta in the other House. Then hon. Member, Shri Sadhan Gupta while supporting my Bill, while saying that the Andhra elections should be held as early as possible, said something about the census operations which are highly unjustified. I have not heard any complaint anywhere in regard to the method by which census is taken. Not only now, but even before, when the foreign government was here, there was enumeration of every little person. That was done. I know: I happened to be the President of some local authority. Formerly, even in those days, it was done. In this case also, in regard to the census authorities, it is not as if somebody is sitting in one taluka or district place and making a record. No, that is not the case. The mistake is entirely due to a different matter. Therefore, without dilating upon it, naturally he thought that Government must have done something wrong. Of course, he is entitled to draw his own inference. But I can say that so far as the census operations were concerned, nobody was deliberately left out even now or before, because, after all, we have to enume-

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rate the persons. But, as I said, the fundamental difference was that during the 1941 census, according to the policy of the then Government of 'divide and rule', every little caste and sub-caste were entered. When we passed the Constitution, we decided upon having uniformity as far as we could for all citizens irrespective of caste because we knew that the division of the community into these castes and sub-castes has been the cause of the ruination of our country and has prevented the attainment of our independence in proper time. Therefore, what happened in 1951 was this. Before that we had to proceed on a different basis; but in 1951 consistent with the principles which we have adopted and which we are following we said, 'Well, as a matter of fact, no caste should have been mentioned.' But it was found that for the purpose of certain other provisions in the Constitution, for a period of ten years, enumeration of certain castes was necessary. I will not go into the details of the constitutional provisions, of which you are already aware. It was, therefore, that the 1941 census differed from the 1951 census. In 1951, the general idea was that only those castes should be enumerated which are mentioned under article 341(2) of the Constitution in order that they might get the representation which was given to them. There was nothing wrong in it. There was no idea, at any time, to do anything else. It was on that basis that the 1951 census took place. Now the result was, as I said in the beginning, that in certain cases it was found that there was a little difference in synonyms of caste like 'akar' or 'ekar' or 'Tukar'. Probably it was found that in the case of Hyderabad and Saurashtra there was some mistake. Wherever we found from our records that there has been a mistake, we have corrected it.

Therefore, all these arguments about saying that anything has been deliberately done by any authority are not correct. I will say that on a dispassionate consideration of the position,

everyone, including my friends who happen to belong to the specially enumerated tribes and castes, will find that nothing was deliberately done. That is the first assurance that I want to give. I will tell them that this Government is most careful that there should be the least occasion for grievance on that score. On the contrary, I for one, regret that there had been a mistake in respect of a matter which is very sensitive, but, as I said, all that is possible is being done to rectify it.

Having stated as to how it occurred, I would briefly state this. The castes that were recorded as probably scheduled castes were not exactly the same as they were before, though many of them might be common. Therefore, the difficulty is that you cannot always rely for any correct assessment of the facts on the census of 1941. But there are other methods which can be adopted. I will not go into the details of them. Having given the assurance that justice will be done, I will only say this. It is not as if, as some friends said, that in 1941 there was a 14 per cent. increase in population, and in respect of the castes which are included for the purpose of this provision, there is a decrease, and therefore, why not we find out the ratio? It is not, I think, proper; nor would it be correct. If we do it, then, because it is a very touchy question, certain other people might raise some objection. The best thing so far as this Bill is concerned is not to proceed that way. This Bill is not concerned with what the census authorities do; this Bill is only concerned with this that whenever there is any rectification of that record—and I have no reason to suppose that it will not be properly rectified—the Delimitation Commission should have the authority to revise its final orders. In view of this limited scope of the Bill which is there, we should not go beyond the castes that are enumerated in article 341(2) of the Constitution. If this is done, I am sure they will take all possible steps to proceed. This Bill

is only intended for this purpose, that if that record is corrected, then naturally the Delimitation Commission should have the authority to reopen the question not only in respect of States where the final orders have not been passed but also in respect of other States where the final orders have been passed, and see that the orders are amended.

