

## AYES—contd.

Sinha, Shri A. P.  
 Sinha, Shri Anrudha  
 Sinha, Shri B. P.  
 Sinha, Shri G. P.  
 Sinha, Shri Jhulan  
 Sinha, Shri K. P.  
 Sinha, Shri N. P.  
 Sinha, Shri Satya Narayan  
 Sinha, Shri Satyendra Narayan  
 Sinha, Shrimati Tarakeshwari  
 Sinhasan Singh, Shri  
 Sodhia, Shri K. C.  
 Somana, Shri N.  
 Subrahmanyam, Shri T.  
 Swaminadhan, Shrimati Amma  
 Syed Ahmed, Shri  
 Syed Mahmud, Dr.  
 Tandon, Shri  
 Telkikar, Shri  
 Thimmalah, Shri  
 Thomas, Shri A. M.  
 Tivari, Shri V. N.  
 Tiwari, Pandit B. L.  
 Tiwari, Shri B. S.  
 Tiwary, Pandit D. N.  
 Tripathi, Shri H. V.  
 Tripathi, Shri V. D.  
 Tudu, Shri B. L.  
 Upadhyay, Shri M. D.  
 Upadhyay, Shri Shiva Dayal  
 Upadhyay, Shri S. D.  
 Vaishnav, Shri H. G.  
 Vaishya, Shri M. B.  
 Varma, Shri B. R.  
 Velayudhan, Shri  
 Vidyalankar, Shri  
 Vishwanath Prasad, Shri  
 Vyas, Shri Radhelal  
 Wilson, Shri J. N.  
 Wodeyar, Shri

## NOES

Achalu, Shri  
 Ajit Singh, Shri  
 Bahadur Singh, Shri  
 Basu, Shri K. K.  
 Chakravartty, Shrimati Renu  
 Chatterjee, Shri N. C.  
 Chatterjee, Shri Tushar  
 Chaudhuri, Shri T. K.  
 Chowdary, Shri C. B.  
 Chowdhury, Shri N. B.  
 Damodaran, Shri N. P.  
 Das, Shri B. C.  
 Das, Shri Sarangadhar  
 Dasaratha Deb, Shri  
 Deo, Shri R. N. S.  
 Deshpande, Shri V. G.  
 Doraswamy, Shri  
 Gidwani, Shri  
 Girdhari Bhol, Shri  
 Gurupadaswamy, Shri  
 Hukam Singh, Sardar  
 Jaisoorya, Dr.  
 Kelappan, Shri  
 Kripalani, Shrimati Sucheta  
 Krishnaswami, Dr.  
 Majhi, Shri Chaitan  
 Mascarene, Kumari Annie  
 Menon, Shri Damodara  
 Mishra, Pandit, S. C.  
 Mukerjee, Shri H. N.  
 More, Shri S. S.  
 Murthy, Shri B. S.  
 Nambiar, Shri  
 Nanadas, Shri M.  
 Narasimham, Shri S. V. L.  
 Nathani, Shri H. R.  
 Pandey, Dr. Natabar  
 Patnaik, Shri U. C.  
 Punnoose, Shri  
 Raghabachari, Shri  
 Raghavajah, Shri  
 Ramasami, Shri M. D.  
 Randaman Singh, Shri  
 Rao, Dr. Rama  
 Rao, Shri Gopala  
 Rao, Shri K. S.  
 Rao, Shri P. R.  
 Rao, Shri P. Subba  
 Rao, Shri Vittal  
 Reddi, Shri Madhao  
 Reddi, Shri Ramachandra  
 Reddy, Shri Eewara  
 Rishang Keishing, Shri  
 Saha, Shri Meghnad  
 Shakuntala, Shrimati  
 Sharma, Shri Nand Lal  
 Shastri, Shri B. D.  
 Singh, Shri R. N.  
 Subrahmanyam, Shri K  
 Swamy, Shri N. R. M.  
 Verma, Shri Ramli  
 Wachmare, Shri

The motion was adopted.

**Mr. Deputy-Speaker:** I have to make two announcements. First of all, I have received notice of half-an-hour discussion regarding famine conditions in South Maharashtra. The hon. Minister of Food and Agriculture is unable to be here tomorrow. In view of the importance of the half-an-hour discussion, I shall take it up after the normal business of the day is over.

The other announcement I have to make is that the hon. the Prime Minister will make a statement today at 3-15 P.M. as soon as the House re-assembles after lunch in answer to a short notice question regarding the formation of an Andhra province.

The House is adjourned till 3-15 P.M.

The House then adjourned for Lunch till a Quarter Past Three of the Clock.

*The House re-assembled after Lunch at a Quarter Past Three of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

DELIMITATION COMMISSION BILL  
 3-19 P.M.

**Mr. Deputy-Speaker:** The House will now take up further consideration of the following motion moved by Shri C. C. Biswas on the 10th December, 1952:

"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 M. D. Joshi (Ratnagiri South):** I want to bring to the notice of the House one or two points for consideration. I shall refer to the comments made by one or two friends as regards the constitution of the Commission. With regard to the composition of the Commission very unkind criticism was made by certain hon. Members. It was said that judges will not be competent to express any opinion or to decide questions as regards delimitation. I am surprised when hon. Members say that experienced judges who decide various complicated questions will not be able to decide questions of delimitation of constituencies. I do not agree at all with the view expressed that judges should not form members of the Commission.

Then I have to offer a few remarks as regards clause 8. It has already been pointed out by certain hon. Members that clause 8 (b) will do injustice to the Scheduled Castes and Harijans. We are not yet out of the rut of caste prejudices and caste inhibitions. Ordinarily what happens is that a candidate appeals to people of his own caste and generally a Harijan candidate finds himself in a quandary of difficulties. It may not be fair to him if he is put in a single member constituency. It will be much better, therefore, if a Harijan seat is allotted in a double member constituency in which he will fight his election with a member of another community. That will be fair to him; that will make his election easier and that will induce constituents of other communities also to vote for the Harijan or backward class member.

Secondly in clause 8 (i) (e) it is said that all constituencies shall, as far as practicable, consist of geographically compact areas. Some remarks have already been made by my hon. friend Mr. Dhobi in this regard. What I wish to point out is that there are difficulties met with by candidates when they come out on their electioneering campaigns. In spite of the fact that constituencies are created in geographically compact areas, what happens is that administrative areas such as taluks, do not coincide with geographically compact constituencies. It will be very easy, it will be more convenient for electioneering campaign and for contesting members or would be members if the administrative units as well as electoral areas coincide. I would, therefore, suggest that the question of reforming taluq constituencies or reforming taluk administrative units be taken in hand by Gov-

ernment simultaneously with the question of forming these constituencies. What I mean to suggest is that the question of re-forming administrative units, if taken in hand simultaneously with this, will ultimately go a long way to establishing one administrative unit which will be co-extensive with one electoral constituency. That will be easier for administration and that will be easier even for election.

The third point is as regards clause 8(3) (c). It is laid down here that the Commission will "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".

Our experience in this respect was very sad. In the case of the last Delimitation Commission, when the constituencies were formed they were notified in some unknown place in the Collector's office and the public did not know anything about it. I remember that in my district, constituencies were formed and were notified thrice. But we did not know anything about it. My hon. friend opposite, Mr. More, complained that Congressmen were in the know of things. Well, I am a Congress Member, I was President of a District Congress Committee, and I did not know anything about it.

I therefore suggest that these sittings of the Commission may be announced beforehand, they may be properly notified to the public, and all the decisions taken, provisionally or otherwise, may be well advertised and announced.

I do not think I need take more time of the House. I have placed these suggestions for the consideration of the hon. Minister.

**Shri V. B. Gandhi rose—**

**Mr. Deputy-Speaker:** So much has already been said on the consideration motion. I will give him an opportunity on the clauses.

The question is:

"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 there-

[Mr. Deputy-Speaker]

with, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

**Mr. Deputy-Speaker:** We will now proceed with the clauses.

**Clause 2. — (Definitions.)**

**Shri Barman** (North Bengal—Reserved—Sch. Castes): I beg to move:

In page 1, after line 11, insert:

"(e) 'associate member' means a member nominated under section 5."

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

In page 1, after line 11, insert:

"(e) 'associate member' means a member nominated under section 5."

The motion was adopted.

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

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

**Clause 3.—(Constitution of Delimitation Commission.)**

**Shri M. S. Gurupadaswamy** (Mysore): I beg to move:

(i) In page 1, line 15—

for "three members" substitute "five members".

