

[Shri Tangamani]

Monday so that we could have given the cut motions today. We are now taken by surprise and we are deprived of the opportunity of giving notice of cut motions.

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** The part-heard Bills may be taken up first.

**Mr. Speaker:** He not only wants them to be taken up first but the Supplementary Demands to be taken up on Monday so that they may be able to give notice of cut motions. Very well. We will consider it.

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**TWO-MEMBER CONSTITUENCIES  
(ABOLITION) BILL—contd.**

**Mr. Speaker:** The House will now take up further consideration of the following motion moved by Shri Asoka K. Sen on the 16th February, 1961 namely:—

“That the Bill to provide for the abolition of two-member parliamentary and assembly constituencies and for the creation of single member constituencies in their place, be taken into consideration.”

Now, Shri A. K. Sen.

**The Minister of Law (Shri A. K. Sen):** Mr. Speaker, I am extremely obliged to the hon. Members for the lively interest they had taken in this matter. It shows how concerned the entire House is on questions so closely connected with the interest of the Scheduled Castes and Tribes. In fact from the speeches that we had the privilege to hear yesterday both from this side and from the other side, it was quite apparent that every one in this House was anxious to safeguard the legitimate interests of the Scheduled Castes people. In fact I remember the hon. lady Member, Shrimati Uma Nehru introducing almost a touch of

emotion while she was speaking on this subject. But I make bold to say that taking every fact into consideration, on the balance, it does appear to be very wise to continue the reservation which we have voted earlier on the basis of single member constituencies. I do not say that the arguments of those who have opposed the Bill or who have moved for circulating the Bill for eliciting further opinion are devoid of substance. On the contrary, there is a good deal to be said in favour of the views so freely and openly advanced by those who have opposed the Bill. In fact, many of the things mentioned by Shrimati Uma Nehru, by Shri Tyagi and by others require very careful consideration because we must certainly take every step to prevent the Scheduled Castes people from being kept perpetually in a separate compartment. I do not think it would be fair for the Scheduled Castes people or for the country or for the larger interests of the nation to keep the Scheduled Castes people segregated for all times to come. In fact, if I may echo the sentiments so worthily expressed by Shrimati Nehru, I may say that the very great essence of what she has said is that the Scheduled Castes people have always been a part and parcel of the Indian nation, they will continue to be so and nothing shall take them away from us or shall they be condemned to a separate existence even if it be a little tempting in the beginning for them, because their lot really lies with the Indian people as the Indian people owe a sacred obligation to do everything in their power to make their condition much better and possibly atone for what their forefathers have done in perpetuating a condition of rather unhappy existence for the Scheduled Castes people.

This country, Sir, has atoned in the past and will atone in the future, but only for the purpose of integrating the Scheduled Castes people with us and not for the purpose of keeping them separate. Let there be no mistake about it. I think there is complete

concurrence on this matter so far as this House is concerned, that nothing shall be done by us here, even if it be, as I said, a little tempting for the Scheduled Castes people initially, which will have the effect of perpetuating a separate existence for the Scheduled Castes people. We shall be reversing the process of Indian history if we try to do it and we shall in the process possibly inflict the gravest of wounds to our body politic.

Therefore, we must proceed for the purpose of integrating the Scheduled Castes people and the people belonging to the Scheduled Tribes with the rest of the nation in every possible way so that in years to come we shall not have to hear day in and day out that there is a separate category known as Scheduled Castes or there is a separate category known as Scheduled Tribes and we shall all belong to the great Indian nation completely rid of castes, sub-castes and tribal prejudices and bias. I hope that at least this House must completely and unequivocally express the great decisions of the nation that we must work progressively for the creation of that state of national existence in which there will be no caste, sub-caste or tribes or other under-developed communities.

And yet, it seems that at the moment it is absolutely necessary, as the House has already decided, that we must for that purpose continue the reservation in favour of Scheduled Castes and Scheduled Tribes, and that they have yet to be uplifted before there is complete integration between them and the rest of the country. It is for that purpose that this House voted for continuing the reservation.

It, therefore, is a question as to whether that reservation can best be carried out on the basis of single-member constituency or on the basis of double-member constituency. I appreciated the force of the argument that if we create single-member constituencies reserved for Scheduled Castes for all times to come we may create pockets which would be branded perpetually

with the label of Scheduled Castes. We do not want that, and I agree entirely with the principle for which our hon. friend Shri Jain has spoken, namely, that we must accept a form of rotation so that the same constituency does not retain the brand of Scheduled Castes for all times to come. I suppose, if that vice is removed, the objection ought, to a very large extent, be met, namely that we create all interests necessary in our view and yet we do not create vested pockets branded with the label of a particular community. Any amendment which will seek to declare that opinion of the House would be acceptable to the Government.

In fact, the measure was entirely of a temporary nature meant to cover the election of 1962, and yet I feel that though it is of a temporary nature the opinion of the House should be equally and unequivocally expressed that we do not want to create single-member constituencies with, as I said, any particular label retained on it for all times to come.

**Shri Braj Raj Singh (Ferozabad):** It is not possible to divide the constituencies for all times to come, because after the census operations are over and the new census figures are available the constituencies will again have to be delimited.

**Shri A. K. Sen:** There is no harm in declaring truisms. Sometimes truisms have to be declared, if not for anything else at least to declare the purpose of the House that it does not want any particular pocket branded with the label of a particular community for all times to come. That is the only purpose. I entirely agree with the hon. Member. I do not think any protagonist of the Bill has argued for such a state of affairs. This I suppose, Sir, is a reasonable point of view which, as I said, would be acceptable to the House.

**Shri Tyagi (Dehra Dun):** I wonder if the hon. Minister has also taken note of the fact that if there is rotation of constituencies the Scheduled

[Shri Tyagi]

Caste Members of Parliament will not have permanent constituencies because every time the Members will be changed.

**Shri A. K. Sen:** Nobody should have a permanent constituency. We are not creating zamindaries in the shape of constituencies.

**Shri Tyagi:** That is true, because Members will change every time.

**Shri A. K. Sen:** That is the purpose of delimitation, because the Constitution never prescribes that there should be permanent constituencies.

**Shri Tyagi:** That will apply only to the Scheduled Castes people. Others will come from their districts where they are popular. The Scheduled Castes people will have to seek election from a constituency far away from their homes.

**Shri A. K. Sen:** I am very sorry to contradict my hon. friend Shri Tyagi. He will be very surprised if it happens that his constituency is changed. After the coming census it may or it may not be changed.

**Mr. Speaker:** Evidently, Shri Tyagi is under the impression that Scheduled Castes members are bound to stand only from the reserved constituencies and they cannot stand for general seats.

**Shri A. K. Sen:** No, Sir; certainly not.

**Mr. Speaker:** They are not prevented from standing for any seat.

**Shri Tyagi:** What I am saying is that the Scheduled Castes members nurse their constituencies for five years in the hope that they may again be elected from the same constituencies. Now they can never hope to get elected from the same constituencies because the constituencies will be changed. Therefore, they will have to nurse other constituencies even though they

have been elected from their present constituencies.