Having made that clear, I believe that in this matter, at any rate, there is absolutely no reason for anybody to feel that either this Government or the census authorities or the Delimitation Commission have not done the thing properly. There may be other defects somewhere with which I am not at present moment dealing, but I am saying positively that nothing was done deliberately.

Then I will come to the question of Andhra, which prominently figures in the speeches of Members from that State. As I said, so far as Andhra is concerned, if there were normal conditions there as in other States, naturally, there would have been no difficulty. Unfortunately, things have happened there and there is at present President's rule. He has taken over the administration and, naturally, Government is anxious that they should have the parliamentary form of government or the elected members there as early as possible. None of the parties may think that there is anything to say that the elections will be postponed unnecessarily. Apart from motives, I would say—I have not got the figures here—that a suggestion was thrown out by Mr. Murthy that there was a mistake of about 8 lakhs, according to him, in the number of Scheduled Castes in the composite State of Madras. I do not for a moment say that it is correct unless it is found out by proper means. But, even if he takes it for granted that it is the correct figure, then, I think, the present Andhra State is about one-third of the composite State in population and it will not make more than about 270,000

and these will be a difference of only one or two seats.

Shri M. L. Agrawal: What about Scheduled Tribes?

Shri Pataskar: It would be in the interests of the Andhra State itself to have all these facts carefully examined. That does not mean that this should be taken up last. If at all anything could be done within the short period before the elections and if we can have elections immediately on the basis of the revised figures, Government will do everything possible. But if it is going to delay the elections, I do not think we should unnecessarily wait for giving a proper representation to all manner of people simply because it might make a difference of two or three representatives to the Scheduled Castes in that State. It does not mean that I am unsympathetic; I am fully sympathetic. But my difficulty is that I cannot fix a time-limit. I do not know what the difficulties of the census authorities will be and how long they will take and by what means they are going to do it. These are all matters which are indeterminable at the present moment. I would, therefore, appeal to my friends that this is a suggestion which cannot be taken into consideration for the time being. If subsequently the Andhra figures are revised and if it is found that the Scheduled Castes are entitled to more members, to some more seats than they have got, we will all be sorry and for my part I will regret that this has happened. But, I think, in the larger interests of democracy for which we are all trying by different means and manners.....

Shri B. S. Murthy: Is it democracy to deny three seats which they have got by right?

Shri Pataskar: As a matter of fact, when we talk of right at the present moment there is no right, so far as the law is concerned. But, I am talking not of the legal position and not of right but I am talking about

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justice and equity and human considerations and the interests of the country as a whole. As I said, I would regret it if it is found that they are entitled to something more than what they have got and I would regret it more than anybody else. But, if you view it dispassionately, is it not better not to keep the present administration there because we do not know whether two or three more seats will be gained by them. I think, democracy in this case does not mean the democracy of a few individuals but democracy of the nation as a whole and I would request my hon. friends and Mr. Murthy to look at this question from that higher point of view. Of course, if it is possible to do anything that will be done. But, I cannot give an assurance because I do not know when that will be done. But, if it comes to the question of postponing the election, I definitely say that we will not do it. But if it is possible to do something reasonable in the meanwhile, it will be done. Merely to go on the basis of ratio will not be acceptable and it is not for me to say how and in what manner the census authorities should do the work.

Shri T. N. Singh: There was only point so far as the postponement of elections is concerned. So far as the Government and we are concerned, it is out of the question. But the Opposition must also say frankly that they would much rather sacrifice the interests of the Scheduled Castes temporarily in the national interests. Otherwise they may make capital later on out of this and say that something is being done against the rights of the Scheduled Castes, against the principles of justice, equity and all sorts of things. That we do not want to hear.

Shri B. S. Murthy: I submit it is the Opposition that is asking for it and it is the Government that denies it.