(ii) In page 1, line 16—

for "two members" substitute "four members".

(iii) In page 1, lines 16 and 17—

omit "or has been".

Sir, my first amendment proposes that instead of three members of the

Commission there may be five members. As you are aware, Sir, delimitation is a very important task, and for such an important task it is better we have a broad-based Commission. A Commission consisting of three members as is envisaged in the Bill may not be adequate for the purpose in view. The matter is such a complicated one, it requires a lot of forethought, deliberation, and a lot of work and also cool judgment. It is therefore better to have a larger number of members on the Commission. So I feel that instead of three members it is more advisable to have five members.

My second amendment is merely consequential to the first. I want to substitute "four members" for "two members" in line 16.

In my third amendment I have suggested the omission of the words "or has been" from lines 16 and 17. Some Member pointed out the other day that retired judges should not be appointed to the Commission, because there may be a possibility of influencing them. If judges who are already in the High Courts or in the Supreme Court are appointed, this charge of partiality or favouritism or brining in of influence on those members may not be there. As you are aware, Sir, retired judges are becoming politicians nowadays. And so, with the hope of achieving something in politics, with a view to gain the goodwill of Government and thereby being benefited in the long run, they may yield to the pressure of certain groups, particularly to the pressure of certain groups in the Congress. So, just to avoid this possibility I have proposed that these words "or has been" may be omitted. This will make the Commission more impartial, and there will not be any suspicion in any quarter in the country so far as the work of the Commission is concerned. I suggest that this deletion is very necessary. There are so many judges in the High Courts and in the Supreme Court, and we may pick up four or five of them and put them in the Commission. I hope that this amendment of mine will be accepted by the hon. Minister, as also the other amendments which I have moved.

**The Minister of Law and Minority Affairs (Shri Biswas):** Sir, I am sorry I cannot accept these amendments. It is proposed that the Delimitation Commission will have a number of associate members joining them for the work of delimitation in each State. And we are going to increase the number of associate members. If we have a Com-

mission consisting of three members, two judges and the Election Commissioner, that ought to suffice. Also, it may not be possible to get so many judges. Then they will have all to be retired judges. Serving judges, it is very difficult to get. As a matter of fact, there is no provision in the Constitution now for the appointment of *ad hoc* or temporary judges. Therefore Chief Justices of High Courts are very unwilling to spare their judges for other work. The result is we have got to depend on retired judges in many cases. Otherwise we cannot have persons possessing high judicial qualifications. So I am sorry that I cannot accept these amendments.

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

- (i) In page 1, line 15—for “three members” substitute “five members”.
- (ii) In page 1, line 16—for “two members” substitute “four members”.
- (iii) In page 1, lines 16 and 17—omit “or has been”.

The motion was negatived.

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

“That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

**Clause 4.—(Duties of the Commission.)**

**Shri Barman:** I beg to move:

In page 1,

- (i) line 26, omit “other than Jammu and Kashmir”; and
- (ii) after line 27, insert:

“Provided that duty of the Commission shall not extend to the State of Jammu and Kashmir.”

I submit that this amendment of mine will solve many a difficulty. At every time we have to mention Part B States, we have to mention the qualifying clause “other than Jammu and Kashmir” though in so far as this Bill is concerned, Jammu and Kashmir is entirely outside the purview. So in my amendment I am suggesting that once for all we say in this clause 4 under the duties of the Commission, that the duties of the Commission will not extend to the State of Jammu and Kashmir. And we need not repeat this qualifying expression “other than Jammu and Kashmir” at all places

wherever the words ‘States B’ are mentioned. This is mentioned in clauses 4, 5 and 8. So far as clauses 4 and 5 are concerned, there is no difficulty about the meaning but I would ask the hon. Minister to consider clause 8. In clause 8 (1), there are two parts (a) and (b). In part (b) where the Commission is concerned with delimitation within the States, it is clearly mentioned “other than Jammu and Kashmir” but in part (a) there is no such expression used. It says “the number of seats to be allotted to each of the States in the House of the People.....”. Here no exception of Jammu and Kashmir is made as in all other sub-clauses and parts. So, this part has to be amended further stating here “each of the States other than Jammu and Kashmir”. My amendment, if accepted, will solve the problem and will also help us to eliminate this qualifying clause from all other places. That is my submission.

**Shri S. N. Das (Darbhanga Central):** Before the hon. Minister replies I would like to draw your attention to my amendments to clause 4 which I beg to move:

- (i) In page 1, line 26,— for “other than Jammu and Kashmir” substitute: “and to delimit such territorial constituencies”.
- (ii) In page 1, after line 27, insert:

‘Provided that the duty of the Commission shall not extend to the State of Jammu and Kashmir as regards readjustment of representation of territorial constituencies of the Legislative Assembly of the State is concerned.’

I have moved these amendments with a view to bring in Jammu and Kashmir within the purview of this Bill. The reasons for this are that when the first delimitation was made, it was left for the Jammu and Kashmir Assembly to select their representatives and thereafter to be nominated by the President. Now, in view of the fact that the whole territory of India has a right to send representatives to the House of the People, I think the representatives coming from Jammu and Kashmir should be elected directly on the basis of adult franchise and not to be nominated by the President and it is for that purpose that I want to just limit the scope of the Bill to the representation or adjustment of territorial constituencies in the Legislative Assembly of each State but as regards the representation of Jammu and Kashmir to the House of the

[Shri S. N. Das]

People is concerned, Jammu and Kashmir should be brought under the purview of this Bill in view of the fact that there is no necessity now for debarring the people of Jammu and Kashmir from sending their representatives to the House of People. It is not enough that the Legislative Assembly of Jammu and Kashmir should nominate or select their representatives. Those representatives are just nominated by the President. It has been said that Parliament will by law decide the procedure and the method by which the representatives of Jammu and Kashmir will be represented in this House. Therefore, I submit that it is time that this Delimitation Commission Bill should apply to Jammu and Kashmir also so far as the representation of that territory to the House of the People is concerned and so far as the representation of the people to the Legislative Assembly of that State is concerned, this will be left as they are at present because they are framing their own constitution and they have been allowed to do so. They have their representatives there but so far as the representation in the House of the People is concerned, I think Jammu and Kashmir should be brought under the purview of this Bill.

**Shri Biswas:** The present Delimitation Bill has been prepared on the basis of Section 4 in Part II of the Representation of the People Act, 1950. I will read that section. Section 3 of the Act provides that the allocation of seats in the House of the People shall be as shown in the First Schedule. In the First Schedule come the names of Part A States, Part B States and Part C States. Part B States include Jammu and Kashmir and the number of seats allotted to Jammu and Kashmir is six. Then in section 4 of the Act it is laid down that the seats allotted under section 3 to the State of Jammu and Kashmir, etc., shall be seats to be filled by persons nominated by the President. Subject to this all the other seats in the House of the People shall be filled by persons chosen by direct election. It is on that basis that this Bill has been framed. So, unless this clause is amended, we cannot have this amendment, and this Bill does not profess to be a Bill to amend the Representation of the People Act. And I do not know personally—I have not read the Constitution of Jammu and Kashmir recently passed by the Constituent Assembly there—whether there is any provision regarding this subject in that legislation. I think we can leave matters as they are, and

then if it is decided that these seats shall no longer be filled by nomination by the President, then we will make these changes, but in point of fact, as the hon. Member pointed out, they are elected and then their names are submitted to the President who nominates them for the purpose of filling these seats. In these circumstances I am not accepting the amendment.

**Shri S. N. Das:** The hon. Minister has mentioned.....

**Mr. Deputy-Speaker:** The hon. Member has no right of reply.

**Shri S. N. Das:** On a point of clarification. It has been said by the hon. Minister that the Constituent Assembly of Jammu and Kashmir has not framed this constitution so far. I would like to remind him that this constitution provides that the Parliament has the right to show what will be the procedure for representation of Jammu and Kashmir State in this House. It is this House which will decide the procedure. I would request the hon. Minister to see to this.

**Mr. Deputy-Speaker:** The hon. Member has been watching the proceedings in this House. Once again he is making suggestions which were made already.

**Shri Barman:** In my case.....

**Shri Biswas:** As a matter of fact, my hon. friend knows wherever there is any reference to any Indian statute, it is usual to say "excepting Jammu and Kashmir". That formula has been followed in this case.

**Shri Ghulam Qader** (Jammu and Kashmir): On a point of information. This provision has been kept only for that one-third of the Kashmir population of the territory which is under enemy occupation. Therefore this provision has been given for the time being.