**Mr. Speaker:** Other Scheduled Caste men from those constituencies will come in.

**Shri Tyagi:** That is right. It will go on changing.

**Shri A. K. Sen:** In fact, Sir, that argument is based on an illusion, namely, that the general constituencies remain unaltered. On the contrary, it is not so. After every census the general constituencies are subject to a revision territorially and otherwise. As I said, Shri Tyagi may one fine morning be surprised to find that the Delimitation Commission has altered his own constituency. So it was the very purpose of the Constitution makers that no pocket borough should be created for all times to come. Therefore, every ten years every constituency whether general or reserved would be subject to a revision by the Delimitation Commission. That is the very written word of the Constitution. But so far as the reserved seats are concerned we do not apprehend that there would be any reservation necessary after ten years. We have extended it by another ten years and we do not apprehend that there would be any reservation necessary after that period. So, it will be only a question of general seats after that, from a long range joint of view.

Shri Tyagi has also given expression to certain views which, with all respect to him, appear to spring from a misconception either of the provisions of the Constitution or of the Delimitation Act. Of course he prefixed his remarks by saying that he is neither a lawyer nor a barrister. I never thought that a barrister was a different person from a lawyer, but apparently to him there was a distinction. But it is a distinction without a difference. Apart from that, he seems to think that we are trying to compromise with article 170 of the Constitution and that we are trying to by-pass the

requirements of having a Delimitation Commission after every census. I am afraid that he certainly was labouring under some misconception of facts or of law. The question of delimitation will come after the census operations of 1961. Under the Delimitation Act, two of the members have to be either judges of the Supreme Court or judges of a high court, and the procedure prescribed is as under the Civil Procedure Code. It is a very lengthy and elaborate procedure and the Delimitation Commission has to fix the constituencies of every State, every assembly seat and every parliamentary seat, for the whole country. If he recalls how long it took for the Delimitation Commission to fix the constituencies from which members were returned in the elections of 1957, he will realise, and recall, that after 1952—the Delimitation Commission was constituted sometime at the end of 1953 or the beginning of 1954—it took them full two and a half years to fix the constituencies for every State. In fact, they must, according to the procedures prescribed. It is partly a judicial procedure; the objections have to be heard in respect of each constituency, and in fact, the elections of 1952 were again on the basis of the previous census figures. It is only after the election of 1957 that the Delimitation Commission started functioning, after the general elections of 1952. Similarly, it will be after the general elections of 1962 that the Delimitation Commission will start again for the purpose of fixing the limits and the other factors concerning the constituencies all over the country.

I suppose that with these explanations, much of the difficulties experienced by Shri Tyagi will disappear. This is all that I wanted to say.

**Shri Tyagi:** There is one point on which the hon. Minister has not thrown light. It was said that constitutional difficulties would arise. I wonder if they are really constitutional. The hon. Minister is a lawyer and a barrister both, and he can explain.

What I say is, 80 per cent of the voters in the constituency will get disqualified from offering themselves as candidates from their home constituencies. So, will that not go against the fundamental rights which say that all must be treated as equals in the matter of elections? (Interruption).

**Shri A. K. Sen:** This was considered very carefully, and this does not appear to be in conflict with any provision of the Constitution or of the chapter on fundamental rights, because the reservation is itself prescribed by the Constitution, and therefore it is a method of carrying on with reservations.

**The Minister of Home Affairs (Shri G. B. Pant):** There are already single member constituencies for tribals and two, I think, also for the Scheduled Castes.

**Shri Tyagi:** In those constituencies, the majority of the Scheduled Castes and Scheduled Tribes will be more than 51 per cent.

**Shri A. K. Sen:** No, no. At least in two there is 30 per cent.

**Shri G. B. Pant:** May be; I cannot say. But still, the fact remains that there are also non-Scheduled Caste people there.

**Shri A. K. Sen:** If there is no constitutional infirmity, there may be a moral objection to it, that is to say, keeping one particular area disenfranchised for the general voters for all times to come. But that objection, I think, would be largely met by accepting what is called compendiously the principle of rotation.

**Mr. Speaker:** Does Shri Tyagi press his amendment?

**Shri Tyagi:** I would like it to be voted upon.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th April, 1951".

*The motion was negatived.*

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

"That the Bill to provide for the abolition of two-member parliamentary and assembly constituencies and for the creation of single-member constituencies in their place, be taken into consideration."

*The motion was adopted*

**Clause 2—(Definitions)**

**Shri Tyagi** I beg to move:

Page 1, lines 17 and 18, *omit*.

"or a two-member assembly constituency specified in the Second Schedule". (2)

**Pandit Thakur Das Bhargava**  
(Hissar): I beg to move:

(i) Page 1, line 7, *add* at the end

"and a Supreme Court Judge appointed by the Chief Justice of India and a High Court Judge appointed by the Chief Justice of the High Court having jurisdiction in the territory concerned where the constituency is to be delimited and the decision of the majority of these members shall be the final decision of the Commission." (29)

(ii) Page 1, line 19, *add* at the end

"Provided the population of scheduled castes or scheduled tribes shall not be less than thirty per cent of the entire population of the constituency" (30)

**Mr. Speaker:** These amendments are before the House.

**Shri Tyagi:** I am speaking on my amendment No. 2. Having lost the battle for circulation, I will now content myself by appealing to the hon. Minister not to apply this provision to the assemblies, because the cumbersome constituencies are mostly those

which are parliamentary constituencies and which are spread over larger areas. I therefore suggest that if at all he applies this rule on those constituencies, let him spare the assembly constituencies which are not so widespread as the parliamentary constituencies.

Moreover, it is not the members of the assemblies who can decide here. We, the Members of Parliament, might well legitimately decide about our own fate. But I think the assemblies must be omitted. Because the hon. Minister has not agreed to consult the opinion of the members of the assemblies in the various States, to be fair to them, I would like the assemblies to be omitted. That is all that I want to say about this simple amendment.

**Shri A. K. Sen:** I am afraid this will completely frustrate the object of the Bill. After all, we are more concerned with the assemblies than with the parliamentary seats. I have already explained the object of the Bill and also the various points of view. I do not think I have anything more to say except that we cannot accept this amendment.

**Pandit Thakur Das Bhargava:** I have moved my amendments. As I said yesterday, so far as this Bill is concerned, it is very defective in so far as it takes away the right of 80 per cent of the population in the reserved constituencies. Therefore, the question is, what should be those areas where this right is to be taken away. The question is most important for the whole of India. Delimitation was previously done under the Delimitation Act. Then we know that a judge of the Supreme Court presided over the Commission and a high court judge also was appointed. In the second Delimitation Commission, the chief election authority was also a party, and there were seven Members of the Lok Sabha to assist the Commission as associates.

I do not insist that those seven persons should be there to assist him

that there should be a judicial body as associates, but I am very anxious to delimit the constituencies. It is very curious that that is not done and only one executive officer is appointed for that work. It is quite true that we are appointing the Chief Election Commissioner, who is a very impartial person. We know what part he played in the previous Delimitation Commission. I am here to offer my tributes to him. Here also I have no doubt that he will be impartial, but in an important matter like this, it is much better to have a judicial authority and not a single executive officer to decide this question. After all the whole proposals will be put up by the district authorities and I do not suspect their *bona fides* also. But at the same time, to give satisfaction to the general public, it is but good that on merits alone the question is decided and not on other considerations. It is, necessary, therefore, that this body should have a Supreme Court Judge and a High Court Judge of the area in which delimitation is to take place.

