

[Mr. Deputy Speaker]

number, if they could come to an agreement. If nothing is possible, we will go on one after another and the law will take care of itself at five o'clock on the 12th. That has been the practice that has been adopted. I would make that suggestion. I leave it to the Members to do as they like.

DELIMITATION COMMISSION BILL

The Minister of Law and Minority Affairs (Shri Biswas): I beg to move:

"That the Bill to provide for the readjustment of the representation of territorial constituencies in the House of the People and in the State Legislative Assemblies and for matters connected therewith, as reported by the Select Committee, be taken into consideration."

Sir, if I may say so with respect, it is just as well that you adjourned further consideration of the other Bill and ordered this Bill to be taken up. The two are, as you said, interlinked and possibly, after hon. Members have got the full picture before them, they will be in a better position to exercise their votes as regards the other.

The Delimitation Commission Bill is intended to set up a machinery which the Constitution contemplates for forming the various constituencies. If you turn to article 81 of the Constitution, you will find, first of all, it lays down the total number of Members.

Mr. Deputy-Speaker: In the report of the Select Committee, the first page comes after the second page. It is stitched wrongly.

Shri M. S. Gurupadaswamy (Mysore): It is all right in my copy, Sir.

Shri Biswas: I was referring to article 81 of the Constitution. In sub-clause (a) of clause (1), the total membership of the House is laid down. The House of the People is to consist of not more than 500 Members duly elected by the voters in the States. That is to say, this number excludes the Members who are nominated by the President under the provisions of the Constitution. In sub-clause (b) it is stated that for the purpose of sub-clause (a) the States ought to be divided into a number of territorial constituencies and then the limits within which the number of Members to be allotted to each such constituency is to be fixed are laid down. Then you come to sub-clause (c) which provides that the ratio between the number of seats allotted to each constituency and the popula-

tion ascertained at the last census shall be, as far as possible the same throughout the Union. And then clause (3) provides that:

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

It is this law which it is the object of this present Bill to provide. In other words, the Delimitation Commission Bill is intended to set up a machinery which will readjust this representation which has been necessitated by a change in the population figure of the entire country.

On the occasion of the last General Election, the procedure was laid down in the Representation of the People Act 1950. The procedure was laid down in section 13 of that Act, and it was this. There was an Advisory Committee set up in respect of each of the Part A States and Part B States other than Jammu and Kashmir. That Advisory Committee consisted of not less than two and not more than seven Members of Parliament representing the State. In respect of Part C States other than Bilaspur, Coorg and the Andaman and Nicobar Islands, an Advisory Committee was set up consisting of the Members of Parliament representing that State. After the Advisory Committees were set up, the Election Commission, in consultation with these Advisory Committees, was required to formulate proposals as to delimitation of constituencies in respect of each of these States. And then, these proposals were to be submitted to the President for making orders. And these orders were laid before Parliament after they were made, and Parliament was given the right to modify these proposals. After such modifications, these proposals became final. That was the procedure.

This time a somewhat different procedure is proposed to be set up. In the light of the experience gained during the last elections, these modifications have been suggested. If you have gone through the text of the Bill as it has emerged from the Select Committee, you will find...

Mr. Deputy-Speaker: The principle of the Bill has been accepted. Therefore, whatever changes of importance have taken place in the Select Committee.....

Shri Biswas:...relate to the details.

Mr. Deputy-Speaker: These changes in main may be referred to. The original principle of the Bill need not be referred to.

Shri Biswas: I am coming to that I was only saying a few words by way of...

Shri S. S. More (Sholapur):...preliminary remarks.

Shri Biswas:...preliminary remarks to give the background—not that I am going to discuss them at all.

I am now drawing attention to the detailed provisions which have been made in the Bill as amended by the Select Committee. And you will find that, first of all, it sets up a Delimitation Commission. There was no Delimitation Commission on the last occasion. Here the proposal is that there should be a Delimitation Commission consisting of three members, all independent, who have nothing to do with the Government. The Election Commissioner himself would be one of the three members. The other two will be persons of judicial status and rank, either Judges of the Supreme Court or Judges of a High Court. As the Bill stands, the Judges may be either serving Judges or retired Judges. Some objection was taken to the inclusion of retired Judges, but then, the Select Committee has allowed the Bill to stand as it was introduced. Clause 3(1) (a) and (b) reads:

“(a) two members, each of whom shall be a person who is or has been a Judge of the Supreme Court or of a High Court, to be appointed by the Central Government, and

(b) the Chief Election Commissioner, *ex-officio*.”

It will be for the Central Government to nominate one of the Judges to be Chairman of the Commission. I hope the constitution of this Commission as approved by the Select Committee will commend itself to the House because here we have got a body absolutely independent which will inspire public confidence and which may be trusted to act with the utmost impartiality in the discharge of the responsible duties which will be committed to it.

The question next arises as to what will be the functions of this Commission. The Bill as originally drafted simply reproduced the language of the Constitution, *viz.*, article 81 (3). That is, the function was readjustment of

the representation of the several territorial constituencies. Nothing was expressly stated there regarding the delimitation of constituencies although that was the most important part of the work which the Commission was expected to perform. Therefore, what the Select Committee did was to make that point clear, that it will be the duty of the Commission not merely to readjust the representation, but also to delimit the said constituencies. You will find that in clause 4 of the Bill. The words: “and to delimit the said constituencies” have been added at the end of the clause.

Then we come to the question of “associate members.” On the last occasion we saw there were Advisory Committees. Those Committees were to consist of Members representing the different States in Parliament. The object was to secure local knowledge, to associate those who possessed local knowledge, for the purpose of this work. Under this Bill, it is proposed to secure that element by the process of co-opting associate members in each State. These associate members would assist the Commission in the discharge of its responsibilities. These associate members are to be drawn not merely from the House of the People, but also from the local State Assemblies

And then, as regards the number, the original number proposed was, not less than two, and not more than four. The Select Committee considered that the number was very inadequate, and that it should be increased. The increased numbers are now to be found in the various sub-clauses of clause 5. If it is a Part A State the number is to be seven. Three of them are to be Members of the House of the People representing that State, and four shall be members of the local Legislative Assemblies. If it is a Part B State, then the total number shall be five, of whom two will be Members of the House of the People representing that State, and three shall be members of the Legislative Assembly of that State. If it is a Part C State having a Legislative Assembly, then there will be three persons, one of whom shall be a Member of the House of the People representing that State, and two shall be members of the Legislative Assembly of that State. If it is a Part C State having no Legislative Assembly, then there will be two persons who will be Members of the House of the People representing that State.

Then the question arises as to who should appoint these associate members. In so far as the members of this House are concerned, the nomina-

[Shri Biswas]

tion should be in the hands of the Speaker of the House of the People. In so far as the members who belong to the local Legislative Assemblies are concerned, their nomination should be in the hands of the Speaker of the respective Assemblies.

A provision has been added as regards the time within which these nominations should be made. The Commission has got to start work as early as possible, and therefore it is provided that within one month from the date of coming into force of this legislation, the Speakers of the various Legislative Assemblies should make the nominations from among the members of the respective Legislative Assemblies, and then within a month thereafter, the Speaker of this House will nominate the members of this House, who shall be associate members.

In sub-clause (4) of clause 5 it is laid down that none of the associate members shall have a right to vote or to sign any decision of the Commission. That does not mean that the Associate members shall have no right to submit any notes they may choose to submit stating their points of view, especially where they happen to differ from the members of the Commission. That right will be there, but they shall not have the right to vote or to sign the final orders. The final orders will be issued by and in the name of the Commission, and the responsibility for the same will lie on the members of the Commission alone.

Clause 7 lays down the procedure and powers of the Commission, and remains practically as it was in the original Bill. But two sub-clauses (4) and (5) have been added, to provide for cases of differences of opinion among the members. It is laid down that in such a case, the opinion of the majority shall prevail, and acts and orders of the Commission shall be expressed in terms of the views of the majority.