**Mr. Deputy-Speaker:** The hon. Member says, let there be no division because one-third of the territory is in the occupation of the enemy and therefore, any delimitation at the present time may not be convenient. Very well.

I take it that these amendments are not pressed.

**Shri Barman:** I do not press.

**Shri S. N. Das:** I also do not press.

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

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

**Clause 5.—(Associate Members.)**

**Shri N. B. Chowdhury (Ghatal):** I have got two amendments, numbers 25 and 39.

**Mr. Deputy-Speaker:** Before that, there is an amendment No. 7, by Mr. Barman that the words, "other than the State of Jammu and Kashmir" be omitted. It is the same as before. Then, Mr. Biswas, Law Minister.

**Shri Biswas:** Am I to move my amendment to clause 5, Sir?

**Mr. Deputy-Speaker:** The hon. Minister must say whether he wants to move the amendment or not.

**Shri Biswas:** I beg to move:

In page 2, for lines 6 to 19, substitute:

"itself from that State, if its population according to the latest census figures—

(a) is not less than ninety lakhs—seven persons, three of whom shall be members of the House of the People representing that State and four shall be members of the Legislative Assembly of that State;

(b) is less than ninety lakhs, but not less than twenty lakhs—five persons, two of whom shall be members of the House of the People representing that State and three shall be members of the Legislative Assembly of that State;

(c) is less than twenty lakhs and the State has a Legislative Assembly—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; and

(d) is less than twenty lakhs and the State has no Legislative Assembly—two persons who shall be the members of the House of the People representing that State."

If you look at the clause, Sir, as framed by the Select Committee, you will find four categories of States are indicated.

441 P.S.D.

The question is as to the number of Associate Members who will be associated with the Delimitation Commission, in the various States. The States were divided into Part A, Part B, Part C States having a legislative Assembly, and Part C States having no Legislative Assembly. These are the four categories. It was pointed out to me by several Members here that that does not do fair justice to States with reference to their population. In a Part A State, for instance, Assam, the population is 90.44 lakhs. In Part B States, however, there are at least four States which have a larger population. Hyderabad has, for instance, a population of 186.55 lakhs. Mysore has a population of 90.75 lakhs; Rajasthan has a population of 102.91 lakhs; Travancore-Cochin has a population of 92.80 lakhs. The grievance made was that although these four Part B States have each a larger population than one of the Part A States, it is not right that the representation of these Part B States should be less than that of a Part A State. Therefore, what I have done is to retain these four categories, but, instead of saying Part A, Part B, Part C State with a Legislative Assembly and Part C State without a Legislative Assembly, I have gone by the population basis. I have taken 90 lakhs as the lower limit of population as regards the Part A States. In other words, this formula which I have adopted will include all the Part A States which are now within category A, and it will also bring in the four States from Part B, namely, Hyderabad, Mysore, Rajasthan and Travancore-Cochin, each of which State has a larger population than 90.44 lakhs of Assam. So far as the third and fourth categories are concerned, I do not think there will be any change. Therefore, in order to meet the objections which appeared to me to be legitimate, which were advanced by several Members here, I ventured to think out a new formula which would meet them. This does not introduce substantial changes. The number of Associate Members will be a little more.—that is, instead of five, they will have seven, only in the case of the four Part B States, whose names I have given.

**Mr. Deputy-Speaker:** Amendment moved:

In page 2, for lines 6 to 19, substitute:

"itself from that State, if its population according to the latest census figures—

(a) is not less than ninety lakhs—seven persons, three of whom

[Mr. Deputy-Speaker]

shall be members of the House of the People representing that State and four shall be members of the Legislative Assembly of that State;

(b) is less than ninety lakhs, but not less than twenty lakhs—five persons, two of whom shall be members of the House of the People representing that State and three shall be members of the Legislative Assembly of that State;

(c) is less than twenty lakhs and the State has a Legislative Assembly—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; and

(d) is less than twenty lakhs and the State has no Legislative Assembly—two persons who shall be the members of the House of the People representing that State."

**Shri Radhelal Vyas** (Ujjain): I have got an amendment to this amendment.

I beg to move:

That in the amendment moved by **Shri C. C. Biswas**, for the words "ninety lakhs" occurring in parts (a) and (b), the words "seventy-five lakhs" be substituted.

I am very glad that a mistake that was made has been rectified by moving the amendment which the hon. Law Minister has just brought before the House. As he has explained, those Part B States whose population was greater than some of the Part A States will be equated with the Part A States so far as representation of Associate Members is concerned. One of the Part C States also, which was to have under the original Bill three members will now be having five members. Now, by my amendment, I particularly wish to invite the attention of the hon. Law Minister that the State of Madhya Bharat with a population of 79,54,154 is the only State with a very large population which has been left out. There are eight Part B States out of which Kashmir is out of the question. Now, out of the remaining seven Part B States, three are in South India and four in North India. All the Part B States in South India are given representation with seven Associate Members; but only one State, that is Rajasthan from North India out of the other

four States, will benefit by this amendment. I would strongly appeal to the hon. Law Minister just to be a bit more liberal and to accept my amendment so that at least two Part B States out of the four Part B States in North India may get that benefit. Looking to the population of Madhya Bharat it is less than the population of Assam only by 10,89,000, whereas, if we look to the other side, there is a wide gap. Those States which will have five Associate Members represented on the Commission, after Madhya Bharat, will have a population of 40 lakhs at the most. There is a wide gap between the upper side and Madhya Bharat is much nearer to those States which will be having seven Associate Members. The hon. Law Minister who had been a very eminent High Court Judge for a very long period will see the balance of equity and justice on this side and I would request him to accept this amendment so that one of the major Part B States in North India may also be benefited and can have representation equal to those other States.

**Dr. N. B. Khare** (Gwalior): I also join the same appeal.

**Shri K. K. Basu** (Diamond Harbour): Appeal dismissed!

**Shri Biswas**: I am sure, if I explain...

**Mr. Deputy-Speaker**: Let me ask the hon. Minister if he accepts the amendment.

**Shri Biswas**: If I explain the basis on which I have taken the population figure of 90 lakhs to be the limit for category "A", I am quite sure my hon. friends will not press their amendments.

**Mr. Deputy-Speaker**: After all, it is only for the purpose of Associate Members.

**Shri Biswas**: It is only for the purpose of Associate Members, but then, Sir, either do away with any distinction between Part "A" and Part "B", put them all on the same basis, and say either for Part "A" or for Part "B", the number of Associate Members will be seven, but if you want to keep a difference between the two, then, what I did was, I took the smallest State under Part "A". That was Assam, and it had a population of 90.44 lakhs. And so I said, any Part "B" State with a higher population ought to be treated on the same footing as Part "A". It was not my object to rope in as many Part "B" States as I could. Taking the figure of

90 lakhs which is the population of the smallest Part "A" State, I said: "Well, those which have a large population in Part 'B' group, ought to be placed on the same footing". And so, I said they also should come within the first category. The result is that four out of eight Part "B" States do come within the first category. My hon. friend suggests that Madhya Bharat should be equally drawn in making five States like Part "A" States, leaving out three. Why leave the three alone? I could quite understand if you say Part "A" and Part "B" States should be all treated alike. After all, it makes no difference if the number is five or seven. They are Associate Members with no right to vote. I could quite understand an argument or an amendment that Part "A" and "B" States, whatever their population, should be treated on the same footing. But I have explained the basis on which I have framed my amendment. After this, if the hon. Member presses his amendment, he may do so and I leave it to the House.

**Shri Heda (Nizamabad):** We have to express our gratitude to the hon. Law Minister for bringing his amendment. In fact, I had given notice of six amendments because I felt that everywhere, whether it is relative or not, we are thinking in terms of Part "A", "B" and "C" States, and I had brought out an amendment in which I had suggested the population of 50 lakhs as the basis. Of course, we now know how the mind of the hon. Law Minister is working. His idea was that the population of the lowest Part "A" State should be taken as the basis, as he has just now explained that as Assam happened to have a population of 90.44 lakhs, he took the basis of 90 lakhs. I have no quarrel over it, because, so far as the principle is concerned, that has been accepted. That is the first and foremost thing. In every matter we should never think in terms of Part "A", "B" and "C" States unless the Constitution compels us, but treat all the States equally. At the same time, as my hon. friend Mr. Radhelal Vyas has made an appeal—this is just an appeal; there is no opposition or displeasure;—we have just to see the size and importance of a State—I am also pleading for only that State of Madhya Bharat.