Shri Pataskar: I would again appeal to my hon. friend Mr. Murthy

and others that on this point I am not going to be guided by what the Members of the Opposition or Members on this side say. I have made it clear that I look upon it from a different angle and I am only worried because it would be difficult to do anything as the orders have been finalised and this would not be finished early. Every effort will be made to see that it is done and if it is not done I must say that I do not certainly like to postpone the elections. That is the position. We need not bring the interest of this party or that party in a measure on which we are all agreed. I have made the position clear. I think that will satisfy all the hon. Members whether they belong to this side or that side. This is a very limited measure and what we are trying to do is to rectify the mistake in the case of other States as we have done in the case of two States. There was a *bona fide* mistake and we want to see that as far as possible it is rectified.

A suggestion was thrown out by certain hon. Members whether it would not be possible to add to the castes which are already mentioned in article 341 (2). I would like to make the position quite clear. I do not want to mince matters. This is not the object of this Bill. This will be beyond the scope of the Bill, and it cannot be done in this way and at this stage. Of course, when the report from the proper authority comes, whatever is mentioned therein will naturally be duly taken into account. It will have to be done under article 341 (2) by a different machinery and by a different law. I cannot consent to have any such provision included in this Bill. This Bill is intended only for the limited purpose of rectifying certain mistakes that have occurred in the census of 1951 even on the basis of the existing castes under article 341 (2). I would warn the Members that I am not going to be affected by what might be said by people in the country. A hint was thrown that if we try to do something

which goes against the Constitution, it might cause confusion and might even lead to the denial to them of what we are trying to do. Therefore, it is better that we do not enter into matters which are not connected with this Bill and which must be considered separately and in a different manner by the sovereign Parliament. Therefore, I think that question also need not be raised at this stage.

I have listened very carefully to the arguments of my hon. friend Shri Upadhyaya. He said that even when he joined the Select Committee he found that the scope of the Bill was limited. He is a great and conscientious lawyer and he must have found what the difficulties of the situation were. Therefore, to expect to solve all difficulties that may or may not exist, about the work of the Delimitation Commission or the grievances of certain people in other matters, has been admitted to be clearly beyond the scope of the present Bill which is limited in its character.

There is a suggestion, to which I would like to reply at this stage, that the order should be subject to the approval of the House. We have made a provision in the Select Committee that it shall be laid on the Table of the House. It is the provision in sub-clause (3). The whole conception of the Act which we passed as recently as 1952 is that the orders of the Delimitation Commission shall be final. What is provided in clause 10 relates to the correction of clerical or such other errors. Let me make that point clear. So far as this Bill is concerned, it would be too much to say, at this stage, that we wanted to change the principle on which we based this Act, and that what is laid down shall be final. It is certainly not within the scope of this Bill to say so. This Bill is intended to operate only within the limit which has been laid down by the parent Act. We cannot do anything of that kind.

Therefore, I would say that as regards the limited purpose for which it was brought, the best that could be done has been done. Though originally the Bill was only for rectification of such errors in respect of the States where the orders had not been finalised, I must appreciate the co-operation which was extended to us by the Members of the Select Committee who realised the implications, the scope and the limitations of this Bill and thus tried to do the best that could be done. It is almost a unanimous report, because every one of them was actuated, whether they belong to this side or that side of the House, by the good that has come out of this Bill. They all realised that this is not a party question at all. They have tried to do the best that could be done in the circumstances. Therefore, I think that in the interests of those in whose case the mistake lies and which is now sought to be removed, we should pass the Bill as it has emerged, after a good deal of consideration and sympathy on the part of the Members of the Select Committee. Whatever could be done within the limited scope of the Bill is being done in the interests of those classes. I commend the motion to the House.

Mr. Chairman: The question is:

"That the Bill further to amend the Delimitation Commission Act, 1952, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 1 and 2

Mr. Chairman: We shall now take up the clause by clause consideration of the Bill. Several amendments have been tabled. I feel that amendments Nos. 2, 4, 5 and 8 are not in order, because they go beyond the scope of the Bill.

Shri Sadhan Gupta: Will you kindly read those amendments? It is not possible for us to follow what those amendments are. They have not been circulated.