Then a simple provision is made in sub-clause (5), to the effect, that in case of a temporary vacancy or the absence of any member, either a member of the Commission or an associate member, that will not affect the proceedings of the rest of the Commission, or the rest of the group of associate members. And no act or proceeding of the Commission or of any group of associate members shall be invalid or called in question on the ground merely of such temporary

absence or of the existence of such vacancy.

Now we come to the most important clause of the Bill, which deals with the manner of making readjustment and delimitation. On the last occasion certain directions were given by the Election Commission to the advisory Committees. But that was not done under any statutory authority. Now for the first time in this Bill, it is expressly laid down that the Commission, sitting along with the associate members, shall proceed in a particular way, and detailed provisions are made in that behalf. I should like to invite the particular attention of hon. Members to this clause, because this is the keystone of the whole structure. It is provided that the Commission, shall, in the first place, proceeding, no doubt, on the basis of the census figures as required by the Constitution, determine the number of seats to be allotted to each of the States in the House of the People, and the number of seats, if any, to be reserved for Scheduled Tribes and Scheduled Castes. Of course, that is all laid down in the Constitution. Article 81(1), sub-clauses (b) and (c), deal with the allotment of seats to the various constituencies. And article 330(1) provides for reservation:

"Seats shall be reserved in the House of the People for

(a) the Scheduled Castes;

(b) the Scheduled Tribes except the Scheduled Tribes in the tribal areas of Assam; and

(c) the Scheduled Tribes in the autonomous districts of Assam."

Article 330(2) then provides that:

"The number of seats reserved in any state for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State in the House of the People as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State."

It is accordingly said that regard must be had to the provisions of articles 81 and 330 in assigning the number of seats to be allotted to the various constituencies.

Then a similar provision is made as regards the Legislative Assemblies, and there the Commission has to follow corresponding provisions in the Constitution relating to the Legislative Assemblies namely articles 170 and 332

There is one other important provision, namely that the total number of seats assigned to the Legislative Assembly of a State should form an integral multiple of the total number of seats allotted to that State in the House of the People.

As regards Part C States, an express provision has been made regarding three of the States, Manipur, Tripura, and Cutch, which have no Legislative Assemblies. It is laid down that no reduction shall be made in the number of seats in the House of the People at present allotted to any Part C State which has no Legislative Assembly.

Then comes the question of distributing these seats to the various constituencies. That is provided for in sub-clause (2) of clause 8. Leaving aside Jammu and Kashmir, it is provided, that the Commission shall distribute the seats assigned to the Legislative Assembly of each Part A State, and of each Part B State, and the seats allotted to the Legislative Assemblies of certain Part C States under section 3 of the Government of Part C States Act, 1951, to territorial constituencies and then delimit them in accordance with the provisions of the Constitution. And certain directions are given to the Commission as to how they should proceed in making these delimitations. Some general rules are laid down, rules very similar to the directions which were actually given by the Election Commissioner at the time of the last General Elections. It is intended that as a rule the constituencies shall be single-member constituencies, but where seats ought to be reserved for Scheduled Castes or Scheduled Tribes two-member constituencies will have to be provided because one seat will be reserved for the Scheduled Castes or the Scheduled Tribes, and the other one will be a general seat. In the State of West Bengal, there is one constituency—North Bengal—where there are three members viz. Darjeeling, Jalpaiguri, and Dinajpur.

3 P.M.

Shri Barman (North Bengal—Reserved—Sch. Castes): And Cooch-Bihar.
346 PSD

Shri Biswas: Yes, Cooch Behar, and not Dinajpur. It was not possible to separate this area and to form more than one constituency. Jalpaiguri, for instance, was a district where the majority of the population belongs to the Scheduled Castes.

Shri Barman: And Scheduled Tribes also.

Shri Biswas: And Scheduled Tribes as well. That is the only three member constituency, I suppose, in the whole of India.

Shri G. H. Deshpande (Nasik—Central): No, Sir. There is another constituency having three members, in Nasik—Nasik-Igatpuri constituency, as it is called, in Bombay State...

Shri Biswas: Was it due to the preponderance of the Scheduled.....

Shri G. H. Deshpande: The peculiarity is that Nasik taluka has a very large number of Harijan population and the Igatpuri taluka has enough number of backward class people, that means, backward tribes, but not enough for having a constituency by itself. That was the difficulty. So the Nasik-Igatpuri constituency has three seats—one general, one Scheduled Caste and one Scheduled Tribes. That is also another three-member constituency, in Bombay State. I also represent that constituency.

Shri Biswas: I was mistaken then. My idea was that there was only one three-member constituency and that was in West Bengal. The Select Committee has made no provision for a three-membered constituency.

Shri Gadgil (Poona Central): The injustice in that case is that if there is one single-member constituency entitled to elect a Scheduled tribe or a Scheduled Caste member, then the non-Scheduled Caste and non-Scheduled Tribe voters go absolutely unrepresented. Therefore, what the Constitution has laid down is that in such a case there must be two-member constituency.

Shri Biswas: What is contemplated in the Select Committee's recommendations is that there might be a single-member constituency in which that single-member would be a person belonging to the Scheduled Castes or Scheduled Tribes.

Shri Gadgil: In that case, the other people will go unrepresented.

Mr. Deputy-Speaker: "If there is a majority of Scheduled Castes"—that is the proviso—then it may be a single-member constituency. In any case they will succeed.

Shri Gadgil: If there is a majority of 51 per cent. belonging to the Scheduled Castes and Scheduled Tribes, then the 49 per cent. of voters belonging to the non-Scheduled Castes and non-Scheduled Tribes will go unrepresented. When you combine the two, there is a chance for everybody getting some representation. This was really discussed at that time and it was agreed that in such cases there should be two-member constituencies.

Shri S. S. More: Does my hon. friend mean to suggest that the Scheduled Caste man cannot represent the interests of the non-Scheduled Caste communities?

Shri Biswas: I was going to point out that in such a case it would be really a joint-electorate, so to say, and the Scheduled Caste member or the Scheduled Tribe member and the non-Scheduled Caste or non-Scheduled Tribe members will have equal chance. It all depends upon how many votes he can collect. No doubt, where there is a preponderance of Scheduled Castes or Scheduled Tribes, the chances are that a member of the Scheduled Castes or Scheduled Tribes will get in (Interruption).

The provisions which the Select Committee have made in this Bill are these: First of all, (a) they say that all constituencies shall be either single-member constituencies or two-member constituencies, thereby excluding three-member constituencies by implication, though not in so many words. (b) wherever practicable, seats may be reserved for the Scheduled Castes or for the Scheduled Tribes in single-member constituencies. The words 'wherever practicable' were added on purpose. Then (c) in every two-member constituency, one seat shall be reserved either for the Scheduled castes or for the Scheduled Tribes and the other seat shall not be so reserved. Then (d) they say that the principle of concentration should be followed as far as practicable: "Constituencies in which a seat is reserved either for the Scheduled Castes or for the Scheduled Tribes shall, as far as practicable, be located in areas in which the population of the Scheduled Castes or, as the case may be, of the Scheduled Tribes is most concentrated." Then, (e) there is a general rule applicable to all constituencies, that in forming these constituencies regard

shall be had to administrative convenience, to physical features, to convenience of communications and so on, and we must try to have compact areas as much as possible. That is in sub-clause (e): "All constituencies shall, as far as practicable, consist of geographically compact areas, and in delimiting them, regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience." These are general directions.

Then the question is about publication of the proposals of the Commission.