Undoubtedly, such a big State as Vindhya Pradesh was being treated as Part "C", but that problem has also been solved as it is having a population of more than 20 lakhs. Therefore, it will get five members, and I think now full justice is done to Vindhya Pradesh.

Therefore, I join with the appeal of Mr. Vyas and appeal to the hon. Law Minister that he should accept my figure of 50 lakhs. I think it is a fairly big population to demand seven Associate Members. If this 50 lakhs is not acceptable, he can have it as 60 or 75 lakhs. But, that the basis of the smallest Part "A" State should be the basis for this population figure, somehow or other I think is not so reasonable and as...

4 P.M.

**Shri Biswas:** It will not make any difference at all.

**Shri Heda:** It will.

**Shri Biswas:** Seventy and fifty is just the same. So, why do you press fifty? That amendment of Mr. Vyas will suffice.

**Shri Heda:** Practically it does not make any difference, but it is possible many more States will come in in the future.

**Shri Biswas:** No new Part "B" State will come in.

**Shri Heda:** As we are thinking of one State today, that is possible. My only appeal is that when we think of a population basis, 90 lakhs is an odd figure and a very big figure. Have 50 or 75 or something like that. Therefore, I join with Mr. Vyas and I appeal to him to accept the amendment.

**Shri V. G. Deshpande (Guna):** I also appeal...

**Shri Biswas:** I said I do not object, and leave it to the House. If the House wants it, I have no objection, except that then the disparity between the largest Part "A" and the smallest Part "B" to be entitled to seven seats will be very, very great. The largest Part "A" State, namely Uttar Pradesh with a population of 632 lakhs will be on the same footing with a State with a population of 75 lakhs. However, I have no feeling in the matter. I leave it to the House.

**Shri V. G. Deshpande:** I am also appealing to the House that it is no question of having the smallest Part "A" State being equated with any Part "B" State. The principle enunciated by the Law Minister is very sound. What he said was that the smallest "A" State namely Assam has got a population of 90 lakhs, and we feel that a State having a population of 70 lakhs is in the same population group. As

[Shri V. G. Deshpande]

we have found that Uttar Pradesh having a population of some crores is equated with Assam, similarly, we find a Part "C" State like Vindhya Pradesh which has been given the position of a Part "B" State with 20 lakhs of population will be equated to a State with 70 lakhs of population. Therefore, our only appeal to him is that this State with 70 lakhs of population should be equated with Part "A" States, and the formula suggested of 75 or 50 lakhs being the basis should be accepted so that this Part "B" State, viz., Madhya Bharat should be included. I hope the Law Minister and the House will accept this simple request from the Members of Madhya Bharat.

**Mr. Deputy-Speaker:** Mr. Heda is not moving any of his amendments?

**Shri Heda:** Yes, Sir.

**Mr. Deputy-Speaker:** He is moving.

**Shri Heda:** I beg to move:

- (i) In page 2, line 7, for "Part A State" substitute "Part A or B State with a population of 50 lakhs or more according to the latest census figures".
- (ii) In page 2, line 10, for "Part B State" substitute "Part A or B States with a population of less than 50 lakhs according to the latest census figures".

**Shri M. S. Gurupadaswamy:** I beg to move:

(1) In page 2,—

- (i) in line 10, for "five persons, two of whom" substitute "seven persons, three of whom"; and
- (ii) in lines 11 and 12, for "three shall be members of the Legislative Assembly", substitute "four shall be members of the Legislative Assembly".

(2) In page 2, for lines 27 to 29, substitute:

"(a) shall be made by the respective Speakers of the several Legislative Assemblies and House of the People within one month of the commencement of this Act".

I do not understand the approach made by some hon. Members to this provision, some Members trying to include Madhya Bharat, some Members trying to exclude it. This sort of approach is not at all good, and they should, I think, adopt a different

approach altogether to this problem. The problem is very simple and at the same time very important. I put this question to the hon. Minister whether he wants to continue the distinction between Part "A" and Part "B" States even in this matter of delimitation. Part "B" States are already experiencing a sort of inferiority complex, and they are not properly treated in so many other matters by the Government of India, and there is a lot of agitation to do away with this artificial distinction between Part "A" and Part "B" States. I want to know what purpose is served by drawing this distinction even here, in the matter of delimitation. So, I propose that no distinction should be made between Part A and Part B States. At least in this matter, there should be equal treatment of both Part A and Part B States. It is not a question of including four Part B States along with Part A States, or excluding one Part B State out of the fold. That is not the question. The important question is whether we are giving an equal treatment to all the States irrespective of their category.

**Mr. Deputy-Speaker:** Even for a small State, the hon. Member wants a big Assembly?

**Shri M. S. Gurupadaswamy:** we should not approach this on the basis of population. We must approach this on a different level altogether. There is a feeling, as I told you earlier, that Part B States have been treated very badly at the hands of the Government, as inferior to Part A States.

**Mr. Deputy-Speaker:** That is in the Constitution. Can it be remedied by this?

**Shri M. S. Gurupadaswamy:** That feeling is there, as I said earlier. No distinction ought to be made at least in the matter of delimitation. So, I suggest that seven members should be appointed even for Part B States, whether or not they are thickly populated. This approach of bringing down the population figure to 75 or 50 lakhs is not at all relevant to the issue. I therefore suggest that seven Associate Members should be drawn from all the Part A and Part B States, irrespective of their category. That does not in any way involve any difficulty, and no harm will be done, if the hon. Minister accepts this proposal. I want to know what the reasons are for making a distinction of this nature; such a distinction creates a very bad feeling in the

minds of the people of the Part B States. I propose that my first amendment may be accepted by the hon. Minister.

In regard to my second amendment I would like to speak a few words. In this amendment I propose that the Associate Members should be appointed within one month, by both the Speakers of the Legislative Assemblies in the various States, and the Speaker of this House. In the Bill I find that two months' time has been given for the appointment of Associate Members by the Speaker of the House of the People, while only one month has been given for the Speakers of the State Legislative Assemblies. I do not know why these different time-limits should be there for the appointment of Associate Members, and why the appointments cannot be made within the same time-limit. The Speaker of the House of the People and the Speakers of the various Legislative Assemblies, can both appoint Associate Members within one month or within two months. I feel that the time-limit should be uniform for both. I would therefore request the hon. Minister to accept this amendment of mine also.

**Shri N. B. Chowdhury:** I beg to move:

- (i) In page 2, line 24, after "having due regard to the" insert "political".
- (ii) In page 2, line 33, after "a right to vote" insert "but they shall have a right to sign any final decision of the Commission provided that if they disagree on any point they will give their dissenting note."

As regards my first amendment, I would like the word 'political' to be inserted just before the word 'composition' in line 24, on page 2 of the Bill. The amendment is a very simple one. As a matter of fact, you Sir, in your wisdom have used the same words 'political composition' in your report of the Select Committee. There it has been stated that the Speaker should have due regard to the political composition of the House or the Assembly. The word 'composition' is rather a vague one, because in matters relating to elections and in the context in which it has been used here, it may mean different things. Different interpretations may be made as to whether it is used with reference to the Scheduled Castes and other general seats, whether it is just the

size of the House, big or small etc. So, I want that the word 'political' should be specifically mentioned, as it has been mentioned in your report of the Select Committee. I think it is not very difficult for the hon. Minister to accept this amendment, because if the word 'political' is specially mentioned in the Bill, it would be possible for the Speaker of the State Legislative Assembly or the House of the People to take into consideration the political composition of the House. There are different parties in the country, and as this is a matter connected with elections, I think all doubts should be removed from the minds of the people that the party in power wants to take an unfair advantage of the situation. In view of the fact that the Speaker also belongs to a particular party,—and so it has been expressed by some persons in Orissa, as I mentioned it the other day—I feel that the word 'political' should be specifically included in the Bill, before the word 'composition'. If this is done, the Speaker will be enabled to take into consideration the different parties in the House, and the persons from different political parties

As regards my second amendment, it relates to sub-clause (4) of clause 5. It has been stated in the Bill that none of the Associate Members shall have a right to vote or to sign any final decision of the Commission. The purpose of my amendment is to see that the dissenting note given by the Associate Members is also duly incorporated. It is not in my mind that the Commission would bring about any interpolation there; it consists of judges of the High Court or the Supreme Court, and the Chief Election Commissioner. But, I do suggest that the dissenting notes, if any, be recorded, so that in case of any future trouble or any doubt arising in future, reference may be made to these records. That is the purpose why I have moved my amendment.