From the Bill it appears that even the inquiry which is sought to be made is very perfunctory. I was also an associate member of the Delimitation Commission and I have got some experience. People came forward and put in their objections, which were gone through not on one day, but on several days and the whole thing was thrashed out thoroughly. Here I find from the Bill that the objections will be written only and prepared by a certain date they will have to be sent to an officer and he may decide them in his chamber. He may not hear oral representations. We know that our countrymen are not very alert and they do not send in their representations, but they come on the date of the hearing and give some objections, which are sound. So it is very unfair that the inquiry will be perfunctory and more unfair that there should be only one officer to deal with it. The combined wisdom of all the three

should be there, so that the whole thing may be thrashed out thoroughly.

This is the most drastic of all the constitutional amendments that have so far been made. It takes away the right of crores of people to become members of Assemblies and the Parliament. They cannot become Ministers; they cannot become members and their rights are being taken away. So, it is much better that those persons are given full hearing and an opportunity to see that their constituencies are not made reserved constituencies.

**Shri Shree Narayan Das (Darbhanga):** At present the Election Commission consists of one member. I think the work of delimitation is semi-judicial and so some amendment should be made so that some persons may be associated with the Election Commission for this work. As I have said, the Election Commission at present consists only of one member, viz. the Chief Election Commissioner. So, I would suggest that the Government should accept some amendment by which it may be possible to associate at least two persons fitted for this work with the Election Commission to decide all these matters instead of having a single person sitting in judgement over a number of suggestions and objections. I think the Commission should consist of more than one member and be a judicial one.

**Shri Tangamani (Madurai):** Mr. Speaker, Sir, I rise to support amendment No. 29 moved by Pandit Thakur Das Bhargava. As it is the definition of 'Commission' only includes the Election Commission appointed by the President under article 324 of the Constitution. The definition should be modified to include a Supreme Court Judge to be appointed by the Chief Justice of India and a High Court Judge to be appointed by the Chief Justice of the High Court having jurisdiction over the constituency to be delimited. The Constitution clearly provides that the delimitation work is to be left to somebody else. A Delimitation Commission is set up soon

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after the publication of every census. Here under special circumstances, we are now having a sort of delimitation and if it is left to the Election Commission itself, the impartiality which is attributed to the Election Commission will no longer exist.

The association of two judicial personnel will at least give an impression to the people that it is no longer an arbitrary decision by the executive. As the mover of the amendment pointed out, when the previous Delimitation Commission was set up, some Members of Parliament were also associated. Here also I suggest that some Members of Parliament may be associated, so that, although they may not have the power to vote one way or the other, nothing will be done without their knowledge. That is the purpose for which the associates were originally included in the Delimitation Commission.

With these words, I submit that amendment No. 29 may be accepted by the House.

**Shri A. K. Sen:** I certainly appreciate the purpose which has impelled the hon. mover of this amendment to bring forward this amendment before the House. He is certainly actuated by the motive of making the work of delimitation as impartial as possible and yet he forgets one necessary condition viz., this work must be done very very quickly in order that the elections of 1962 may be held on the basis of these newly demarcated single-member reserved constituencies. If we are to associate a Judge of the Supreme Court and a Judge of the local High Court and various other persons, that will be the surest way to see that the elections of 1962 cannot be held on the basis of these constituencies. The quickness with which it must be done so that all the preparations for the coming elections may start on the basis of the constituencies newly demarcated can only be achieved on the basis of these demarcations being made by the Chief Election Commissioner.

**Mr. Speaker:** When is the delimitation work expected to be completed by the Commission?

**Shri A. K. Sen:** The Commission has already started the preliminary work in the expectation that we shall pass this Bill.

**Mr. Speaker:** At least, why not allow an appeal? After all, there may be some error here and there. Because of the emergency, what ought to be delimited by a Commission is sought to be made by the Chief Election Commissioner. But why make him the sole judge?

**Shri A. K. Sen:** He is not the sole judge, because the objective conditions are prescribed. First of all, there must be geographically compact areas. Secondly, that part which has larger concentration of scheduled castes will be the constituency. So, the objective conditions are clearly specified by this Act.

**Mr. Speaker:** In every Act, it is specified, but every Act is broken. Otherwise, why should there be courts? Of course, it is not broken deliberately.

**Shri A. K. Sen:** But it is impossible to carry on the next elections, unless there is a finality by, let us say, April in regard to this matter.

**Shri Tyagi:** Yesterday Dr. Ram Subhag Singh said that already the constituencies have been broken into two, and that in his own constituency, all these criteria which had been laid down had been broken altogether. His own constituency has been split into two. He comes from a double-member constituency from which comes Shri Jagjivan Ram also. The constituency has been so chalked out as to include three tehsils, sub-divisions, etc. Like that he has already been affected and he has no chance to lay his grievance before any authority.

**Shri A. K. Sen:** That is not true. It has not been done. As I said, the

preliminary work of getting the data and other things has been started. The scheme of the Bill is that after the preliminary work is over, objection will be heard. Shri Tyagi, with all respect to him, is wrong in what he is saying that Shri Ram Subhag Singh has no remedy, whatever his grievance may be. In fact, this Bill has not been passed and I have no doubt that when the facts are placed before the Chief Election Commissioner he will look into them.

**Shri Punnoose (Ambalapuzha):** Are we to understand that the public will be invited to give their objection, not on paper but orally?

**Shri A. K. Sen:** Oh yes. Whoever wants a personal hearing will get a personal hearing. There is no doubt about it.

**Mr. Speaker:** Objections will be invited and will be heard.

**Shri Punnoose:** These constituencies are spread all over India. I want to know whether the Election Commissioner will have time to hear all objections personally.

**Mr. Speaker:** What he says is that if every appeal should go to the Commission itself and the Commissioner must dispose of it in various constituencies spread all over India whether he would be in a position to do that.

**Shri A. K. Sen:** Though the constituencies are spread over, it is expected that if personal objections are going to be made he will certainly move about as the Delimitation Commission moved about.

**Shri Tyagi:** Sir, you will remember that you were yourself responsible for safeguarding the privileges and rights of Parliament. Last time, before the first elections were held, you, along with other members, insisted that constituencies being the source of the structure of Parliament, they should not be in the hands of any other authority, Parliament being sovereign. Therefore, you persuaded the

then Speaker to nominate a panel of two or three members from each House for each State to advise the Election Commissioner, and the Election Commissioner was to act according to the advice of that Committee.

**Mr. Speaker:** In the first Delimitation Commission the members were nominated by the Speaker. In Madras I was the Chairman of the Delimitation Commission and there were a few other members. Then, the non-official was removed and an officer, a Judge of the Supreme Court, was appointed as Chairman with one or two members. Gradually, from Members of Parliament it has come to a single official. On this depends the very life and existence of Parliament and its members but in this case alone there is no appeal. Here I do not want to give my personal experience in the previous Commission. It looks strange. I leave it to the Government and to the hon. Members. After all, time is not the only point. Also, in the matter of time we can hasten it. If an official or a person commits a wrong, he would not admit it is wrong. It is a matter relating to Parliament. In other countries it is Parliament that looks into it. Parliament appoints the delimitation commission. The objections are also looked into by Parliament. Now even that right is taken away from Parliament and vested in the official. Then let the official alone rule the whole country. The hon. Minister must look into the whole thing. It goes into the very foundation of this Parliament. There must be at least a provision for appeal. Even that is not done.