Shri Barman: May I just ask about one point? Does this word 'practicable' also mean that even in a constituency where there are less than 50 per cent. or even less than 40 per cent. of any of these people, Scheduled Castes or Scheduled Tribes, then in that case also the Commission will be entitled to make it a single-member reserved constituency? If not, the same difficulty will arise in a marginal constituency as the hon. Minister pointed out. The word 'practicable' is rather vague.

Shri Biswas: What I said was that there might be a single-member constituency...

Shri Barman: What is meant by it? Does it mean that in a constituency where the number of Scheduled Castes or Scheduled Tribes is less than 50 per cent. or only 40 per cent., this will authorise the Commission in such a case to reserve that constituency as a single-member constituency?

Shri Biswas: First of all, the Commission will determine what and where special representation will have to be provided for Scheduled Castes and Scheduled Tribes, and they will allot the number of seats. After that is done, the question will be how the seats are to be actually distributed among the various constituencies. Now, it is suggested that reservation should be made in a constituency where there is a concentration of Scheduled Castes people or Scheduled Tribes people. At the same time it will not be fair to concentrate reservation for Scheduled Castes in one particular area, but it should be distributed in different areas of the State. In other words, constituencies in which provision is made for these reserved seats should be located not at one place, but in scattered areas.

Shri Barman: I want to elicit what is meant by the word 'practicable' in sub-clause (e).

Shri Biswas: Ordinarily that will not be so. A single-member constituency will be a general constituency, and there will be no reservation there. Where you have got to make reservation, it will be a double member constituency. But there may be one or two cases in which even a single-member constituency will be earmarked for Scheduled Castes or Scheduled Tribes.

Shri Barman: Is it contemplated that a particular constituency which has a single member reserved seat will have to have at least more than 50 per cent. of that community? That is the problem.

Shri Biswas: That is a matter which will have to be decided by the Commission, and no direction is given as to where it should be more than 50 per cent. or 50 per cent. or less than that. The point is, where these classes are required to be represented, well, such representation may be provided even if it means that the constituency will not have a general seat but only one reserved seat. That is all that is meant. The rest of it is actual implementation, and that is left to the Delimitation Commission itself, having regard to all the facts. Ordinarily, where the Constitution requires such representation, the constituency will be a two-member constituency.

Shri Barman: Sir, I will take a few minutes. I want to put a question directly so far as the North Bengal constituency is concerned. I was an associate member last time along with the Election Commissioner. What we found is this. In North Bengal, there are three districts and the three districts are partly forest and communication is very difficult and they are absolutely cut off from the rest of West Bengal. There are hundreds of miles of Pakistan territory in between the main body of West Bengal and that part. It is mainly in the district of Jalpaiguri that there is concentration both of Scheduled Castes and Scheduled Tribes. Two seats were reserved for Scheduled Tribes; one was given to Midnapore. And there was no other area in West Bengal and it should be given to Jalpaiguri. Similarly, there was the biggest concentration of Scheduled Castes in North Bengal. In all fairness it should not have been avoided and it should be given to the same district of Jalpaiguri for Scheduled Castes also. There can be only three constituencies and no more and Jalpaiguri was in the middle part, Darjeeling at the top and Cooch-Bihar at the bottom. And the general instruction was that whenever there is

a reserved seat, another general seat should be tacked on to it so that both the Scheduled Caste people or the Scheduled Tribes people and the people belonging to the general community should get a chance. But, it was not possible to do it here. Some parts could have been carved out where there was concentration of Scheduled Tribes or a concentration of Scheduled Castes but in no case could it be found that any such area could be carved out which contained more than one-third of any of these reserved communities.

Mr. Deputy-Speaker: Cannot the hon. Member reserve all these to his speech? As the hon. Member knows, the hon. Minister has got the right of reply and if there is to be interruption no speech could be complete.

Shri Barman: Therefore, I asked your permission, Sir.

Mr. Deputy-Speaker: I did not think that the hon. Member would take, contrary to all rules and regulations, so much time to start a speech straightway. All that the hon. Member is meaning, as was said by Mr. Gadgil, is that there must be provision for a three-member constituency also where it may be necessary to have reservation for a Scheduled Caste as well as a Scheduled Tribe seat. That may be added if it is found convenient or necessary, providing, as in the case of a two-member constituency, one shall be reserved for a Scheduled Caste, and one for a Scheduled Tribe, if it is found necessary—of course, subject to what the hon. Minister is going to say having regard to the previous experience and all that.

Shri Biswas: We had in view the special case of the North Bengal districts so far as representation in this House is concerned. There are difficulties no doubt and we have got to do something for that. And as I was now explaining to the House.....

Mr. Deputy-Speaker: And the Nasik constituency also.

Shri Biswas: I shall find out the exact position with regard to the Nasik constituency because I was not aware that that was a three-member constituency.

Then coming to other questions; about the publication of the decisions or proposals of the Delimitation Commission, there shall be publication at two stages. First of all, the commission will come to certain tentative conclusions and these will be given publicly. Then they will be examined by

[Shri Biswas]

the public, and objections and suggestions will in fact be invited from them by a specific date. After that there will be a public hearing or hearings of these objections and suggestions. Any one can then appear there and support the views which he has already presented to the Commission. The Commission shall thereafter pass their final orders. Now the Bill provides that the Commission shall publish, first, their proposals in respect of the determination of numbers under sub-clause (1), and then again their proposals in respect of the distribution of seats and delimitation under sub-clause (2) of clause 8. If there is any dissenting proposal by any associate member, this will also be published if that member so desires and these will be before the public. Of course, the final decision will rest with the members of the Commission alone. So, these are the main provisions of the Bill, as amended by the Select Committee.

I do not think, I need take up the time of the House now at this stage with any further elucidation of these proposals. After the final orders have been made by the Commission, suppose any obvious errors come to light, well, how are they to be rectified? It is provided that within six months, if any such accidental slips are found, they can be revised by the Election Commissioner, who shall also take the opinion of any members of the Commission who may be available at the time. That is all that I need say at this stage.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide for the readjustment of the representation of territorial constituencies in the House of the People and in the State Legislative Assemblies and for matters connected therewith, as reported by the Select Committee, be taken into consideration."

Shri Dabhi (Kaira North): I rise to make a few observations with regard to certain amendments which are made by the Select Committee. I would, first of all, refer to new sub-clauses 2(b) and (d) of clause 8. These two sub-clauses read as under:

"(b) wherever practicable, seats may be reserved for the Scheduled Castes or for the Scheduled Tribes in single-member constituencies;"

"(d) constituencies in which a seat is reserved either for the

Scheduled Castes or for the Scheduled Tribes shall, as far as practicable, be located in areas in which the population of the Scheduled Castes or, as the case may be, of the Scheduled Tribes is most concentrated;"

My suggestion is that no single-member constituency in which a seat is reserved either for a Scheduled Caste or a Scheduled Tribe be made unless the population in that area either of the Scheduled Castes or of the Scheduled Tribes is a substantial majority. In the first place the fact that the population of the Scheduled Castes or Scheduled Tribes in a particular area is most concentrated in a particular area, does not mean that the population forms a majority in that area. I shall illustrate my point by giving a concrete example. In my Kaira district in Bombay State, one seat is reserved for the Scheduled Caste people. The population of Scheduled Castes in my district is only about 6.7 per cent. of the total population. There is no taluka wherein you have a majority, not to say a substantial majority, of Scheduled Castes. There is only one taluka where you have a large number of Scheduled Castes, and mind you, this is one taluka out of ten talukas. Its name is Cambay taluka and there the total population is one lakh and 35 thousand, out of which the population of the Scheduled Castes is about 13,000. So, even here the Scheduled Castes do not form a majority. Yet, for the purpose of the one reserved seat, it can be said that in this Cambay taluka the population of the Scheduled Castes is most concentrated. According to the present proposals, if we read sub-clauses 2(b) and (d) together the position would be that in this Cambay taluka, only one single-member constituency may be formed and the seat for the Scheduled Castes may be reserved here. But this would be denying justice to the non-Scheduled Caste people. So, whatever may be the intention of the Select Committee when they say that single-member constituencies may be formed in areas where the Scheduled Castes or the Scheduled Tribes are most concentrated, the position is not clear and my suggestion is that it should be clearly stated that wherever it is necessary to do so, single-member constituencies may be formed for the reservation of seats for Scheduled Castes or Scheduled Tribes only where these people form a very substantial majority.