**Shri Biswas:** May I explain the basis of the appointment of Associate Members? The object of it is to make available to the Delimitation Commission, the benefit of expert local knowledge. The larger the area of the constituency or the larger the population of the constituency, the larger ought to be the number of members who are taken as Associate Members, because we want people who will know as much about the conditions of the local areas as possible to help the Commission. One man cannot be expected to have as much knowledge of a very large area as two. From that point of view

[Shri Biswas]

there has been a variation of the number according to population. That is the main principle. If that is kept in view, then this suggestion to eliminate altogether the difference between Part A States and Part B States falls. There is no political discrimination at all, except that because the population varies, we have got a variable number of Associate Members. I accepted the first proposal to insert four Part B States only because their population was large. The original recommendation of the Select Committee might well be justified, that is withdrawing the higher representation from Assam in the Part A group. Rather than doing that, we tried to place four States from Part B on the same footing as Part A States. Now, if we adopt 70 as the minimum, that will include very many. It will only leave out two States in Part B, and add six States to Part A. I do not think that would be quite right.

And, then, as regards the amendment suggested by Mr. Chowdhury, the insertion of the word 'political'. Well, in the Select Committee's Report, you will find many things indicated although there is no express provision in the body of the Bill. That ought to be enough. If we insert the word 'political' it will automatically exclude other considerations, as if the Speakers will have to go only by what appears to them to be the political composition of the House. There might be other considerations. The object should be to make the Associate Member group as representative as possible, and that also explains the reason why the selection by the Speaker of the House of the People is deferred till the selections have been made in the States, because then the Speaker here would be in a much better position to judge what representation has already been given by the Speakers in the States. He will try to balance the whole thing by introducing persons who ought to satisfy other conditions. The object is not to make the selections simultaneously. We gave the first choice to the Speakers of the local Assemblies because they would be in a much better position to know who are the people who may be depended on to represent particular areas most effectively. After that is done, then the Speaker here will have regard to the representation of those particular States in the House and then make a selection out of the members coming from that State. So, I suggest with respect, that the recommendation

which has been made by the Select Committee appears to be the wisest.

**Shri N. B. Chowdhury:** One clarification, Sir. Will this note of the Select Committee be sent to the Delimitation Commission?

**Shri Biswas:** What is proposed is this. The names of those selected by the Speakers in the Legislative Assemblies of the States will be forwarded to the Delimitation Commission and they will be made available to the Speaker of the House of the People before he makes his nomination, so that there may be no overlapping, and if there is any defect or deficiency of representation in the States that will be made good as far as practicable by the Speaker's nomination here. That is the idea.

**Mr. Deputy-Speaker:** The Select Committee Report may also be looked into. The hon. Member wants to know this. The word 'political' is in the report. He wants to know whether the Commissioners will have a copy of the report sent to them so that they may look into this. The hon. Minister may send them a copy.

**Shri Biswas:** Certainly these documents will be available to all. There is no hide and seek about it.

**Mr. Deputy-Speaker:** Even the discussions on the floor of this House may be looked into. I think it is enough.

**Shri Biswas:** The Associate Members will have the right to send notes of dissent. I need only draw attention to clause 8(3)(a).

"The Commission shall—

(a) publish its proposals, together with the dissenting proposals, if any, of an associate member who desires publication thereof....."

So, if an Associate Member thinks that his note of dissent ought to be published, it will be made public. There is no hide and seek about it. Sir, the deliberations of the Select Committee have been guided under your wise leadership in such a way as to secure absolute justice.

**Shri Kasliwal (Kotah-Jhalawar):** I will mention that only two States are excluded.....

**Shri Radhelal Vyas:** On a point of order, Sir. Can the hon. Member make a speech now?

**Shri Kasliwal:** I will only appeal to the hon. Minister to accept the case of P.E.P.S.U. and Saurashtra also,

Why should they be deprived of the seven members?

**Shri N. Somana (Coorg):** I want a clarification, Sir. In part (b) of clause 5(1), it is stated that two persons who shall be members of the House of the People will be associate members. I want to know what would happen to Bilaspur; it has got only one member.

**Mr. Deputy-Speaker:** Bilaspur will also have three.

**Shri N. Somana:** There is only one member in the House of the People.

**Mr. Deputy-Speaker:** He cannot create one member. The maximum is two. If there is only one member then it will be one. I will put the amendment. Does the hon. Minister accept the amendment of Shri Radhe-lal Vyas?

**Shri Biswas:** I have said, I have no objection; I leave it to the House.

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

That in the amendment moved by Shri C. C. Biswas, for the words "ninety lakhs" occurring in parts (a) and (b), the words "seventy-five lakhs" be substituted.

The motion was adopted.

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

In page 2, for lines 6 to 19, substitute:

"itself from that State, if its population according to the latest census figures—

(a) is not less than seventy-five lakhs—seven persons, three of whom shall be members of the House of the People representing that State and four shall be members of the Legislative Assembly of that State;

(b) is less than seventy-five lakhs, but not less than twenty lakhs—five persons, two of whom shall be members of the House of the People representing that State and three shall be members of the Legislative Assembly of that State;

(c) is less than twenty lakhs and the State has a Legislative Assembly—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; and

(d) is less than twenty lakhs and the State has no Legislative Assembly—two persons who shall

be the members of the House of the People representing that State."

The motion was adopted.

**Mr. Deputy-Speaker:** As regards the other amendments, they are barred. Mr. Gurupadaswamy, is not your amendment barred?

The question is:

In page 2,—

- (i) in line 10, for "five persons, two of whom" substitute "seven persons, three of whom"; and
- (ii) in lines 11 and 12, for "three shall be members of the Legislative Assembly" substitute "four shall be members of the Legislative Assembly".

The motion was ~~negated~~.

**Mr. Deputy-Speaker:** I think Mr. Chowdhury is now satisfied with the word 'political'. I need not put the amendment before the House. The object is that first of all the members must be nominated by the Speakers of the various Assemblies, because they are more representative so far as the political parties are concerned. Then the Speaker here may take that into consideration and nominate members of parties who have not got representation already.

**Shri M. S. Gurupadaswamy:** There may be elimination also, Sir.

**Mr. Deputy-Speaker:** This is for the purpose of enabling him to add those people who have not been nominated by the Speakers in the various Assemblies.

**Shri M. S. Gurupadaswamy:** A member of a party is nominated as an Associate Member in the Assembly. On that ground, a member of the same party may be eliminated in the House of the People.

**Mr. Deputy-Speaker:** Provision has to be made for some other member of any other party. But if there are no other political parties, then certainly the member from the same party may be nominated. It is only to see that sufficient representation is given to members of all parties. If the hon. Member wants his amendment to be put to the House, I will put it.

**Shri M. S. Gurupadaswamy:** I want to have it put, Sir.

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

In page 2, for lines 27 to 29, substitute:

"(a) shall be made by the respective Speakers of the several Legislative Assemblies and House of the People within one month of the commencement of this Act".

The motion negatived.

**Shri Heda:** I beg to move for leave to withdraw my amendments.

The amendments were, by leave, withdrawn.

**Mr. Deputy-Speaker:** Mr. Chowdhury, do you want to have your amendments put to the House? Is the member not satisfied?

**Shri N. B. Chowdhury:** Yes, Sir, I do not press.

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

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 was added to the Bill.

**Mr. Deputy-Speaker:** The hon. Member Shri S. N. Das has an amendment seeking to add a new clause 6A.

**Shri S. N. Das:** I beg to move:

In page 2, after line 39, insert:

"6A. *Physical disability.*—If the Central Government or, as the case may be, the Speaker concerned is satisfied that any Member or an associate member of the Commission is not functioning or is unable to function due to physical or mental disability, he may declare his office vacant and may appoint or nominate another person to act in his place in accordance with the provisions of section 3 or as the case may be of section 5."

In my opinion, there is a lacuna in this clause 6. There is provision in it for filling up of vacancies that arise due to death or resignation. But supposing a member is not able to function due to certain physical or mental disabilities, then there is no authority for the Government to declare that post vacant. Therefore, I would request the hon. Minister to consider accepting this amendment, which seeks to remove that lacuna. I think it would be better if this clause is inserted.