**Shri Tangamani:** Especially when the total seats in Parliament and the Assemblies come to such a big number.

**Mr. Speaker:** I am saying this because I am interested in Parliament. In the previous regime when I was a member, the majority were nominated members.

**Shri A. K. Sen:** Where it is a question of delimiting constituencies even



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now we provide for associating members, as in the case of the Bombay Re-organisation Act. This, unfortunately, is not a case of delimitation of constituencies. We have got the existing reserved constituencies and double-member constituencies. It is a question of bifurcating the existing constituencies on the basis of their larger concentration of Scheduled Castes and Scheduled Tribes.

**Shri Tyagi:** It is a much smaller work.

**Pandit Thakur Das Bhargava:** It is much more important.

**Shri A. K. Sen:** The re-adjustment of constituencies will be done only on the basis of the census figures. So far as this Bill is concerned, we have the existing double-member constituencies and we are dividing them on the basis of larger concentration. My submission is that there is no question of dealing with the rights of members or of the Assemblies in any manner in this Bill.

**Shri Tyagi:** Another difficulty is that the larger concentration has to be taken into account. The hon. Minister has agreed that after one election this constituency will be changed into another. So, another will be thin as far as Scheduled Caste population is concerned, and that number will be wasted. Then you will have to demarcate it again. So, if there is pressure of Scheduled Caste people in one constituency, let it be equally divided so that equal treatment may be given to the Scheduled Caste population.

**Shri Radhelal Yyas (Ujjain):** During the last time in Madhya Pradesh, which is a big State, the Delimitation Commission did not have more than two sittings. It hardly took two or three days. Now if only the double-member constituencies are to be bifurcated, how much time will it take? Even if the Members of Parliament are associated with it, it will hardly take a couple of days. So, I do not

think the time schedule will be disturbed. I submit to you that the hon. Law Minister should agree to the association of Members of Parliament with this work.

**Shri A. K. Sen:** In fact, this House has accepted the principle that in such matters it is better that Members of Parliament are not associated as they are interested parties when their objections are heard. The moment the Members of Parliament are associated their personal interest may conflict with their duties.

**Mr. Speaker:** But the amendment is not with regard to that.

**Shri A. K. Sen:** This is an answer to the point which the hon. Member has raised. I know this does not relate to the amendment. Therefore, having regard to all the circumstances and having regard to the fact that the Delimitation Commission which deliberated last time got these double-member reserved constituencies already fixed—they are already there as reserved constituencies fixed by the Delimitation Commission—and it is a question of bifurcating them on the principles enunciated in the Bill, namely, they must be geographically compact areas and there should be facility of communication and, secondly, they should have a larger concentration of Scheduled Castes . . .

**Mr. Speaker:** I have a doubt. If a double-member constituency is divided, it may so happen that a divided portion may contain less population of Harijans and Scheduled Castes than if the two parts are combined together.

**Shri A. K. Sen:** That larger delimitation has to be done after the census of 1962. That we cannot do before the elections of 1962.

**Mr. Speaker:** In the double-member constituencies it may so happen that you have demarcated half of it in one constituency and that may sometimes contain less than two

contiguous Scheduled Caste constituencies, which can be put together.

**Shri A. K. Sen:** It may or may not. But it is highly improbable because generally these double-member constituencies have been demarcated by the last Delimitation Commission on the basis that they contained a fairly substantial number of Scheduled Caste people.

**Mr. Speaker:** It can happen. In my district it is different. There are various taluks where they are equally represented.

**Shri A. K. Sen:** They are not contiguous. There are hardly two reserved constituencies which are together.

**Shri Chintamani Panigrahi (Puri):** There is in our State.

**Shri A. K. Sen:** In one or two cases it may be so. But, by and large, they are never contiguous. (*Interruptions*). It is very difficult to answer if members put questions simultaneously. As I said, it is not the larger question of delimiting the constituencies. I appreciate we should really have the medium of the Delimitation Commission for the general demarcation of constituencies and we will have it after the census of 1961. Here it is a question of dividing the already demarcated constituencies. The demarcation had been done by the Delimitation Commission itself. Therefore, it is not a question of deciding anything except following the objective tests laid down by the Bill itself. For that, I have no doubt, this Commission would be the best instrument for doing these things quickly and effectively. Further, a procedure is laid down for hearing the objections. I am afraid, possibly those members who were rather apprehensive about the question of objections have not taken good care to read clause 4. It says, first of all, that the proposals are to be formulated and published in the Official Gazette of the State together with a notice specifying a date on or after which the proposals will be

further considered by it. Then it says that as soon as the interim proposals are made, those who are concerned with bifurcations would come forward . . .

**Shri Punnoose:** That is why I ask whether the Election Commissioner will hear the objections personally.

13 hrs.

**Shri A. K. Sen:** I am reading clause 4. He will not hear unless you ask for a hearing. That is a very well recognised principle. He will hear only those who want to be heard personally.

Then sub-clause (b) says:

"after considering all objections and suggestions which may have been received by it before the date so specified, determine the matters referred to in section 3".

That means the objective tests laid down in clause 3.

Then under sub-clause (c) by notification there will be final bifurcation. So I do not see any reason for any hon. Member being apprehensive because if any proposal like the one referred to by Dr. Ram Subhag Singh is made he should lodge his protest. I should advise Dr. Ram Subhag Singh to lodge his protest the moment the interim proposals are made. I do not think any interim proposals have been made so far because interim proposals will be made only after the Bill is passed and the interim proposal will contain a date within which objections are to be filed. I shall refer him to the Chief Election Commissioner detailing the reasons why that interim proposal should be invalid. I have no doubt that if it is as preposterous as it is alleged to be the Chief Election Commissioner will change it immediately. I have no doubt that some district officers may send in proposals which may not be fair. But against these proposals not only would all valid objections be raised but will

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also be heard and disposed of properly.

Therefore having regard to all this I am afraid it is not possible to accept these amendments. I wish I had plenty of time to associate some judges with it. But I do not see how judges can do more than what the Chief Election Commissioner can do in the matter.

**Shri Hem Raj** (Kangra): After constituencies had been delimited by the Delimitation Commission consequent to the re-organisation of States constituencies in Punjab were again delimited and power was given only to the Election Commission. When objections were filed with the Election Commission and we went to the Election Commission for being heard, the Election Commissioner refused to hear us. That is our experience of the last occasion.

**Shri A. K. Sen:** If after this the Chief Election Commissioner refused to receive objections—the hon. Member is a lawyer—he will only have to file a writ petition and it will be allowed in the course of five minutes.

**Shri Hem Raj:** But if the amendments of which I have given notice are accepted, he shall have to do it.

**Shri A. K. Sen:** If certain duties are not performed, the Act cannot provide for it. Then the remedy is the court of law.