I would give you another instance where a single-member constituency

has been constituted for the purpose of reserving a seat for the Scheduled Tribes. I refer to the single-member constituency in Panchmal district by name Neswadi. In the present Neswadi constituency for the Bombay Legislative Assembly the position is that there are 44,000 Scheduled Tribes while the population of the non-Scheduled Tribe people is 72,000. Still, the single-member constituency for the reservation of a seat for the Scheduled Tribes has been formed here and there is great dissatisfaction among the non-Scheduled Tribe people who are more educated and more advanced and who are in the majority and have actually no representation whatsoever. Therefore, my suggestion is, as I have already pointed out, that if single-member constituencies are to be formed for the reservation of seats for the Scheduled Tribes or the Scheduled Castes, they should be formed only in areas where these people form a very substantial majority.

Mr. Deputy-Speaker: Is it not one of the recommendations of the Select Committee?

Shri Dabhi: No, Sir. The Select Committee used the words "most concentrated" and I want them to be substituted by "a substantial majority". That is why I have given you examples to show how cases may exist wherein these people may be most concentrated and yet they may not form a substantial majority.

An Hon. Member: That would not do justice to the Scheduled Castes.

Shri Dabhi: If my suggestion is accepted, it would do no injustice to the Scheduled Castes or the Scheduled Tribes. Even if a double-member constituency is formed, they would get their seat there but then it would give representation to the other people also. I, therefore, repeat that unless the Scheduled Castes or the Scheduled Tribes form a vast majority in a particular area, no single-member constituency should be formed there.

Then I would refer to sub-clause (2)(e) of clause 8. This provision says that in delimiting constituencies regard shall be had among other things to existing boundaries of administrative units. That means that if any change in the existing boundaries of administrative units is made, it shall not be taken into account in delimiting the constituencies. In my opinion, there is an absolute necessity for immediate reconstruction of several of the present administrative units, especially the talukas, for a just and proper delimi-

tation of several Assembly constituencies. Let me illustrate my point. In forming Assembly constituencies, a few villages from one taluka are taken out and added to another taluka for the purpose of forming a constituency. My suggestion is that this should not be done. I would give you one example. In my district, there is one Balasinor-cum-Part-Kapadvanj constituency. This constituency has been formed by taking all the villages of Balasinor and a few villages of the Kapadvanj taluka. The result is that people of the few villages which have been added on to this constituency from the Kapadvanj taluka have no chance of being properly represented, because always the voters in the other constituency are far greater than the voters in those few villages. Here again there is great discontent among the people. You may ask what is the remedy? My suggestion is that all geographically contiguous talukas should be reconstituted in each district in such a way that either there should be a single-member constituency formed, or if the taluka is a big one, then one double-member or two single-member constituencies should be formed. If this is done, it would give satisfaction to the people. Otherwise, it is not advisable or proper to take only a few villages and add them on to the other taluka for the purpose of forming a constituency. I suggest that the Central Government should advise the State Governments to reconstruct all the talukas on the lines suggested by me. There would be no practical difficulty in effecting this readjustment of the talukas. If this is done, there would be no dissatisfaction as there would be no necessity to tack one some villages from one taluka to another for the purpose of forming a constituency.

I hope Government will take my suggestion into consideration and also accept the amendments I have given notice of to give effect to these suggestions.

Shri Barman: I was just going to cite a case so that hon. Members of this House.....

Mr. Deputy-Speaker: May I make a suggestion. I leave it to each hon. Member to present his point of view in the manner he chooses best. But it would be useful if the hon. Members first say what their point is and then elaborate it. What is it that the hon. Member wants.

Shri Barman: I have on that clause given notice of a small amendment authorising the Commission in

[Shri Barman]

exceptional cases to make a special provision, that is to say if the Commission while doing their duty according to the provisions laid down in clause 8(2)(b) finds any insuperable difficulties, in that case they may in their discretion be able to suggest the creation of a three-member constituency.

Mr. Deputy-Speaker: When it is laid down by the law that there can be single-member or double-member, it is not possible that they will go to four or five-member constituencies.

Shri Barman: They may lay it down that in special circumstances, they may go up to three-member constituencies.

Mr. Deputy-Speaker: Is it inevitable?

Shri Barman: If in the process of delimitation by the Commission, with the advice of the associate members of that State, the Commission consisting of high-powered people drawn from the Bench of the Supreme Court and the High Courts, in their discretion recommend that this is unavoidable, in that case three-member constituencies may be created. I have given notice of an amendment to this effect.

I may say a few words to illustrate my point. In the actual operation of delimitation we experience insuperable difficulties in the case of North Bengal Parliamentary Constituency.

Mr. Deputy-Speaker: Does it still exist?

Shri Barman: It still exists. North Bengal is cut off from West Bengal. It is bounded on the north by Nepal and Bhutan and on the southern side by the Pakistan territory. It has absolutely no connection with West Bengal.

Dr. Ram Subhag Singh (Shahabad South): Merge it with Bihar.

Shri Barman: There are only small links on the western side with Bihar and on the eastern side with Assam. Otherwise, it has absolutely no touch with India at all. That is the special circumstance. According to the population they are entitled to three members. Just in the middle part of this area both the Scheduled Castes and Scheduled Tribes are concentrated. While considering the reservation of seats both for the Scheduled Tribes and for the Scheduled Castes throughout the whole district of Bengal, it was found that this area was entitled to one re-

served seat for the Scheduled Castes and one for the tribals. Now it was not possible to make a double-member constituency in each of these two cases. Such was the position that arose in that area. I was not aware of the case my hon. friend mentioned. I was under the impression that that was the only case where the Election Commission had to make this deviation from the general rule and the reasons also were stated when it was made.

The other points I shall mention when I move my amendment. Meanwhile, I hope the House will consider this point and give power to the Commission with the duty of recommending that if they, in their judgment, think that three-member constituencies are necessary then they may recommend their formation.

Shri Gadgil: I support the motion for taking this Bill into consideration. The only point I wish to make is about what is contained in clause 8, sub-clause (2)(b) which says that wherever practicable seats may be reserved for the Scheduled Castes or for the Scheduled Tribes in a single member constituency. I think this arrangement is unfair to the Scheduled Tribes and Scheduled Castes people and it can be illustrated thus. If in any particular constituency the number of Scheduled Caste voters or Scheduled Tribe voters is substantial, then they will elect a man, not because they are in a majority, but because the seat is reserved. If on the other hand there are two constituencies, one where the Scheduled Tribes or the Scheduled Castes people are about 40 or 45 per cent. and the other where they are only 25 per cent., I would urge upon the Commission to give the reserved seat to a constituency in which they are 25 per cent., so that they may get a reserved seat, not by virtue of their being in a majority, but because of the fact that the particular seat is reserved in that constituency. In this way they will get a few more additional seats. But if we accept the provision as contained in clause 8, sub-clause (2)(b), then we are depriving them of some chance of getting some additional seats.

Similarly, this works out to the injustice of the non-Scheduled Tribes or non-Scheduled Caste voters also. Suppose for example in the district of Thana, Moorabad constituency, there are 35 per cent. Scheduled Tribe voters and the remaining are non-Scheduled Tribe voters. If it is a single-member

constituency reserved for the Schedule Tribe people, then the rest of the voters have no chance completely. But if that is tacked on and made into a two-member constituency, then both the sections or segments of the electorate have a fair chance. So, I should submit this matter for the consideration of the House both from the point of view of giving a few more additional seats to the Scheduled Tribe people as well as Scheduled Caste people and also at the same time being fair and equitable to those who are not entitled to any reserved representation.