Mr. Chairman: They relate to the fact that the orders passed should be placed on the Table of the House with the approval of the Lok Sabha. Hon. Members who have given notice of their amendments may if they so choose speak about the admissibility of those amendments.

Shri T. N. Singh: Whether those amendments are in order or not: that is the point.

Mr. Chairman: Yes.

श्री आरु इी० मिश्र (जिला बुलन्दशहर): मेरी सबमिशन है कि जो पावर्ज पॅरेंट एक्ट के अन्दर कॅमिशन को दी गई थीं उसके मुताल्लिक वह लिख दिया गया था कि उस के आर्डर हाउस के सामने रख दिए जाएं। अब हम ६ (ए) को अमॅन्ड कर रहे हैं। इस को अमॅन्ड करने के बाद जो कॅमियां सॅन्स में रह गई हैं या जो गलतियां डिलीमिटेशन कॅमिशन के सामने आई हैं और जो तमाम काम इस कॅमिशन ने आज तक किया है उसको वह अब रिवाचिज करेगी और हम उन आर्डरों को फाइनल करने जा रहे हैं। जो भी गलतियां उनके सामने आएँ, मैं समझता हूँ कि उनको ठीक करने के लिए कॅमिशन को पूरे इस्तिथारात नहीं होने चाहिए और इस हाउस की मंजूरी लेना जरूरी होना चाहिए। अब तो यह होता है कि उसके आर्डर टॅबल पर रख दिए जाते हैं और इस हाउस की मंजूरी नहीं ली जाती। यह ठीक बात नहीं है। मैं चाहता हूँ कि इस हाउस को इस्तिथार होना चाहिए कि वह यह देख सके कि जो भी पावर्ज कॅमिशन को दी गई हैं उनका वह ठीक ठीक इस्तेमाल कर रही हैं, और वह तभी हो सकता है जब वह चीजें हमारे सामने आएँ और उन को डिस्कस करने का मौका मॅम्बरों को दिया जाए बजाय इसके कि इन आर्डरों को टॅबल पर ही रख दिया जाए।

Mr. Chairman: Hon. Member will realise that he should not speak on the merits of the amendments. I only wanted to know how they are within the scope of the Bill.

Shri R. D. Misra: My amendment is within the scope of the Bill. The House has got the authority to revise the Delimitation Commission's orders before they become final orders that is these orders should be approved by this House. I think it is in order.

Shri T. N. Singh: I think to rule it out on the point, merely because it goes out of the scope of the Bill, will not be quite proper for the simple reason that clause 9A provides for a separate procedure for the finalisation of the order. So far as section 9 of the original Act is concerned, the provision is different. It is announced in the gazette. The Election Commission does not come into the picture at all. It is the Delimitation Commission which is functioning. Therefore, this is a separate machinery that is being provided for the purpose of clause 9A, that is, for the limited purpose of the Scheduled Castes. It is certainly open to the House to discuss it, because this is already a variation of the old procedure. The procedure as provided in clause 9A is already something beyond what is stated in the original Act. So if this is permissible, I see no reason why the other procedure as pointed out by my hon. friend is outside the scope of the Bill. Whether the House should accept or not is another point, but I do not think we can rule it out merely because it is outside the scope of the Bill. It is well within the scope of the Bill.

Shri B. S. Murthy: As moved by the hon. Minister, the Bill says: "Shall be laid before the House of the People." But it is already in the Bill, and if the amendment "for the approval" is added, I do not think it makes any substantial difference.

Shri Pataskar: As I have said even at the beginning, the idea underlying the parent Act is that all these orders shall be final, except for the correction of clerical errors. The present Bill wants only to allow certain orders to be reopened by the Delimitation Commission. It does not say that these orders that are passed on a matter after being reopened will

not be final. I maintain that what is meant by clause 9A will not affect the character or the finality of the orders that will be passed by the Commission. As I said, if there is a feeling in the House that it should be done, that is a different matter. So far as this Bill is concerned, we are not doing anything to reopen the question which Parliament, at the time when it passed the last Act, laid down clearly, namely, that the order of the Delimitation Commission shall be final. Therefore, all these amendments are quite out of order. They are beyond the scope of the Bill.