**Dr. Samantsinhar** (Bhubaneshwar): The double-member constituencies would be bifurcated and the single-member reserved constituencies will be created out of these double member reserved constituencies. Now by passing this Bill when a double-member constituency is bifurcated if the number of Scheduled Castes and Scheduled Tribes people in that bifurcated single-member constituency is less than any other constituency which is not affected by this Act, which would be the reserved seat?

**Mr. Speaker:** For the time being he must be satisfied with it.

**Shri A. K. Sen:** Theoretically there may be one or two cases.

**Mr. Speaker:** I put the amendment to the vote of the House:

*Amendment No. 29 was put and negatived.*

**Mr. Speaker:** I shall put the other amendment by Pandit Thakur Das Bhargava (No. 30) also to the vote of the House.

*Amendment No. 30 was put and negatived.*

**Mr. Speaker:** Need I put Shri Tyagi's amendment (No. 2) to the vote of the House?

**Shri Tyagi:** Yes, Sir.

*Amendment No. 2 was put and negatived.*

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

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

**Clause 3**—(Division of two-member constituencies)

**Shri B. C. Kamble** (Kopergaon): Sir, I beg to move:

(i) Page 2, lines 3 and 4,—

omit "(other than a two-member assembly constituency in the State of Gujarat)". (10)

(ii) Page 2, line 18,—

for "1951" substitute "1961". (11)

**Shri A. K. Sen:** After what I have explained, amendment No. 10 would completely disorganise the Bombay Re-organisation Act which this Parliament has passed. I hope the hon. Member appreciates the implications of this.

**Shri Tangamani:** Sir, I beg to move:

(i) Page 2, line 1,—

after "shall" insert—

"through Delimitation Commission appointed for the purpose". (39)

(ii) Page 2,—

after line 16, add—

"(c) the seat shall be split into single member constituencies on the basis of the list of voters published stating that they are scheduled castes or scheduled tribes and the same shall be finalised by the Commission so set up." (41)

(iii) Page 2,—

after line 18, add—

"(2) The Delimitation Commission so appointed will hold discussions with the political parties before advising the Commission." (42)

**Shri Chintamani Panigrahi:** Sir, I beg to move:

Page 2,—

after line 16, add—

"(c) the State Governments will be requested by the Election Commission to first publish the village-wise and Thanawise figures of Scheduled Castes and Scheduled Tribes population as recorded by the enumerators in the Census of 1951." (24)

**Shri Ram Sewak Yadav** (Barabanki): Sir, I beg to move:

(i) Page 2, line 1,—

for "as soon as may be practicable", substitute "latest by the end of July, 1961". (18)

(ii) Page 2, line 14,—

omit "in the opinion of the Commission". (21)

**Pandit Thakur Das Bhargava:** Sir, I also wish to move my amendment No. 30.

**Mr. Speaker:** That is over. It was to clause 2.

**Shri A. K. Sen:** I shall accept Pandit Thakur Das Bhargava's amendment No. 32. I think it is a reasonable amendment. It says that the proposal should not only be published in the Official Gazette but also in the important papers of the regional languages.

**Mr. Speaker:** That is to clause 4. We are on clause 3 at the moment.

**Shri A. K. Sen:** I am sorry, Sir.

**Shri A. P. Jain** (Saharanpur): I had given notice of two amendments embodying the principle of rotation. The notice was given day before yesterday and the amendments were circulated yesterday. Now I have given you.....

**Mr. Speaker:** What is the number of the original amendments?

**Shri A. P. Jain:** They are Nos. 43 and 44. Now for amendment Nos. 43 and 44 I want to substitute the first four amendments of which I have given you the draft. This is the proper draft though it contains the same principle.

**Mr. Speaker:** I will allow him to speak. Then I will call other hon. Members one after the other.

**Shri A. P. Jain:** Sir, I beg to move:

(i) Page 2, line 1,—

Before "the Commission", insert "(1)". (45)

(ii) Page 2, lines 13 and 14,—

For "that single-member constituency" substitute "that one of the two single-member constituencies". (46)

(iii) Page 2, after line, 16 insert—

"(2) Notwithstanding anything contained in sub-section (1) on the expiration of the period of five years from the date of abolition of a two-member constitu-

[Shri A. P. Jain]

ency and the coming into existence in lieu thereof of two single-member constituencies under section 5, the seat reserved for the Scheduled Castes in one of the said single-member constituencies under clause (b) of sub-section (1), shall cease to be so reserved and in lieu thereof the seat shall be reserved for the Scheduled Castes either in the other of the said constituencies or in such other constituency as the Commission may, having regard to the population of the Scheduled Castes, by order in the Official Gazette of the State concerned specify in this behalf.

Provided that nothing in this sub-section shall affect any representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the then existing House or, as the case may be, the then existing Assembly." (47)

13.09 hrs.

[SHRI MULCHAND DUBE in the Chair]

(iv) Page 2, line 18,—

For "census held in 1951" substitute "latest census of which figures are available". (48)

**Shri Tangamani:** The amendments are of a very complicated nature. It is only fair that we should be supplied copies of the amendments.

**Shri A. P. Jain:** I shall pass it on to the hon. Member.

**Shri Kasliwal:** The latest amendment which the hon. Member, Shri Jain, has suggested is slightly different from the original. He may kindly explain the exact difference between the two.

**Shri A. P. Jain:** Mr. Chairman, I had originally given notice of an amendment introducing the principle of rotation. That amendment was not properly worded and the new amendments which I have just read out

bring out my intention more accurately and in a legal form. The first amendment is a very simple one. I propose to insert a sub-clause No. (2) to clause No. (3) and therefore the first paragraph is made as clause No. 1. The second amendment is also very simple. At present the existing single member constituency is intended to remain a reserved seat for all times. Since it will rotate, the new amendment says that one of the two single member constituencies will be declared as a reserved seat.

So far as the third amendment is concerned, the proviso means that after a double-member constituency has been bifurcated for the first five years, one of the newly created seats will remain reserved. That reservation will continue until the next elections, so that there may be no disturbance in the middle. But after the next general election following the expiry of five years that seat already reserved cannot be kept as a reserved seat and again some other seat will have to be declared as a reserved seat. The seat which is to be declared as a reserved seat may either be the other seat resulting from bifurcation or it may be a new seat, the criterion being that there must be a concentration of the Scheduled Castes.

When the Law Minister was addressing the House certain objections were raised. One of the objections was that members will not be interested in nursing the constituency. My answer to that objection will be, first that a member nurses a constituency which he represents, and not a constituency from which he intends to seek election next time. Moreover, the fact that a constituency which has been declared a reserved constituency will become a general constituency later does not prohibit a Member from nursing it, even if it means that one has to nurse a constituency from which he wants to seek election.

General constituencies are open to both the Scheduled Caste people as

also to other caste people and it will place a scheduled caste candidate in an advantageous position, because a sitting member who has represented a constituency can fight an election from that constituency more effectively. He can do greater good to that constituency and therefore improve his chances of being re-elected from the same constituency when it has been declared to be a general constituency.