This question was thoroughly gone into at the time his subject was before the House and after a good deal of deliberation we came to the conclusion that wherever a seat has to be reserved it must be reserved in a two-member constituency. I think nothing has transpired so far to justify a departure from that. I do not know what weighed with the members of the Select Committee, but I do hope that this point of view which I have urged will be taken into consideration by the House.

Mr. Deputy-Speaker: In the previous delimitation also there were cases which were brought to the notice of the Select Committee.

Shri S. S. More (Sholapur): I had the good fortune to serve on the Select Committee on the Constitution (Second Amendment) Bill as well as on the Select Committee on this Delimitation Commission Bill. I may frankly admit that during the deliberations on this Delimitation Commission Bill—I am not divulging any secrets of the Delimitation Commission Bill Select Committee—all the Members were allowed to take a view of the matter which was above party considerations, which was in the genuine interests of the country and the particular sections which were to be served by granting reservations. There were a lot of deliberations and there was mutual adjustment. As a Member of the Select Committee I am very happy to accord my support to the two measures.

You will excuse me, Sir, if I refer at this juncture to the Constitution (Second Amendment) Bill. You were kind enough to mention that the subjects of the two Bills overlap or are correlated and therefore when we are discussing one measure, naturally the comments will overflow on the territory of the other measure. As far as the Constitution (Second Amendment) Bill is concerned, I believe that even

the present strength of the House of the People, which is five hundred is large, by far larger than we should have. Parliamentary democracy, as I understand, is supposed to be a democracy by discussion, by deliberation. As few heads as possible could indulge in better and more planned and well-thought out deliberations than a large crowd bordering on the large figure of five hundred. I have cared to read the proceedings of the previous Legislative Assembly, and I find that according to the Government order after the Montagu-Chelmsford scheme came into operation the strength of the former Assembly, which was graced by many stalwarts of our country, was fixed at 101 elected Members and 39 nominated Members of whom twenty were officials. If you care to read those proceedings—of course, you, Sir, were fortunate to be one of the Members at that time—the deliberations give more air of thinking, more facts were advanced, more study and deliberation were put to the use of this Legislative Assembly. I do not say this in a manner derogatory to the present House, but this present large number discourages discussion, discourages deep study of any particular problem, and we are more apt to yield to the present sentiment prevailing in the country or rather we are more victims of the present sentiment prevailing in the country.

I am one of those who do not believe in the efficacy of Parliamentary democracy. (*An Hon. Member: Dictatorship?*) Parliamentary democracy has been tried in England for the last five hundred years, and even the English people are expressing distrust in the form of Parliamentary democracy that is prevailing. I may quote Sir Ramsay Muir, who was one of the noted Liberals having great faith in Parliamentary democracy. He has stated that Parliamentary democracy as it is constituted at present is not functioning properly, is not giving proper representation to the genuine sentiments of the people. (*Interruption.*) I do not want to be interrupted. Even Churchill, who happens to be the Prime Minister of England now and who was an advocate of Parliamentary democracy, in his Romanes lectures in 1930 or 1932, has stated that this Parliamentary democracy of the House of Commons has ceased to serve the country's cause. People do not go to the Parliament with their minds well furnished with the necessary data and facts, and therefore he has recommended that in order to take into consideration industrial problems there should be an industrial Parlia-

[Shri S. S. More]

ment. And so many other schemes and other variations have been suggested because in a large crowd it becomes practically difficult, absolutely impossible, to have close collaboration, to have frankhearted deliberation or discussion just as we can have in a Select Committee or in a smaller body.

Of course, I am conscious I am voicing a note of dissent from the views that have been expressed here by the Members belonging to the Communist Party with whom I sit on the floor of this House. I believe that we must have decentralised democracy, power should be transferred to the people, and it is no use collecting five hundred people at the central place and asking them to express their views on certain important matters which never came within the ken of their knowledge or experience or study. Therefore, I believe that we must have decentralised democracy. If we study the Constitutions of the eastern countries in Europe we find that they have decentralised the whole political power: power has gone not to the capital, but power has gone to the villages. If we take that into consideration I would rather believe that the present strength of the House is more than enough and there should be no addition to it.

But now I will say something about the Delimitation Commission Bill Select Committee's report which is under discussion at present. I can say that the Select Committee has effected a good many improvements. First, the Delimitation Commission has been raised to the status of a sort of quasi-judicial body. Persons who have a judicial mind will be there in majority and the Chief Election Commissioner will be the Government's representative. And we have made one very useful suggestion, that this Delimitation Commission assisted by the associate members will publish its preliminary findings, invite objections, hear people. One very notable and appreciable improvement that the Select Committee has made is that public sittings should be held by this Commission, hearing should be given, the pros and cons of the question should be entered into, and then this sort of a judicial body should give its final verdict. That will inspire confidence.

We are trying to improve this Parliamentary democracy, discredited as it is on the Continent of Europe. We are taking discarded things from Europe; discarded jeeps come to our lot; dis-

carded planes are purchased by India. So we are importing not only foreign experts but discarded foreign institutions too and are trying to repair them to some extent as we can.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

To repair this Parliamentary democracy to our liking we have said that this Delimitation Commission should be a sort of a quasi-judicial body. That is a great improvement. Then, associate members are to be there, because these judicial minded people may not know the local conditions. In order to make good the deficiency of local knowledge we have recommended that they should be assisted by a bunch of associate members supplying local knowledge. But there is a danger. Associate members will be coming from the House of the People or from the local Legislative Assemblies and they may have political interests in carving out suitable constituencies. At the time of the last election, gerrymandering, as it is known politically, was practised on a very large scale in many of the States in order to suit the purpose of some interested candidates. I need not give references or instances but that was the suspicion and also the bitter experience of many of the other political parties who were not sailing with the Congress.

Shri B. Das (Jaipur-Keonjhar): The other political parties did not exist then. They came afterwards.

Shri S. S. More: My hon. friend's knowledge is precise on many points, but at least in this it is not correct.

Political parties existed before the election. We did not come into existence like mushroom. On the 15th August 1947 we had every reason to disagree with the Congress. We walked out of the Congress and thereafter we did form a political party. We entered into the political arena and struggled, according to our party-policy, against the mighty machine—the Congress.

Then there is another point. My friend, Mr. Gadgil, has expressed certain feelings, certain fears and he will not be alone in having those fears. There will be many single-member constituencies. Of course, we have prescribed that the single-member constituency should be the general rule but there are the special interests of the Scheduled Castes, there are the special interests of the Scheduled

Tribes, which are to be reconciled. In the Constitution certain reservations have been given to them and how their interests are to be reconciled in the general scheme was one of the problems on which the Select Committee had to break its head.

We have said that single-member constituencies should be the general rule. We have also further stated that, as far as practicable seats may be reserved for the Scheduled Castes or for the Scheduled Tribes in single-member constituencies. I go very well with Mr. Gadgil in saying that in certain areas, giving a single-member seat to the Adivasis or to the Scheduled Castes may not be entirely in their interests. On the contrary it may be to their disadvantage. I personally feel that if a general seat and a special seat are tacked together, the candidate who is contesting the general seat will be interested in taking the votes of the Scheduled Castes and the man who is standing for the reserved seats will also have opportunity in mobilising the votes of the Caste Hindus in his own favour. Unfortunately it may happen that, in case in a particular taluka a single seat constituency for the Scheduled Tribes or Scheduled Castes is carved out, the other persons, persons not belonging to the Scheduled Tribes or Scheduled Castes, will have no interest to go to the polls. The result will be that instead of wiping out the isolation of the untouchables, we shall be giving ground for creating further isolation. We must take traditions as they are. Of course, in the Constitution we have stated that untouchability shall not exist but by merely making such provisions in the Constitution, the objective conditions do not disappear overnight. Therefore, I personally do not agree with this particular recommendation of the Select Committee and feel that if a single-seat constituency is carved out particularly for the Scheduled Castes, instead of creating a sort of interest on the part of the people other than Scheduled Castes to go and participate in the election, possibly it may create an isolated pocket, that the sections for whom the seat is reserved may run the whole show and only there will be some Scheduled Caste voters stirring and the rest of the people neutral and non-voting. Of course, that is a point to consider.