Mr. Chairman: I think all these amendments are outside the scope of the Bill. The principle has been accepted by the old Act, namely, that Parliament shall not have the power to go into the matters after they have been finalised. This is an amending Bill, and in an amending Bill, we cannot travel outside the scope of what is sought to be amended. This new section is inserted in this Bill for certain purposes, but the basic principles of the old Act cannot be questioned now. If the House is of the opinion that what was previously agreed to is wrong and new decisions on old points are to be taken then there should be another amending Bill before the House. It cannot be reopened so far as this Bill is concerned.

Shri T. N. Singh: I want to make a submission.

Mr. Chairman: After the ruling is given, it is useless to make any submission whatsoever. I need not deal with the point raised by Shri T. N. Singh, because I think it is unnecessary to do so. All that he said was that the previous provisions of the Bill were not proper and according to his view, the amendment was within the scope of the Bill. No arguments were advanced before the House as to why this was within the scope of the Bill. In an amending Bill, the scope is not so great so that all the provisions can be looked into.

Shri T. N. Singh: In submitting to your ruling, may I say that the explanation to clause 2 will also be within the scope of the Bill because the Election Commission will finalise the orders?

Mr. Chairman: The hon. member can speak about it when the proper time comes. This is not the stage to raise those points. The Select Committee stage would have been the proper time for these points. At the third reading, he can speak on these provisions, but to argue that since the Select Committee has, according to his view, included a matter outside the scope therefore this amendment is within the scope of the Bill is not right.

Shri B. K. Das (Contal): I beg to move:

In page 1, line 16, after "tabulation" insert:

"or make them conform to the variations caused by the inclusion or exclusion of any Scheduled Castes or Tribes as a result of the recommendations of the Backward Classes Commission".

Sir, the hon. Minister has already spoken on this point. He has given out his mind that he is not prepared to accept this. He has indicated that a separate Bill would be necessary in order to give effect to any change that might be brought about in the list of Scheduled Castes and Scheduled Tribes as a result of the recommendations of the Backward Classes Commission. In spite of that I have ventured to move this amendment, because I feel that because the House asked the Select Committee to go into this matter, if my amendment is accepted and given effect to, within the scope of the Bill, it will be possible to do it after the Backward Classes Commission has reported. I do not see why another Bill is at all necessary. If there is a change at all it should be a change once and for all. If my amendment is accepted the number can be fixed once and for all and the work will become easier and there will be a final delimitation after

taking into consideration the mistakes, exclusion, or omission that have been made during the enumeration of the Scheduled Castes and Tribes and also the result of the recommendations of the Backward Classes Commission.

Mr. Chairman: Amendment moved: In page 1, line 16, after "tabulation" insert:

"or make them conform to the variations caused by the inclusion or exclusion of any Scheduled Castes or Tribes as a result of the recommendations of the Backward Classes Commission".

Shri Pataskar: If you will permit me, I shall explain the position, so that the discussion may be shortened.

The erroneous impression seems to be that as soon as the Backward Classes Commission makes a report and says that certain Scheduled Castes or Tribes should be included, they will be automatically included in the Schedule. Let us consider what will happen. The Commission will make certain recommendations. Under clause (2) of Article 341 it will be for the House to accept or not to accept them. That will have to be done. The House will decide which of the Castes or Tribes should be added to the Schedule. Thereafter they will be entitled to be included for purposes of representation. What we are trying to do now is to rectify, within the space of one year, the Order issued by the President. With all my sympathy for the considerations pointed out by the hon. Member, I do not see how it can be done. The Report of the Commission itself is not available: we do not know what they are going to say. To make such a general provision in a Bill which is meant to rectify certain mistakes, is outside the scope of this measure and has been tabled on account of some misapprehension. So far as we are concerned, I can assure the House that after the receipt of the Report of the Commission, Government will place the whole matter before it and leave it to the House to decide whether to accept

their recommendations *in toto*, or with modifications.