As the Law Minister has very rightly and very precisely stated before the House, it is not a good thing to create reserved boroughs or reserved constituencies for all times. So, the principle of rotation is a very healthy principle. If this rotation is introduced, I think some of the objections raised by my hon. friend Shri Tyagi and others will to a large extent be met. In fact, I was surprised when Shri Tyagi raised certain objections. I find that he has already given notice of an amendment to that effect.

**Shri Tyagi:** Mine was limited to the double-member constituency. Now my hon. friend throws every constituency into this and therefore I raised my objection. My hon. friend endangers every constituency in the whole of India.

**Shri A. K. Sen:** My hon. friend Mr. Jain's amendment is the more correct one, because administratively every constituency is thrown open after each census operation.

**Shri A. P. Jain:** The difficulty is that Shri Tyagi thinks of too many dangers. Danger to whom? Not to the Scheduled Castes, not to the country either, because it throws open a wider area. Therefore, I submit that this amendment is a very reasonable one and is for the benefit of the scheduled castes as also of the nation at large.

So far as the last amendment is concerned, it is a consequential one and I need not say much about it.

With these words, I commend my amendments for the acceptance of the House.

**Shri Parulekar (Thana):** The basic principle of the amendment which has been moved is rotation. This is all right in the case of Scheduled Castes. As regards Scheduled Tribes they live in a compact area.

**Shri A. K. Sen:** It does not apply to Scheduled Tribes.

**Shri Chintamani Panigrahi:** I have moved my amendment No. 24 to clause 3. This is with reference to the explanation in which it has been suggested that population means, population as ascertained at the census held in 1951. If you go through the Census handbooks published by the different State Governments and also the Census Handbook of India, the census figures of Scheduled Castes and Scheduled Tribes are published district-wise or taluk-wise at least. The district magistrates are now being asked to tabulate the figures for scheduled castes and scheduled tribes police-station-wise or village-wise.

The hon. the Law Minister said that objections are invited by the Election Commissioner. But for the public only the census figures as published in the handbook district-wise or at best taluk-wise is available. The Election Commissioner should request the State Governments to publish these figures police station-wise and village-wise at the first instance, so that when objections are raised instances where a compact area has not been properly constituted may be cited. Otherwise we shall have to depend only on the report of the S.D.O. or district magistrate as they submit their figures and the State Government will recommend that to the Chief Election Commissioner.

In my State of Orissa, the bifurcation of double-member constituencies has almost been finalised. One more clarification I seek of the Law Minister. What is the criterion for con-

[Shri Chintamani Panigrahi]

centration? Here it has not been laid down whether it is 80 per cent., 60 per cent or 51 per cent. I feel Government will not be put to any difficulty if they ask the State Governments to publish census figures with regard to Scheduled Castes and Tribes village-wise and police station-wise.

**Shri A. K. Sen:** May I say a word.....

**Shri B. C. Kamble:** What is the procedure: whether we will speak on all the amendments and clauses and then he will reply or he will reply for each?

**Shri A. K. Sen:** If Shri B. C. Kamble wants to move his amendments, I have no objection. Personally, I think he is going to nullify the entire effect of the Bombay Reorganisation Act.

**Shri B. C. Kamble:** I am moving amendments Nos. 10 and 11. So far as amendment No. 10 is concerned, what we find is, exception has been made of the State of Gujarat. It is discriminatory in two ways: in relation to the State and in relation to the constituency. Exception is made with regard to the Assembly constituencies. Whatever may be the Act which has been passed, this law should be uniform. Therefore, the Government should make up its mind and see that at least this law is made uniform throughout the State.

With regard to amendment No. 11, I have suggested that the Census figures of 1961 should be taken as the criteria for deciding the number of seats to be reserved for Scheduled Castes and Scheduled Tribes. Here it is a question of the Constitution, because, article 330 says that seats shall be reserved in relation to the population of the Scheduled Castes and Scheduled Tribes. If the hon. Law Minister is suggesting with reference to article 81 where there is also a definition of population, which means, of the last preceding Census, I say it has no relationship whatsoever.

Because, if the population of Scheduled Castes has increased, the number of seats should be increased. If the population of Scheduled Castes has decreased, the number of seats should also be decreased. That is to say, I submit, in each State the population has to be ascertained, and according to article 330, that ratio has to be maintained. So many events have taken place particularly in the Maharashtra where the population of Scheduled Castes is likely to be affected. Therefore, in proportion to the population being either greater or lesser, the seats also will have to be allotted according to the proportion of the population. I would also further submit that so far as article 82 is concerned which speaks about re-adjustment of the constituencies after the Census operations are over, benefit is not being taken of these operations for the next first general elections. I am not for extending the life of this House. Election should take place at a particular time after five years. In order that we should be in line according to the Census operations under way, it does not matter if a year's time is extended further and then re-adjustments should take place according to the Census figures which are available according to the 1961 Census.

There is one small point and I will finish so far as these amendments are concerned. The Law Minister seems to think that with regard to reservation of constituencies, there will be rotation. If there will be rotation, the difficulty will be this. This is a Bill. It will become law. You have made a law that seats will be reserved where the Scheduled Caste population is more concentrated. Either you will have to continue for the next 10 years that very constituency under this particular provision or if you give it by rotation, it means, you will be giving that reserved seat to an area where there is no concentration according to your classification. It will be against law if such a kind of alternative is proposed.

**Shri Tangamani:** I have moved amendments Nos. 39, 41 and 42. My amendment No. 39 reads:

Page 2, line 1, after "shall" insert "through Delimitation Commission appointed for the purpose."

My amendment No. 41 reads:

Page 2, after line 16, add—

"(c) the seat shall be split into single member constituencies on the basis of the list of voters published stating that they are scheduled castes or scheduled tribes and the same shall be finalised by the Commission so set up."

My amendment No. 42 reads:

Page 2, after line 18, add—

"(2) The Delimitation Commission so appointed will hold discussions with the political parties before advising the Commission."

I shall speak on all the three amendments because practically the same purpose is sought to be emphasised by all these amendments.

In the course of the First Reading, both Shri Punnoose and myself requested the appointment of a Delimitation Commission as it will meet the ends of justice. I was surprised that there was absolutely no reference to the appointment of a Delimitation Commission when the hon. Law Minister was pleased to reply to the First Reading. Probably he thought that this is not an issue which merits any consideration at all.

**Shri A. K. Sen:** I did say that Shri Tyagi was possibly suffering from a misconception in that he thought that the Delimitation Commission should function now. The Delimitation Commission can only function after the 1961 Census figures are available.

**Shri B. C. Kamble:** The Delimitation Act has been repealed.

**Shri Tangamani:** What I have suggested through this amendment and the suggestions we have made in the First Reading is that the Delimitation Commission may be set up. We

may call it Delimitation Commission or any other Commission; a Commission which has got the same powers as a Delimitation Commission which is set up under the Delimitation of Parliament and Assembly Constituencies Act of 1956. The whole point is that the Delimitation Commission has not only officials, it consists of non-officials also. We have got associates who are Members of Parliament. They go from State to State. The political parties and the interests concerned have got an opportunity to represent to this body. That was the purpose for which I wanted a Delimitation Commission.