There is one more aspect which I have to emphasise. In carving out this constituency, the administrative units.....

Shri. Velavudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): What about the general constituencies where the Scheduled Castes are in a majority?

Shri S. S. More: I may concede that there may be some pockets where the Scheduled Caste people may have a majority but that pocket, may be tacked on to some other area; such pockets are very few as far as Scheduled Castes are concerned. In the case of Adivasis, they are residing in compact areas in larger numbers. Therefore, you can carve out a single-member constituency for Scheduled Tribes but the Scheduled Caste people are sparsely dispersed, a small percentage, all over the territory and therefore, in their case, it will be impossible to create a single seat constituency. Possibly there may be some exception but that exception will prove the general rule.

I want also to emphasise that in the carving out of these constituencies, administrative units should not be disturbed and I say this with some bitter experience. I will tell you, Sir, that in Maharashtra, in Poona district, some talukas together were given one seat but along with that some talukas from the Poona district were taken out and tacked on to some other constituencies in Ahmednagar while some other talukas from Satara district were tacked on to Poona district. In Sholapur—it was a double seat constituency—some talukas from Sholapur district proper were taken away and tacked on to a constituency in the Ahmednagar district but some other talukas from Satara district and from Poona district were tacked on to Sholapur constituency because certain interests had to be served. If we read the history of the different countries like Canada or England where this Parliamentary democracy and the concomitant delimitation has been in practice, this disruption of administrative units for creating pockets where there is a majority with a view to serve the interests of the party in power are not unknown factors. I need not give instances but the same thing was practised in this country and therefore the Select Committee was particular to emphasise that in carving out of the different constituencies, and has said that the administrative units should be as little disturbed as possible.

Last time it was my experience that this delimitation business was more or less a nook and corner affair. Some influential persons, interested in the administration of the country, used to approach officers concerned and get

[Shri S. S. More]

things done according to their own wishes while the general public or persons who happened to oppose the Congress had no say in the matter. This time the Select Committee has very appropriately stated that all these proposals shall be published on a different level and objections shall be invited and a sort of judicial hearing will be given to the persons who raise different objections to the preliminary proposal. That will inspire, I believe, some confidence in all those persons who were very much dissatisfied on the last occasion.

Last time the Scheduled Castes were given certain reservations and their seats were tacked on to the general seat in a double-member constituency. I propose that this time this reserved seat should be tacked on to some other seat in a different constituency. I would make myself more clear. Supposing there is a reserved seat 'B' and it was tacked on to 'A' seat which was a general seat—so that 'A' and 'B' were the two seats in a constituency. In the multi-seat constituency this time 'B'—a reserved seat—should be tacked on to another general seat in 'C' district so that the people in 'C' district should get into the habit of voting a Scheduled Caste member. If 'B' is tacked on permanently to 'A' district, persons in the 'C' district do not develop the habit of voting for a Scheduled Caste candidate. As a matter of fact, we want to induce people who are not Scheduled Castes to vote for a Scheduled Caste candidate. In the 'A' and 'B' constituencies on the last occasion, persons belonging to the non-Scheduled Caste communities have voted for 'B' candidates and persons belonging to the Scheduled Caste community have voted for 'A' constituency candidates. If 'B' is tacked on to 'C', possibly the people in 'C' constituency, the caste Hindus particularly who are moving traditionally in a particular rut, will get into the habit because the political forces will be released, the interests of the different candidates will be a motivating force. The result will be that caste Hindus in 'C' constituency will be trained to vote for 'B' candidates within a period of ten years. In one more election, the Scheduled Castes will get reservation, then, after a period of ten years from the framing of the Constitution, the reservation will go. What will happen then? Even now we must make an honest attempt to train people to take a non-political or a non-communal view of the matter and induce them to vote even for a Scheduled Caste candidate on his merits. Then only the Scheduled

Castes and Tribes will have some future. Otherwise, I do fear that even after a period of ten years, their segregation will remain, their isolation will remain, their untouchability will remain, though it may formally disappear from the Constitution. Therefore, this reservation of Scheduled Castes seats must be tacked on to different districts by rotation. That would give a sort of training to other people to vote for Scheduled Caste candidates.

4 P.M.

With these words, I again accord my support to the two measures that have been placed before the House for getting through.

Shri N. B. Chowdhury (Ghata): This is a measure which is connected with the conduct of elections. So, we must be sure that this does not in any way raise any suspicion, in the minds of the people that the party in power is acting in a partisan spirit or that there is any partiality or lack of fairness. Although we see that the Bill as it has emerged from the Select Committee shows certain real changes for the better, yet there are certain observations to be made.

We have seen that the Commission as it is constituted consists of two Judges, ex-Judges or working Judges and the Chief Election Commissioner. We know that the Chief Election Commissioner has the status of a Supreme Court Judge and is free from executive control. At the same time, the two other Judges would also have a similar status. The associate members who are to be included should not belong to any particular party. It has been mentioned in the Bill as it has emerged from the Select Committee that while making nominations, the Speaker of the House of the People or the Speaker of the State Legislative Assembly will have regard to the composition of the House. This term 'composition of the House' should be made more clear. Because, in his report, the Chairman of the Select Committee Mr. Ananthasayanam Ayyangar has specifically stated that regard will be had to the 'political' composition of the House, but in the Bill it is simply stated that regard would be had to the composition of the House. I would like this to be made clear. If members are nominated from a particular party, the ruling party, then, the democratic procedure will not be there. At least for the sake of democracy, this principle should be followed. It has been stated by some person from Puri that:

"The Speaker's nomination may be only favourable to the party

to which he belongs. Hence that party if it nominates more members from his party can adjust by advice the places where that party has the greater influence. Hence the Commission should be authorised to nominate from the political parties for the sake of democracy. Let each party be given chance to give advice to the Commission."

I want to speak on this point with greater emphasis. We have seen during the last elections that in delimiting the constituencies, there was no Commission. It was done by an advisory committee which assisted the Chief Election Commissioner. We know that constituencies were delimited in such a way that it suited certain candidates belonging to a particular party. In order to avoid this undemocratic procedure and in order to avoid such difficulties, we urge upon the Government that while making such nominations, the Speaker should pay regard to the political composition of the Houses, whether it is the State Assembly or the House of the People.

Then, regarding the functioning of the Commission, we should see that at each stage due publicity is given regarding their decisions. It has been mentioned in the report of the Chairman of the Select Committee that at each stage due publicity would be given. But, in the Bill itself, the word 'each' is not there. It has been stated that they will be published in the official Gazette. We know that very few people in our country read regularly official Gazettes. We would like to urge upon the Government that these decisions should be published in the papers also through Press statements or published in other ways through the publicity organisations of the Government so that the people may come to know at each stage what the Commission is doing. We would like to see a provision made that these decisions should be published in papers and through the Government publicity organisations also.

These associate members would not be allowed to sign any paper. They will not be allowed to vote. That is a restriction. But, why should not they sign the decisions? That is a matter which it is not easy for us to understand. We would urge upon the Government to allow the associate members to sign the decisions.

About the way in which the Commission is to work, it has been stated that they would first allot the number of members to each State and then take up the work of making actual delimitation of particular constituencies.