**Shri Biswas:** The hon. Member wants to say that in addition to what clause 6 provides, namely, a vacancy arising out of death or resignation, a post may fall vacant otherwise too, i.e. due to physical or mental infirmity. We expect that in such a case the member would resign his office if he cannot function. That is what we contemplate. If a judge of a High Court finds that he cannot carry on, because he falls ill, we expect him to resign. That is what is provided for. Therefore, I do not think the amendment is necessary. Then, if you look at sub-clause (5) of clause 7 you will find that it is provided there that the Commission as well as any group of associate members shall have the power to act notwithstanding the temporary absence of a member or associate member. So, I do not think my hon. friend will press the amendment.

**Shri S. N. Das:** I do not press it.

Clause 7 was added to the Bill.

**Clause 8.**—(Manner of making re-adjustment etc.)

**Shri Gadgil:** I want to move my amendment No. 30.

**Mr. Deputy-Speaker:** What about the Government amendment—No. 42?

**Shri Biswas:** I beg to move:

In page 4, after line 21, insert:

"Provided that the Commission may, if it finds it necessary so to do, continue either or both of the existing three member constituencies, whether with or without alterations in their boundaries, reserving therein one seat for the scheduled castes and another seat for the scheduled tribes."

If you will read sub-clause (2) of this clause, you will find that sub-clause (2) (a) reads:

"all constituencies shall be either single-member constituencies or two-member constituencies;"

Sub-clause (2) (b) reads:

"wherever practicable, seats may be reserved for the scheduled castes or for the scheduled tribes in single-member constituencies;"

Sub-clause (2) (c) reads:

"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;"

Sub-clause (2) (d) says:

"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;"

Sub-clause (2) (e) reads:

"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."

It was pointed out by my hon. friend Mr. Barman and others that there will be a difficulty in carrying out strictly the provisions contained in the above sub-sections so far as the parliamentary constituency of North Bengal is concerned. That constituency consists of the districts of Jalpaiguri, Cooch-Bihar and Darjeeling. This is the only three-member parliamentary constituency. There is another, but that is not a parliamentary constituency. It is a State Assembly constituency. That is in Bombay. Nasik-Igatpuri constituency. I did not know at the time this was first mentioned how the matter stood as regards this constituency, but I have found out that it is not a parliamentary constituency. When I stated last time that there was only one three-member constituency, I was referring only to parliamentary constituencies. Therefore, it came to me as a surprise that there was a second three-member constituency of that character. That is not so. I am speaking now of parliamentary constituencies, and I have tried to find out if any way can be found to solve that difficulty. Unfortunately, I could not. The only other alternative that was possible was to make it into two constituencies, each a two-member constituency. That would be giving weightage to this area, which would not be justified. The scheduled castes and the scheduled tribes in this area are a class apart. So far as the scheduled tribes are concerned, there is a concentration there and therefore one seat has to be reserved for them. So far as the scheduled castes are concerned, it is not possible otherwise to provide for their representation, as they are a distinct class by themselves which you do not find in other areas of West Bengal. For instance, here the scheduled castes belong to the Rajbhagshi and Coch category.

You do not find any like that elsewhere among the scheduled castes in West Bengal. Therefore, we have got to give them representation, and you cannot help giving the scheduled castes of this area one seat, if such a seat be reserved for scheduled tribes. And then you must have a general seat, because otherwise you will be doing injustice to the general population. The concentration of the scheduled castes here is not such that you can reserve a seat for them only and be done with it, as if the general population did not require any representation. So, in order to adjust all the various interests which require to be represented in this area, it is not possible to avoid a three-member constituency. At the same time, the dissenting note which was appended to the Select Committee report suggested leaving this matter open to the Delimitation Commission. Bearing that in mind, I have framed my amendment.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

I want to make it clear that the justification for a three-member constituency in an exceptional case is the necessity of securing representation for the scheduled castes, for the scheduled tribes and for the general population—one for each. I hope this will satisfy all sections of the House.

**Shri Barman:** On a point of information, I have given an amendment—No. 19—for the earlier part of the clause.

**Shri Dabhi (Kaira North):** I have also not moved mine.

**Mr. Chairman:** The question is:

In page 4, after line 21, insert:

"Provided that the Commission may, if it finds it necessary so to do, continue either or both of the existing three member constituencies, whether with or without alterations in their boundaries, reserving therein one seat for the scheduled castes and another seat for the scheduled tribes."

The motion was adopted.

**Shri Bheekha Bhai (Banswara-Dungarpur—Reserved—Sch. Tribes):** I beg to move:

In page 4, after line 21, insert:

"(f) all constituencies shall, as far as possible, be delimited and named in such an indicative manner as to suggest the bigger administrative areas which they cover."

[Shri Bheekha Bhai]

This amendment, though not happily worded, proceeds from the experience during the last general election which I had in my part of the country. The sum and substance of this amendment is that when a constituency consists of a bigger and a smaller administrative unit, the constituency should be named after the bigger unit. I may illustrate this point with reference to the Parliamentary and Assembly Constituencies Delimitation Order for Rajasthan passed by the President in 1951. On page 428 of the Election Manual this order has been published. Under Banswara District, Bagidora is an Assembly Constituency. Bagidora is a small village. But this constituency includes Bagidora and Kushalgarh tehsils. Kushalgarh is one of the covenanted States of Rajasthan. It had its separate administration, a separate Ruler, with separate full-fledged powers, but now that State has been merged into a small village for the purpose of delimitation. The people there are discontented. When I went there during my election campaign I found that they were quite reluctant to vote. So, I would appeal to the hon. the Law Minister to see that such discrepancies be not allowed in delimiting constituencies in future.

I wish to point out another instance. Saira is another constituency in Udaipur District. Saira is a small village; though it is a tehsil headquarters. But the Saira constituency includes Kherwara, Phalasia and Kotra tehsils. Kherwara was a cantonment during the British regime. Kotra was also at one time a cantonment while Saira is a village. Phalasia is a sub-divisional headquarters. So, I would invite the attention of the hon. Minister that the constituency should have been called after either Phalasia or Kotra and not after the smaller unit. I, therefore, request the hon. Minister to accept my amendment.

**Shri Biswas:** This relates mainly to the nomenclature of the constituencies. Take the case of the three-member constituency in North Bengal. I cannot call it Jalpaiguri Constituency or Darjeeling constituency. It is not necessary to provide for this in the body of the Act. The Delimitation Commission will name it after the most important district in the constituency.

**Shri Bheekha Bhai:** I do not press it.

**Shri Gadgil:** I gave notice of an amendment that 'in page 4 lines 8 and 9 [part (b)] be omitted' I

gave it in those words but they have been wrongly printed. I am prepared to stand down if my hon. friend Shri Thimmaiah wishes to move his, No. 33.

**Sbri Thimmaiah (Kolar—Reserved—Sch. Castes):** I beg to move:

In page 4, omit lines 8 and 9.

My object in moving this amendment is that there should be no reservation of seats for the scheduled caste people particularly in a single member constituency. The reason is this. Firstly, it limits the chances of the Scheduled Caste people from contesting the general seat. The right to contest general seat was given to scheduled caste people with a view to give them certain weightage. By reserving a seat in a single member constituency this weightage and this chance of contesting the general seat is taken away to some extent. Another thing is while reserving a seat for the scheduled caste people in a single member constituency the general voters become indifferent and there will be only scheduled caste people to vote for the scheduled caste candidate. This practically amounts to separate electorate which is against the spirit of the Constitution.

Another thing. The Law Minister told me that if there is an absolute majority of the scheduled caste voters it may be possible for reserving a seat in a single-member constituency for the scheduled caste people. But even there, if you reserve a seat in a single-member constituency where there are a majority of scheduled caste voters, this practically amounts to a separate electorate against which Mahatma Gandhi himself fought and got us this joint electorate. Therefore I appeal to the hon. the Law Minister to omit these two lines, namely 8 and 9, in page 4, because this will take away our weightage.

**Shri Siddananjappa (Hassan-Chikmagalur):** I have an amendment, No. 34, which is to the same effect.

**Mr. Chairman:** Nos. 33 and 34 are identical. No. 33 has been moved. Let me first place it before the House. Amendment moved:

In page 4, omit lines 8 and 9.

**Shri Siddananjappa:** My amendment, No. 34, is similar to this.

**Mr. Chairman:** No. 33 has been moved. No. 34 is the same and therefore cannot be moved. He may speak on No. 33.

**Shri Siddananjappa:** My amendment, No. 34, is similar to No. 33.

**Mr. Chairman:** May I just make the position clear? Since amendment No. 33 and No. 34 are the same, and since No. 33 has already been moved, No. 34 cannot be moved. But he may speak on No. 33.