On the question of delay, one of the previous speakers was pleased to state that in one State, the Delimitation Commission spent only two days and they were able to satisfy those who raised objections. If for delimiting all the constituencies after the publication of the Census report, the Commission had taken only two days in a particular State—all the 400 and odd Assembly constituencies and 80 parliamentary constituencies,—it is not going to take much time at all. The whole thing is whether the Government has got the intention to satisfy the people and the House that in splitting these constituencies, they are going to base it on certain principles. That is the only point. We have made it very clear that we are not opposing this Bill. In the matter of splitting of constituencies, let not an impression be created that abuses are likely. Because, after all, even when we come to clause 4, what is the provision that is made? In clause 4, for the entire State one man is going to function. In all the States, one man will function. You are going to split up the constituencies, and publish that in the Gazette and then objections are to be addressed to this particular man. How is it humanly possible for him to go and meet individuals who want personally to represent a case? It is practically impossible. When a Commission which has to go from State to State is not in a position to meet all the



[Shri Tangamani]

objections and satisfy them, I cannot understand how one man will be able to do it in all the 400 and odd Assembly constituencies and satisfy the people. If he is going to sit in the office, it will be only publication in the Gazette and formal objections will be raised. Nothing much comes out of it. That is why a feeling has grown in the minds of the people. I submit that the hon. Minister must respect the sentiment which has grown in the minds of the people that many of the constituencies have many of the constituencies have already been split up. That is why we want certain safeguards. These safeguards may be in the nature of accepting the amendments. We have also suggested, let there be consultation at the level of the constituencies on the basis of consulting all the interests, more particularly, the political parties who will be interested in contesting the election.

I would like to refer to another objection which was raised. My understanding of the Constitution on this point is, there is nothing which prevents a Delimitation Commission being set up even before the Census report is published. Although it is obligatory on the part of the Government to set up a Delimitation Commission after the publication of the census figures, I do not see how they are prevented from doing a particular type of delimitation work which is really of a limited nature. It is not going to be very difficult for them at all, because we have already laid down, as the hon. Minister was pleased to state, that we are going to have only geographically compact areas, and that we are going to consider the physical features, communications, conveniences and concentration of the population of the Scheduled Castes.

By my first amendment I want a Delimitation Commission to be set up. After it is set up, I want that the constituencies should be so split up

that contiguous areas with a predominantly Scheduled Caste or Scheduled Tribe population comprise the reserve seat. Let us not have the phenomenon of a double member constituency split up into two constituencies, such that the general constituency has a larger number of Scheduled Caste people than the reserved constituency. That is why, by my second amendment I say:

“(c) the seat shall be split into single member constituencies on the basis of the list of voters published stating that they are scheduled castes or scheduled tribes and the same shall be finalised by the Commission so set up.”

Now we have only got the census figures of 1951. As Shri Chintamani Panigrahi pointed out, from the Census Report published we are not able to find the number of Scheduled Caste people and their concentration. The electoral list for 1957 has been published. That can be taken as a criterion. If that is taken for the limited purpose of delimiting, that will at least take away the suspicion which is now prevalent in the minds of the people.

Lastly, by my third amendment I have said:

“(2) The Delimitation Commission so appointed will hold discussions with the political parties before advising the Commission.”

Actually, if prior consultation takes place with the interests concerned, the objections etc., will be reduced to a minimum. The hon. Minister would be aware that in cases where a particular constituency has been delimited and the polling stations have to be altered, we are asked to give our objections to changing the venue of the polling stations. We know how very difficult it is to get them changed because the particular thing has

already been fixed on the basis of certain criteria. That is why if there is consultation before we come to a decision, it will make matters easier for the Government and the Commission or any other authority appointed to delimit or divide up the constituencies.

We once again press these three amendments which will really provide the safeguard necessary against likely abuses. With these observations, I request these amendments may be accepted.

**Shri Tyagi:** On a point of order, Sir. An amendment has been moved just now by Shri A. P. Jain, and we did not get any notice of that bigger amendment. Are we not entitled to move amendments to that amendment?

**Mr. Chairman:** That is a hypothetical question.

**Shri Tyagi:** I want to move an amendment.

**Mr. Chairman:** When he moves, the question will be considered.

**Shri Tyagi:** Then I want to move an amendment now to the amendment moved.

**Mr. Chairman:** Then he may send the amendment here, and it will be decided whether it will be allowed or not. I do not want to give any opinion prematurely.

**श्री रामसेवक यादव :** सभापति महोदय, इस क्लॉज तीन को जो पहली लाइन है उस में मैं एक संशोधन रखना चाहता हूँ। इस की जो भाषा है "as soon as may be practicable" उस की जगह पर "Latest by July 1961" रख दिया जाय। मैं यह बात इस लिये कह रहा हूँ कि इस क्लॉज की जो भाषा है "as soon as may be practicable" उस का अर्थ यह होगा कि कोई समय निश्चित नहीं

होगा, किसी भी समय तक कांस्टीट्यूएन्सीज का डिलिमिटेशन चलता रहेगा। मिसाल के तौर पर, जैसा मैं ने पहले अर्ज किया था और आज भी अर्ज करता हूँ, कि पिछली बार सन् १९५७ के चुनाव में जब कि मार्च में चुनाव हुये और नामजदगी दाखिल हुई तो आखिरी निर्वाचन क्षेत्र २३ फरवरी, १९६१ तक बनाया गया। यह सदन और आप स्वयं इस पर विचार करें कि चुनाव में जो हिस्सा लेने वाले लोग हैं, मतदाता और चुनाव लड़ने वाले लोग, उनको अन्त तक यह पता नहीं चला कि कौन सा हल्का उन के निर्वाचन क्षेत्र में पड़ने रहा है, और कौन सा उनके निर्वाचन क्षेत्र से निकलने जा रहा है। इस लिये मैं चाहता हूँ कि चुनाव कमिश्नर को फिर यह अधिकार न मिले वह जब तक चाहे, चुनाव के पन्द्रह दिन पहले तक, निर्वाचन क्षेत्र का निर्णय करता रहे। उस को समय से बांध देना चाहिये जिस में कि कम से कम छः महीने का समय मिल जाय ताकि लोगों को मालूम हो जाय कि कौन सा हल्का उन के हिस्से में पड़ने जा रहा है और कौन सा उन के हिस्से से निकलने जा रहा है। इसी दृष्टि से मैं चाहता हूँ कि "as soon as may be practicable" को हटा कर उसे "Latest by July 1961" कर दिया जाये ताकि इस कानून का दुरुपयोग न हो सके।

फिर मैं यह कहना चाहता हूँ कि इस क्लॉज ३ का जो सब क्लॉज (बी) है उस की दूसरी लाइन में जो "in the opinion of the Commission" है उस को निकाल दिया जाये। यह जो जुम्ला है वह बिल्कुल अनावश्यक है क्योंकि इस में जो एक्सप्लेनेशन है उस में साफ साफ दिया हुआ है :

"In this section 'population' means the population as ascertained at the census held in 1951".