We find that the knowledge of a particular area may not be had by the Judges; but it would be the associate members who would assist them with such information. It all depends to a large extent on the associate members. It is therefore necessary that these associate members should be chosen not only from the party in power, but from other political parties also. It has been stated that the dissenting notes given by the associate members would also be published. This should be published along with the other notes and decisions, and published in the newspapers also.

About the Scheduled Castes, it has been demanded by certain hon. Members that single-member constituencies would be suitable for them in areas where the Scheduled Caste population is most concentrated. A controversy has been raging here as regards what is meant by the terms "most concentrated" and "wherever practicable". These two expressions have led to certain difficulties. But, we think there is no need of anxiety about this, because we know that during the last elections, a large number of Scheduled Caste members was elected than the number which has been guaranteed by the Constitution.

Shri Velayudhan: Where?

Shri N. B. Chowdhury: Suppose there is a double-member constituency where one seat is reserved and another is not. In that case both the candidates may belong to the Scheduled Castes. In that way, a large number has been elected. If we restrict this to a single-member constituency, then, certainly, there is no restriction so far as the Scheduled Caste candidate is concerned, in his contesting in other areas. We know from experience that only in areas where there had been one reservation two Scheduled Caste members had been successful in some cases. There may be exceptions; but generally it is not so.

So, we feel that although we have no objection to reservation being made for Scheduled Castes members in a single-member constituency in an area where their number is predominant, generally in areas where the concentration is only 30 per cent, 40 per cent, or so it should be a double-member constituency, so that in that case, if there are sufficient number of Scheduled Caste voters and if there are popular candidates, both the Scheduled Caste members may be returned. On the other hand, when reservation is made in a single-member constituency, then this opportunity would not be there, and so there is some point also in the arguments of Mr. Gadgil. And we urge upon the

[Shri N. B. Chowdhury]

Government that only in a special case where the Scheduled Caste population is predominant, such reservation for a single-member constituency should be made.

Then, about the other Bill. It has been rather mysterious that abruptly and rather late the Government realised that consideration of the first Bill should be adjourned and the second Bill should be taken into consideration. We know that the two things are allied and that one cannot be considered without reference to the other. We could not really understand what happened to the Government when they, all of a sudden, stopped consideration of the previous Bill and moved for the consideration of the present Bill.

So far as the Delimitation Commission Bill is concerned, we see that in clause 10 it has been mentioned that within six months the Chief Election Commissioner would be able to effect any changes or to make any corrections which may be necessary. The clause reads:

".....any clerical or arithmetical mistake in the order and any error arising therein from an accidental slip or omission may be corrected by the Chief Election Commissioner by order made with the previous approval of the other members of the Commission or of such of them as may be then available and published in the *Gazette of India*."

The words used are "as may be then available". There is no provision as to whether an attempt would be made to convene a meeting of the associate members or other members of the Commission. So, some specific provision should be made as to the necessity of consulting other members, that is a notice should be given, and then at a formal meeting, such decisions should be made regarding any change or alterations.

About Mr. More's point that in Eastern democracies in Europe the conditions are different, we have to remember that we are not working under a Constitution like those that are prevailing there. We are in an altogether different set-up, and conditions are entirely different here, and so there is no use talking about these things.

If we are to make the Delimitation Commission successful and see that the Commission works to the satisfaction of the people, then the associate members should be nominated from

different political parties, and at the same time, publicity should be given to the decisions of the meetings which will be held by this Commission. Also, whenever any difficulty arises regarding a particular constituency, they should contact the local people. Power has been given to the Commission to ask persons to bear witness to facts, or to ask persons to produce records and documents. So, I think there would be no difficulty if the Committee resolves to contact persons belonging to other political parties or representative persons belonging to the particular constituency. I may mention in this connection that when suggestions are made and they are published in the official Gazette, copies of these may be made available to different political parties also. That way due publicity would be given, and only after consultation with the representative people, such decisions should be finalised. Only in this way, this Commission may work to the satisfaction of the people.

Mr. Chairman: The House knows that the half-hour debate is to begin at 4-30 p.m. There are only 15 minutes left, and I propose, with the consent of the House, that the motion for consideration may be put to the House at 4-30. So, if more than one hon. Member wishes to take part, I would request them to be rather brief.

Shri Heda (Nizamabad): There are certain points, and it is high time that we should be given some chance to make them—at least five or six minutes each.

Shri Tek Chand (Ambala-Simla): May I endorse the remarks of my hon. friend. There are certain matters which need a careful analysis, and permission may be granted to us.

Mr. Chairman: It is not that I do not want any discussion should take place. The hon. Member is a barrister, and can put his points within five minutes if he likes.

Shri Tek Chand: I will do so.

Shri Radhela Vyas (Ujjain): There are certain points in regard to Part B States, and so the representatives of Part B and Part C States must be given some time. If not five minutes, we will be satisfied with three minutes.

Mr. Chairman: The point is, we have been discussing the Bill at length, and so many speeches have already been made. I would like to know how many hon. Members wish to take part in the debate.

Several Hon. Members rose—

Mr. Chairman: Then, it means we will require one more day. It cannot be finished. When the Deputy-Speaker comes, he will decide, because at 4-30 he is expected to take up the half-hour discussion.

Shri Velayudhan: I only want...

Mr. Chairman: I hope the hon. Member will be brief, because there are other hon. Members who want to speak.

Shri Velayudhan: I only wanted to bring before the hon. Law Minister one or two points which struck me during the course of the debate. Regarding this reservation for Scheduled Castes, I think, even though many suggestions were made on the floor of the House by Members, the present arrangement that double-member constituencies being given reservation for Scheduled Castes or Scheduled Tribes, is the least complicated method of giving representation for the Scheduled Castes. All the other methods that were suggested by other friends, I think, if worked in detail, would be found to be more complicated than this one. Therefore, when the Commission wants to readjust the constituencies and when reservation is also given, the population of the constituencies should be borne in mind. Though six or seven associate members are also included in the Commission, I am sorry to find that no representative of the Scheduled Castes is included. When this Commission was appointed by Parliament last time, in every State it was made a rule that a Scheduled Caste member either from Parliament or from the local Legislature should also be included in the advisory committees. Now, here, seven associate members are being appointed to assist the Commission from every State. I do not know whether there are any Scheduled Caste representatives included in this Commission and I would request the hon. Law Minister to make this specifically clear. I do not say that one of the three main members of the Commission should be a Scheduled Caste representative. My suggestion is that out of the seven associate members, at least one should be from the Scheduled Castes or Scheduled Tribes. I am not pleading for communal representation as such or anything of that kind. As far as the Constitution guarantees it, and as far as the Government also is having that policy in letter and spirit, I think it must find a place in this particular legislation as well.

Another point which struck my mind is this. After presentation of the report before Parliament, it gets its sanction by virtue merely of its presentation. It is not intended to be

discussed by Parliament. When this Parliament is sitting, and when this Commission is appointed by Parliament, in my opinion, this report should come before Parliament for discussion; and final ratification should come only after a discussion and decision by this Parliament. Even when the various franchise committees were appointed and when they submitted their reports, we had an occasion to discuss them in Parliament, and it was only after a discussion in Parliament that we gave a ratification. In the same way this report also should be treated, and it must not become a law merely by virtue of its being signed by seven or ten members. It should become a law only after complete discussion in Parliament.

This is the only point I have to make on this particular legislation.

Shri Tek Chand: A careful perusal of this Bill, at least as far as I have been able to subject it to a scrutiny, discloses certain lacunae which have not so far been noticed. And may I crave your indulgence in bringing them to the notice of the House?

As provided by clause 3, the Commission consists of three members, the Chief Election Commissioner, and two High Court Judges or two ex-High Court Judges. Clause 5 deals with associate members. If you will kindly look at Clause 5 sub-clause (4), you will find a provision that none of the associate members shall have a right to vote or to sign any decision of the Commission. That is to say, in matters of voting or in matters of coming to a decision, it will be within the exclusive province of the Election Commissioner and the two High Court Judges.