**Shri Biswas:** Sir, he cannot get No. 34 out of his head!

**Shri Siddananjappa:** Very well, Sir. In supporting amendment No. 33, which is similar to my amendment, I would like to submit that the Select Committee has recommended that wherever practicable the seats may be reserved for the scheduled castes or the scheduled tribes in single member constituencies. This recommendation of the Select Committee appears to be very simple and also appears to be desirable. But, I submit it is a very important and serious matter.

At the outset I like to submit that it is most unconstitutional. Under the Constitution of India every citizen, otherwise eligible, has a right to be elected from any constituency of his choice anywhere in the country and such a person cannot be prevented from being elected from a constituency of his choice on the ground of his religion, caste, tribe or race, etc. This is a fundamental right which is guaranteed under the Constitution. It is clear that a person belonging to either the scheduled caste or the scheduled tribe has a right, provided he has the other necessary qualifications, to be elected from any constituency of his choice, whether that constituency has a seat reserved for a person belonging to the scheduled caste or the scheduled tribe or not. Likewise, a person otherwise qualified and who does not belong either to the scheduled caste or scheduled tribe has, and ought to have, a right to be elected from any constituency of his choice.

Further, article 330 of the Constitution of India provides that certain seats should be reserved for the scheduled castes or scheduled tribes, and it should be noted that it does not provide for the reservation of constituencies.

If the recommendation of the Select Committee is given effect to, it amounts to the creation of reservation of constituency. That means only a person belonging to that particular tribe or caste can seek election from such a constituency. Others are prevented on the ground that they do not belong to either the scheduled caste or the scheduled tribe. I therefore submit that this recommendation is *ultra vires* of the Constitution, and it is opposed to the fundamental rights

as well as the fundamental principles of the Constitutional law. I oppose the recommendation of the Select Committee and support the amendment moved by Mr. Dodda Thimmaiah.

**Mr. Chairman:** Let me first find out the reaction of the hon. Minister. Is he willing to accept this amendment?

**Shri Biswas:** No, Sir. I am sorry I cannot accept this amendment.

**Mr. Chairman:** Then I will give an opportunity to others to discuss the amendment and then I will call upon him.

**Shri Barman:** Sir, I oppose this amendment. It has been said by the speaker who preceded me that this kind of provision is taking away the fundamental rights given by the Constitution. I could not follow him. Had it been such a mistake or fault, it would not have been passed into law at all. What he means perhaps is that a member of the general community cannot stand from the place where his house is situated, if it is a single-member reserved constituency. But that does not prevent or debar him from standing from his nearby constituency if he enjoys its confidence. So I do not agree with him there.

The mover of the amendment, Mr. Thimmaiah, has stated one reason. He says that if a single-member constituency be reserved for either scheduled castes or scheduled tribes others may not come and vote. I do not know whether he speaks from his experience or not. But if that is the condition of this country, then God help us! (*Shri Biswas:* There are different gods for different communities!). One advantage is there. Some times it so happens that in a particular place the scheduled castes are so concentrated that there is more than 50 per cent. In Bengal we have done it in the case of 60 per cent. concentration and there are other advantages of delimiting the other constituencies which are attached to it. In such cases only this procedure is followed, that is a single-member constituency is reserved for either scheduled castes or scheduled tribes. I was going to move an amendment but the hon. Minister has himself moved and it has been passed by this House. I was just thinking to avoid the trouble of a three-member constituency. If in the census of 1951, Cooch-Bihar which has been now merged with West Bengal, comes up to be a scheduled caste majority district it would be advisable, for the

[Shri Barman]

Commission to make it a single-member reserved constituency and there would be no necessity for making any three-member constituency at all which is being provided for, as an exception. There is one advantage for the scheduled castes. I do not agree with Mr. Thimmaiah that the other communities, because the constituencies are reserved for scheduled castes, do not come in large numbers to vote. I quite repudiate that. There is one advantage in this single-member constituency for the scheduled castes who are not only backward but also economically very poor. It is their chance of a better representation by a man standing independently. The Select Committee has given its thought and during the last election delimitation was done on this basis and we have not heard any serious objection against single member reservation. I do not think we should alter this.

**Shri Biswas:** I am sorry I cannot accept this amendment. My hon. friend Mr. Barman has given the reasons. There is nothing unconstitutional about it. On the other hand we might lay ourselves open to the charge that we are not following the Constitution because the Constitution peremptorily declares that seats shall be reserved in the House of the People for scheduled castes and scheduled tribes. Therefore, merely because we reserve a seat for scheduled tribes in a particular constituency, that is not going against the Constitution. We are acting in the spirit of the Constitution where you make such a provision, and then the question is where the scheduled castes are in a majority, over 50 per cent., not otherwise. It is there only that the question of allotting a reserve seat in a single-member constituency will arise. We have left it to the Commission. Wherever practicable, they will do so. We have a certain number of seats to be allotted for the representation of scheduled castes and scheduled tribes. That will depend upon their population, the total population and so on. So, we have got to distribute these seats as widely as possible. So far as scheduled castes in one particular area are concerned—generally they will be over the larger area—the scheduled castes of one place will be represented by a member belonging to another area, but where they are in a majority, then there is no reason for denying them any separate representation. Ordinarily all our seats should be single-member seats allotted in single-member constituencies. We have said that wherever it is practicable that may be done.

5 P.M.

**Mr. Chairman:** Does the hon. Member wish to withdraw his amendment?

**Shri Thimmaiah:** Yes.

**Mr. Chairman:** Has the hon. Member leave to withdraw his amendment?

The amendment was, by leave, withdrawn.

**Mr. Chairman:** Amendment No. 31 in clause 8 by Mr. Somana.

**Shri N. Somana:** I beg to move:

In page 3, omit line 42.

**Shri N. Somana:** The proviso to clause 8(1) says:

“Provided 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.”

I have not been able to understand as to why this limitation has to be made in the case of Part C States, namely a difference between States which have Assemblies and States which have no Assemblies. Of course, I do concede, that when the People's Representation Act of 1950 was passed, there were certain considerations why a certain amount of weightage should be given to these States and deliberately they were given the weightage and since then, I have never been able to find why, in so short a period, the Government has thought fit to remove this weightage and make the distinction also between those States which have State Assemblies and those which have no State Assemblies. This is, in my humble opinion, an indirect method of abrogating the provisions of not merely the People's Representation Act of 1950 but also of the Government of Part C States Act, 1951. If really the Government thought that the time had come when they should review the position of the Part C States, they should have very well done so, but this is an indirect method of trying to cut at the root of these States and see that no weightage is given to them. So, my humble submission is that this limitation to the proviso must be removed and the proviso must be only as follows:

“No reduction shall be made in the number of seats in the House of the People at present allotted to any Part C State.”

If it is a question of reviewing the position of Part C States as I stated above the matter should have come in a different form, in the form of a

Bill in this House and not by an indirect method of trying to put these things in the Delimitation Bill and taking away the weightage these States had. I submit, therefore, that this limitation should not be there.

There is also another reason which has prompted me to move this amendment. Of course, it affects directly my State i.e., the State of Coorg. My State has a Legislative Assembly, but there is representation of only one seat. Of course, reduction, may also mean reduction, to nil which would mean that my State which has a Legislative Assembly may not have a representative at all in this House. So, I feel that not merely this may affect my State, but also generally the Part C States which have Legislative Assemblies, which have been given certain weightage on account of the special reasons which, of course, I do not think have now disappeared or that the Government should think this weightage should not be there. I therefore move that this limitation to the proviso may be removed and the words "which has no Legislative Assembly" may be omitted from this proviso.

**Shri Biswas:** Sir, I regret cannot accept this amendment.

**Pandit C. N. Malviya (Raisen):** One point, Sir. If the hon. Minister accepts the amendment, that is a different matter. Otherwise, I should be given a chance to speak.

**Shri Gidwani (Thana):** I also wish to speak, Sir.

**Mr. Chairman:** Why should the hon. Member assume?

**Shri Biswas:** Sir, I am not accepting the amendment for this reason. If the facts about Part C States were known, this amendment would not have been tabled at all. Part C States are, under the Constitution, dealt with on a special basis. That is provided for in article 82 of the Constitution. Last time, what was done was, none of the Part C States had any Legislative Assembly. Therefore, weightage was given to them in securing representation in the House of the People, as compared with other States in Part A or Part B which had Legislative Assemblies. Now, except Manipur, Cutch and Tripura, all the rest have got Legislative Assemblies. Therefore there is no question of giving them any weightage in regard to representation in the House of the People. We are not making any reduction in the number of seats which were allotted

to Manipur, Cutch and Tripura because they have not got a Legislative Assembly. The reference to any Part C State which has no Legislative Assembly is only to these three States, nothing more. The object is to retain, as regards these States, the same number as they had before. As regards the other States, there is a Legislative Assembly there, and therefore the number will be determined according to the usual rules.