Shri T. N. Singh: The question I pose is this. Supposing after say three or four months the Backward Classes Commission submits its report. It comes before the House and the House approves their recommendations in regard to Scheduled Caste lists. We have envisaged the correction of the figures up to January 1956. Now here is a list which has been approved of by the House. Article 341 itself contains a provision to amend the figures. I do not see any reason why, when the House has performed its duty, the Scheduled Castes should not get the benefit of that. I can understand it being said: "No, we shall not go beyond four months." The intention being to benefit the Scheduled Castes up to the end of 1955, I see no reason why any amendment that takes effect and that too by the authority of Parliament, should not be given effect to. That is what is troubling me.

Shri N. M. Lingam: I oppose the amendment. According to the amendment, the recommendations of the Backward Classes Commission have to be considered for revising the enumeration figures of the Scheduled Castes and Scheduled Tribes. But it is assumed that the recommendation is going to be in favour of those Tribes and Caste. There is no ground for that presumption. For instance, the Commission may recommend that some tribes which are not classified.

Mr. Chairman: The words are "inclusion or exclusion".

Shri N. M. Lingam: We do not as yet know what the recommendations of the Commission are going to be.

Moreover this Delimitation Act is a decennial Act. It is not a permanent Act. So, there will be occasion for this House to revise this Act after the recommendations of the Commission have been approved finally by the House. In view of the limited scope of this Bill, I oppose the amendment.

Shri Pataskar: I cannot accept this amendment.

Mr. Chairman: Does the hon. Member wish me to put it to the House?

Shri B. K. Das: No, Sir. I beg to withdraw it.

The amendment was, by leave, withdrawn.

Mr. Chairman: Amendment No. 2 has been ruled out.

Amendment No. 3: this matter has been thoroughly discussed in the House already. I would therefore, request the hon. Member to be extremely brief.

Shri B. S. Murthy: I beg to move:

In page 2, after line 29, add:

"2A. The benefits of this Act shall be given to the Andhra State in the forthcoming general elections in that State."

If this benefit is not given to the Andhra Scheduled Castes and Scheduled Tribes, they shall not have any benefit from this legislation, because after five or six years we are going to give up this special representation.

3 P. M.

According to the present Constitution the representation for the Scheduled castes and scheduled tribes will cease after ten years. And if this benefit is not given to the scheduled castes and scheduled tribes in Andhra State nearly forty lakhs of scheduled castes and scheduled tribes in Andhra State will be deprived of this benefit and to that extent this august House will be doing an injustice to them. Therefore I urge upon the hon. Minister to accept the amendment and do whatever is possible within his capacity to see that this benefit is not denied to the scheduled castes and

scheduled tribes of Andhra State who are not less than forty lakhs in number.

Shri Pataskar: There is no intention not to do anything which could be possibly done to rectify errors. But for the reasons I have already stated I cannot accept this amendment. Because I for one believe that I cannot give an assurance that it can be done within the short time at our disposal. And postponement of the election is out of the question.

Mr. Chairman: The question is:

In page 2, after line 29, add:

"2A. The benefits of this Act shall be given to the Andhra State in the forthcoming general elections in that State."

The motion was negatived.

Mr. Chairman: Amendment No. 4 I have already held to be out of order. And similarly No. 5.

Then amendment No. 6 I find nobody is moving it.

The next, that is No. 7, is again for approval.

It is ruled out of order.

The next is amendment No. 8.

Shri B. S. Murthy: I am not moving it.

Mr. Chairman: It has been ruled out of order.

Then amendment No. 9. He wants the omission of these lines.

Shri M. L. Agrawal: I beg to move;

In page 2, lines 18 to 20, omit "and on such publication that final order as so amended shall have the full force of law and shall not be called in question in any court."

My amendment has been necessitated because the words to which I object are redundant. I would invite

[Shri M. L. Agrawa]

the attention of the House to articles 329 and 327. Article 329 says:

"Notwithstanding anything in this Constitution the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 327 or article 328, shall not be called in question in any court".