The matters that they propose to investigate are laid down in clause 8. They have to see to the practicability of the seats, the physical features, the geographical features, the territorial limits, the distances, etc. And my fears are that these High Court Judges, very learned in law, no doubt, but very innocent of the actual difficulties that face the electorate and the candidates, sitting in glorified solitude in High Court Chambers can certainly examine difficult and subtle points of law. Once the evidence is placed before them, they can possibly weigh it out, but when it is a question of delimitation of constituencies, you have to see to the difficulties of the electorate. I have in my mind the Parliamentary constituencies in the Himachal Pradesh where distances are tremendous and in certain parts of Punjab, especially the one represented by my friend Mr. Hem Raj, which has an area of 9,000 square

[Shri Tek Chand]

miles scattered all over with hillocks, rivulets and streams and all sorts of other difficulties. Are these High Court Judges going to decide the matter without taking into consideration their practical difficulties, by excluding their views? They may entertain their views, but no associate member has any right to decide the matter. Now, who are these associated members? You will see that they are either Members of the House of the People or Members of the respective State Legislative Assemblies. If there is anybody who is competent to express an opinion, or to contribute proper suggestions to overcome certain difficulties, then they are the members who have been candidates and who have had those difficulties in traversing the ground and going over all the area. But they are the persons whose vote shall not be counted, and whose decision is no decision. Therefore, my suggestion is that sub-clause (4) of clause 5 should be deleted altogether. That is to say, the Members of the House of the People, and the Members of the State Legislative Assemblies should have a voice in the decisions as to the formation or delimitation of these constituencies. If these are the people who are excluded, I submit with all respect for these learned Judges that they are not more competent than the candidates themselves or the members themselves to decide the practical difficulties. Therefore, I feel that so long as associate members are excluded from contributing to the decision, the decisions are apt to be very faulty and very erroneous.

So far as clause 7 is concerned, I have a bone to pick with the Government, as regards sub-clause (3), which reads:

"The Commission may authorise any of its members to exercise any of the powers conferred on it by clauses (a) to (c) of sub-section (1) and sub-section (2), and any order made or act done in exercise of any of those powers by the member authorised by the Commission in that behalf shall be deemed to be the order or act, as the case may be, of the Commission."

Now this provision introduces a difficulty and at the same time imports a contradiction. So far as membership of the Commission is concerned, if you will kindly refer to the clause defining member you will find that:

"'member' means a member of the Commission and includes the Chairman."

So an associate member is a member of the Commission. And you have given to one member, whether he is an associate or a regular member, complete power within the contemplation of sub-clauses (a), (b) and (c) of clause 7(1). That is to say, the rest of them may not discharge their duties, they may not have the full time or the inclination, but any single member can decide almost the fate of the particular moot point before him. He has that power. My suggestion is that not less than three members should come to a decision on matters which are contemplated by sub-clause (3). Therefore, it should not be any member in sub-clause (3). That is, so far as the practical difficulty is concerned. So far as I can notice, any member means any associate member also. And it is provided that any order made or act done in exercise of any of those powers by the member authorised by the Commission in that behalf, shall be deemed to be the order or act, as the case may be, of the Commission. So, as associate member cannot decide, and yet any decision by any single member associate or otherwise shall be deemed to be the order of the Commission. It is rather a curious position.

Shri S. S. More: Authorised by the Commission.

Shri Tek Chand: The wording is 'shall be deemed to be order or act, as the case may be, of the Commission'. It is not authorised. There is no question of subsequent confirmation or authorisation.

Mr. Chairman: The hon. Member will observe that the term 'member' also has been defined.

Shri Tek Chand: I brought that fact to your kind notice. The definition is that 'member' means a member of the Commission.

Shri Biswas: Excluding the associate members. That definition is limited only to a member of the Commission. Associate members are not included in the definition clause. If you look at clause 5(2), you will find the words—"the persons to be so associated from each State (hereinafter referred to as 'associate members')" which give the definition of "associate members". They are not the same as the members of the Commission.

Shri Tek Chand: That being so, the position of an associate member who is the only person who understands the practical difficulties is reduced to the status of a mere assessor or an adviser. Any one of us who has had something to do with these courts ought to know the

fate of the assessor. He is absolutely nothing but just a glorified human effigy occupying a chair. They have only to nominate a single member who is likely to sweep the polls if members of the Scheduled Castes happen to be in a majority.

[MR. DEPUTY-SPEAKER in the Chair].

If they happen to be in a majority, it will be an act of.....

Mr. Deputy-Speaker: Order, order. The hon. Member will kindly resume his seat. He can continue later. Half-an-hour has been allotted for discussion on a question tabled by Mr. Guha. That discussion will be over by five O'clock. The hon. Member may continue after five.

Shri Velayudhan: Are we sitting after five?

Mr. Deputy-Speaker: Yes. It will take half an hour to conclude this debate.

TEA GARDENS IN ASSAM AND WEST BENGAL

Shri A. C. Guha (Santipur) : The House must have been aware of the crisis that is now prevailing in the tea industry of the country. (*Interruptions*).

Mr. Deputy-Speaker : Hon. Members are not able to hear so long as they talk like this in the House.

Shri A. C. Guha: During this session on so many occasions this question was raised on the floor of the House and there was also a Short Notice Question the other day. Government also have been making enquiries into the crisis for some months. So Government are also cognisant of the position, and the hon. Minister has stated in reply to the Short Notice Question that 20 gardens have already closed though information available from other sources would indicate that a larger number of gardens had been closed. Some points could not be really discussed during the Short Notice Question. So I gave notice for this half-an-hour discussion, particularly to cover the following points: the recommendations of the official Committee and how far the Government are going to implement those recommendations; the failure of sale of tea in the Calcutta market and consequent accumulation of large stocks of tea; and credit facilities available to the distressed tea gardens owing to the present crisis in the tea industry.

The official team went round the country and made a thorough enquiry into the tea industry. They have made as many as 50 recommendations as to how relief can be rendered to this important industry. So I think this House is entitled to know how the Government are going to implement these recommendations—how far they have been able to accept the recommendations and when these recommendations will be implemented.

Then, the failure of the sale of tea, in the Calcutta auction and the consequent accumulation of large stocks of tea. From paper reports, we have seen that at least on two consecutive occasions no sale of tea in the Calcutta auction could be held. But the strangest thing is that almost by the same date a tea auction was held at Chittagong and that was going on quite all right.

Mr. Deputy-Speaker: I may tell the hon. Member, without taking his time, that there are the proposer and the seconder, two people, the hon. Minister has to answer and there are seven hon. Members who have given me their names and desire to put questions. Therefore, he will finish in ten minutes, the hon. Minister will take ten minutes and the other ten minutes will be taken by other hon. Members, one or two minutes each.

Shri A. C. Guha: What is the reason for this failure of auction? Due to the failure of auction there has been an accumulation of these stocks. Sir, you also know we discussed this point in the Estimates Committee that auction should be held at Calcutta and Calcutta should be made the centre of the world tea market. While this auction is held at Calcutta, simultaneously an auction is also held at London. The better quality of tea, at least that which can be consumed by our foreign consumers, that quality of tea is almost entirely sent to London. So, in Calcutta auction we do not get the proper quality of tea that can be sold. The Government should have taken some step to prevent this duplication of tea sale and it was also suggested that in Calcutta proper warehousing should be arranged for storing all tea. As far as I have been able to know, that has not been properly done as yet. Then arises not only the question of providing the same but also the proper construction. Some steps should be taken that the quality of tea may not be impaired while being stored in those warehouses.

Shri B. Das (Jaipur-Keonjhar): By Government or the industry?