**Mr. Chairman:** The question is:

In page 3 omit line 42.

The motion was negated.

**Mr. Chairman:** Then, amendment No. 32; Mr. S. N. Das; not here. Amendment No. 14.

**Shri Barman:** I am not moving.

**Mr. Chairman:** Mr. Heda; not present. Amendment No. 15.

**Shri Barman:** I beg to move:

In page 4, line 16, after "concentrated" add "but in regard to scheduled castes, care should be taken to distribute the reserved seats in different areas of the State".

Sir, the very same words have been used in the report of the Select Committee. We have accepted that Principle and recorded it. Also during the last election, that was the direction of the President. I am simply asking the hon. Minister to incorporate it in the body of the Act.

**Shri Biswas:** That was the intention of the Select Committee. That was the principle upon which action was taken last time. So, subject to any drafting changes, I will accept this amendment.

**Mr. Chairman:** The hon. Minister is accepting this amendment?

**Shri Biswas:** Yes, subject to any drafting changes. It says 'care should be taken'. I do not know if that is an appropriate expression. I accept the substance of the amendment.

**Mr. Chairman:** Then, I shall put it to the House. It is for the House to accept or reject.

The question is:

in page 4, line 16, after "concentrated" add "but in regard to scheduled castes, care should be taken to distribute the reserved seats in different areas of the State".

The motion was adopted.

**Shri Dabhi:** I beg to move:

In page 4, line 16—after “most concentrated” insert:

“provided that a seat for the scheduled castes or the scheduled tribes in a single-member constituency shall not be reserved in areas where members of the scheduled castes or scheduled tribes as the case may be, do not form substantial majority.”

Sir, my amendment makes clear the intention of the Select Committee as the hon. Law Minister just now said. I submit that in clause 8 (2) (d) the words “most concentrated” do not properly convey the intention of the Select Committee or the hon. Law Minister.

[MR. DEPUTY-SPEAKER *in the Chair*]

There is no difference in the principle as the hon. Law Minister has accepted, that in single-member constituencies, only in those cases where the members of the scheduled castes or scheduled tribes are in a majority, seats will be reserved for them. My submission is that these words do not convey that meaning. What I submitted on the last occasion and what I submit now is this. There are several districts in which, according to the population of scheduled castes or scheduled tribes, one seat is reserved for them in one Taluka. In that taluka no doubt, the population of scheduled castes can be said to be concentrated, but they do not form the majority. I would just give one instance. In one taluka in my constituency, Cambay, the total number of voters is 67,385, while the number of scheduled caste voters is 6805. In this Taluka, the scheduled caste people only form nine per cent, while the non-scheduled caste people form 91 per cent. Still, in the whole district, there is only one reserved seat for the scheduled castes. It may be said that the population of scheduled castes has been most concentrated in this Cambay taluka. If we make it a single-member constituency, then, it would follow that in that taluka, only nine per cent, would send one representative and 91 per cent, would not be in a position to send any representative. If, in such cases, a single-member constituency is formed, it would do injustice, to 91 per cent, of the non-scheduled caste voters. Actually, this has worked injustice in another taluka. In Naswadi single-member constituency of Panchmahals District, the total number of voters is

57,748. The scheduled tribe voters are 22,003. Here, the scheduled tribe voters constitute 39.8 per cent, and the non-scheduled tribe voters 60.2 per cent. Still, it has been formed into one single-member constituency. Though there are about 60 per cent, of non-scheduled tribe people, they have not been given any representation. In such cases, single-member constituencies should not be formed. If a double-member constituency is formed, in such cases, it could not work any injustice to the scheduled caste or scheduled tribe people and at the same time, it would do justice to the other people also. Taking all these facts which I have placed before the House, I hope the hon. Minister would accept my amendment because it merely makes clear the intention which he himself has in mind.

**Shri Biswas:** This proviso is really a proviso to clause (b) because he is speaking about single-member constituencies, whereas clause (d) is general in its terms. I suggest for the consideration of the hon. Member that clause (b) in the form in which it has been expressed ought to meet all reasonable requirements. It is stated there:

“wherever practicable, seats may be reserved for the scheduled castes or, for the scheduled tribes in single-member constituencies.”

What was done last time was, not to reserve such seats for scheduled castes or scheduled tribes unless they were in a majority. That was done, but option was left to the Delimitation Commission. They will take all the facts into consideration, and wherever practicable, they shall do this. Thus, it will not be a single-member constituency with a seat reserved for those special classes. So, I do not think, Sir, I should accept that amendment. It is really an amendment to part (b) and not to part (d).

**Shri Dabhi:** May I ask one question? I gave an example that actually there is one single-member constituency where the scheduled tribes do not form a majority and still the seat is reserved for them.

**Shri Biswas:** However, in the form in which it is expressed, it is a proviso to part (b) and not to part (d).

**Mr. Deputy-Speaker:** I suppose I need not place it before the House.

**Shri Kakkan** (Madurai—Reserved—Sch. Castes): I beg to move.

In page 4, after line 17, insert:

“(dd) constituencies for scheduled castes and scheduled tribes shall as far as practicable be located in taluks having enough population requisite for two or more seats for the State Assembly so that each taluk as far as practicable will have a general seat besides a reserved seat.”

There are taluks which have enough of population for two or more seats. The reserved seat must be in a taluk which has more than two or more seats. I will give one example. In my constituency, Merur Assembly constituency, two taluks are added together—Merur and Madura taluks. each taluk has a population for one general seat. The two taluks are now added and it is made as a plural constituency, one seat for general and one seat reserved, but previously one reserved seat was in Dindigul Taluk. In Dindigul, not only Harijan population, but also the caste Hindu population are for four general seats. So, the reserved seat in Merur taluk must be transferred to Dindigul. So, I have moved this amendment.

**Mr. Deputy-Speaker:** Hon. the Minister.

**Shri Biswas:** I do not accept the amendment. I need not state my reasons. They have been given so many times in the course of my speech, and I do not want to take up the time of the House.

**Mr. Deputy-Speaker:** Is it necessary to place it before the House? I do not think.

**Shri Dabhi:** I was not allowed to move my amendment No. 18.

**Mr. Deputy-Speaker:** When the hon. Member is moving his amendment, he moves all the amendments in his name.

**Shri Dabhi:** I thought it was left out. I had not said anything about it. Only amendment No. 16 I moved. It is important.

**Mr. Deputy-Speaker:** The hon. Member will kindly resume his seat. There are two or three-member constituencies. The object of the delimitation is that there should be single-member constituencies as far as possible except in cases where reservation is necessary for Scheduled Castes and Scheduled Tribes where there

may be two-member constituencies. Extending it beyond that is not the general policy of the Bill, but there are two or three cases where as in Nasik, in the same constituency, there is a reserved seat for scheduled castes and scheduled tribes, and there is also a general seat. These are exceptions.

**Shri Biswas:** The amendment relates to part (e). In respect of the words “existing boundaries of administrative units”, he wants to delete the word “existing”.

**Mr. Deputy-Speaker:** I am sorry, in the face of what the hon. Minister has said, is there a chance of its being accepted? It is as good as not being moved.

The question is:

“That clause 8 as amended stand part of the Bill.”

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clauses 9, 10, 11, the Title and the Enacting formula were added to the Bill.

**Shri Biswas:** I beg to move:

“That the Bill, as amended, be passed.”

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

“That the Bill, as amended, be passed.”

The motion was adopted.

#### FAMINE CONDITIONS IN MAHARASHTRA

**Shri Kanavade Patil** (Ahmednagar North): Sir, I thank you very much...

**Mr. Deputy-Speaker:** There is no time to spend in thanking the Chair.

**Shri Kanavade Patil:** ... for giving me this opportunity for having an half-hour discussion on the prevailing acute famine conditions existing in Maharashtra, and especially in eight districts of Maharashtra.

I have to submit before this House that during the last ten days I have been receiving continuous reports about the very acute famine conditions, and I have to submit especially that I have been informed that conditions in Ahmednagar, Sholapur and