And article 327 says:

"Subject to the provisions of this Constitution, Parliament may from time to time by law make provision with respect to all matters relating to, or, in connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the due constitution of such House or Houses."

I would submit that after these clear provisions of the Constitution it is not necessary to have these words here. That is one thing.

Secondly, I do not want, howsoever great a body it may be, that their order should be regarded as sacrosanct. If it is erroneous there must be power either in this Parliament or with some other authority to question it.

It is for these two reasons that I have moved this amendment.

Shri Pataskar: I oppose the amendment. I have already given the reasons.

Mr. Chairman: The question is:

In page 2, lines 18 to 20, omit "and on such publication that final order as so amended shall have the full force of law and shall not be called in question in any court."

The motion was negatived.

Mr. Chairman: Then we come to amendment No. 10.

Shri M. L. Agrawal: I beg to move:

In page 2, omit lines 24 to 26.

This amendment I regard as of some importance because sub-clause (2) of clause 2 says:

"Nothing in sub-section (3) of section 8 shall apply in respect of the redetermination of numbers under clause (b) of sub-section (1) of this section".

In the parent Act sub-section (3) of section 8 says:

"(3) First in respect of the determination of 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—

(a) publish its proposals, together with the dissenting proposals, if any, of an associate member who desires publication thereof, in the Gazette of India and Official Gazettes of all 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;

(c) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration, hold one or more public sittings at such place or places as it thinks fit; and

(d) thereafter, determine the matters referred to in sub-section (1) or, as the case may be, in sub-section (2) by one or more final orders."

This was a necessary safeguard and a very salutary one and it should be available even when these final orders are amended under the provisions of the present Bill. If this salutary safeguard is done away with there may be many causes for regret. There

may be some mistakes, *bona fide* mistakes, mistakes committed due to inadvertence and so on. If opportunity for filing objections is given those things can be rectified. Therefore I would like that these provisions should remain as they are even in this amending Bill.

Shri Pataskar: Sub-section (3) of section 8 is intended to provide the machinery and procedure to be followed by the Delimitation Commission when they are going to do certain things. For instance, what is laid down is that the Commission shall "publish its proposals, together with the dissenting proposals, if any, of an associate member"; then it says that it shall "specify a date on or after which the proposals will be further considered"; and then it says that it shall "consider all objections and suggestions etc.". It provides an elaborate machinery for making its proposals final. What we are now trying to propose by this Bill is only to take into account whatever revised figures there are. For this simple purpose why is it necessary to follow all this elaborate procedure, it is difficult for me to understand. Therefore I believe the Select Committee has rightly said that these provisions in sub-section (3) of section 8 shall not apply to what is being done here under the provisions of this Bill.

Mr. Chairman: The question is:

In page 2, omit lines 24 to 28.

The motion was negatived.

Mr. Chairman: Amendment No. 11 is already held out of order. I shall put the clause to the vote of the House.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

Shri Pataskar: I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

MOTION RE: PROGRESS REPORT
OF FIVE YEAR PLAN FOR
1953-54—Contd.

Mr. Chairman: The House will now proceed with the further discussion of the following motion moved by Shri Gulzari Lal Nanda on the 22nd December, 1954:

"That the Progress Report of the Five Year Plan for the year 1953-54 be taken into consideration."

Before I proceed further I must remind hon. Members that the Deputy-Speaker was pleased to put a time-limit of fifteen minutes for leaders of groups and ten minutes for ordinary Members.

श्री पी० एन० राजभोज (शोलापुर-राखित-अनुसूचित जातियाँ) : शिड्युल्ट कास्ट ओर शिड्युल्ट ट्राइव्स का मामला कब आवेगा ?

Mr. Chairman: It is coming tomorrow, not today. I would request hon. Members to keep to the time-limit because there are a large number of Members desiring to speak.

Shri N. C. Chatterjee (Hoogly): I was listening very closely to the hon. Ministers when the economic affairs debate was going on in this House. I am sorry, one of the Ministers said that the debate had been a damp squib. That was a cynical statement which we did not relish. I hope the