सन् १९५१ की जनगणना में जहाँ हरिजनो की आबादी ज्यादा होगी वह हिस्सा हरि-

### [श्री रामसेवक यादव]

जनों के लिये सुरक्षित होगा। जब यह व्यवस्था दी हुई है तो फिर "in the opinion of the Commission" की क्या आवश्यकता है यह मेरी समझ में नहीं आता। इस तरह की व्यवस्था होते हुये in the opinion of the Commission " आवश्यक हो जाता है। और अगर इसका कोई अर्थ है भी तो मैं समझता हूँ कि उसका अर्थ यह होगा कि अगर कोई हरिजनों की आबादी का इलाका होगा तो कमिश्नर महोदय समझ सकते हैं कि यह इलाका हरिजनों का नहीं है, दूसरे इलाके में जहाँ हरिजनों की आबादी ज्यादा नहीं है उस के लिये समझेंगे कि वह हरिजनों का इलाका है और इस तरह पर वह मनमाने ढंग पर इस कानून का दुरुपयोग करेंगे। मैं चाहता हूँ कि ऐसा मौका न मिले कि इसका दुरुपयोग किया जा सके। इस लिये मैं चाहता हूँ कि इन शब्दों को हटा दिया जाये। चुनाव क्षेत्र में हरिजनों की आबादी के बाहुल्य की जो बात है उस से यह चीज पूरी तौर पर साफ हो जाती है और इस शब्दावली को रखने की कोई आवश्यकता नहीं है।

जैसा आज और कल माननीय सदस्यों ने कहा, अभी यह विधेयक कानून की शकल नहीं ले पाया है, फिर भी जगह जगह जिलों में निर्वाचन क्षेत्रों का गठन हो रहा है। विघटन भी हो रहा है। मैं बाराबंकी जिले की बात बताऊँ। वहाँ पर असेम्बली की एक डवल मेम्बर कांस्टीट्यूएन्सी है, उस को इस विचार से अलग नहीं किया गया कि किस इलाके में हरिजनों की संख्या कम है और किस में दो कांस्टीट्यूएन्सीज बना दी गईं, और जब हमने जानकारी हासिल की तो यह बतलाया गया कि यहाँ से तो दो निर्वाचन क्षेत्र अलग अलग कर दिये गये हैं। इस पर कोई ध्यान नहीं दिया गया है कि किस में हरिजनों की संख्या कम है और किस में ज्यादा है। ऊपर से यह तय हो जायेगा कि कौन सा निर्वाचन क्षेत्र हरिजनों की

रिजर्व सीट वाला होगा और कौन सा सवर्णों की सीट वाला। इसी लिये मैं कहना चाहता हूँ कि इस कानून का दुरुपयोग अभी से शुरू हो गया है। अगर ऐसी व्यवस्था कर दी जायेगी तो जहाँ पर हरिजनों की संख्या ज्यादा है वह हरिजनों का इलाका नहीं बनेगा और जहाँ पर हरिजनों की संख्या कम है वह हरिजनों का इलाका बन जायेगा। अब चूँकि चुनाव लड़ने वाले जो लोग हैं उन को सुविधा प्रदान करने की दृष्टि से यह कानून बनाया जा रहा है, इस लिये मैं कहना चाहता हूँ कि इस विधेयक के अन्दर इस क्लॉज में जो यह शब्द हैं "in the opinion of the Commission" यह बिल्कुल अनावश्यक हैं। अगर यह रहते हैं तो इनका दुरुपयोग ही होगा, और कुछ नहीं होगा, इस लिये इनको निकाल दिया जाना चाहिये।

जो पहली लाइन में "as soon as may be practicable" लिखा हुआ है इस का समय भी निश्चिन्त हो जाये। इस को भी कमिश्नर के हाथ में नहीं छोड़ा जाना चाहिये कि वह जब तक चाहे निर्वाचन क्षेत्रों का गठन करता रहे, कांस्टीट्यूएन्सीज का निर्माण करता रहे, बल्कि उस को जुलाई के आखिर तक का समय दिया जाना चाहिये : इस समय के अन्दर अन्दर यह सारा काम समाप्त हो जाये। यदि ऐसा नहीं होता है तो इस का दुरुपयोग होना लाजिमी है। इस चीज को हम दूर नहीं कर सकेंगे चाहे हम कितना ही प्रयास करें। इसलिये मैं माननीय मंत्री महोदय से निवेदन करूँगा . . . . मैं समझता हूँ कि मंत्री महोदय के कान और ध्यान दोनों साथ हो जायें तो वे ज्यादा अच्छी तरह मुन सकते हैं।

**विधि उपमंत्री (श्री हजरतबीस) :**  
मैं मुनता हूँ।

श्री राम सेवक यादव : मेरा मतलब यह नहीं था कि आप के कानों में कुछ खराबी है।

**Shri Tyagi:** He has two years.

श्री अ० क० सेन : खुदा ने दो कान दिये हैं।

**Shri Chintamani Panigrahi:** He lends one ear to Tyagiji and one to the Speaker!

श्री रामसेवक यादव : मैं ने जो संशोधन सदन के सामने रखे हैं उन में से एक तो यह है कि क्लज ३ की लाइन १ में से शब्द "as soon as may be practicable" निकाल दिये जायें और उनके स्थान पर समय की कोई सीमा बांध दी जाये और कमिशन को मनमाना समय लेने का अधिकार न दिया जाये, ताकि लोगों को कम से कम ६ महीने पहले पता चल जाये कि उनका कौनसा निर्वाचन क्षेत्र होगा।

मेरा दूसरा संशोधन यह है कि क्लज ३ के सब क्लज बी० की लाइन २ में से शब्द "in the opinion of the Commission" निकाल दिये जायें क्योंकि ये अनावश्यक हैं। जब आपने यह मान लिया कि जिन इलाकों में हरिजनोका बाहुल्य होगा वे ही क्षेत्र सुरक्षित सीट में आयेंगे, तब इन शब्दों की कोई आवश्यकता नहीं है, और यदि इनको रखा जाता है तो इनका दुरुपयोग होगा।

इन शब्दों के साथ मैं सदन से निवेदन करूंगा कि मेरे संशोधनों को स्वीकार किया जाये।

**The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das):** On a point of information. I would like to know whether Government are prepared to accept the amendment of my hon. friend Shri A. P. Jain. The amendment seeks to make very important and fundamental changes in the Bill. It has not been properly circulated to the Members.

I would like to know whether Government are going to accept that amendment or reject it.

**Shri A. K. Sen:** Government are going to accept the amendment.

**Dr. M. M. Das:** Then, my submission is that proper opportunity must be given to the hon. Members to go through the amendment carefully and to consider the amendment properly, because it seeks to make vital changes in the Bill.

So, I would submit that this Bill may kindly be postponed now, and proper opportunity be given to us to go through the amendment of my hon. friend Shri A. P. Jain and to come to our own decisions. The House cannot take a decision on such an important amendment, offhand, without there being a proper circulation of that amendment.

**Shri A. K. Sen:** May I say that the amendment is the same in substance as the ones of which notice has been given, and which have been printed as amendments Nos. 43 and 44? The only difference is that we have, in consultation with each other, provided a language which is different from the one which Shri A. P. Jain chose when he gave notice of the amendment, but in substance, it is the same.

**Mr. Chairman:** Whatever that may be, if an hon. Member wants to examine it, time must be given. We can hold over clause 3, and proceed to clause 4. We shall not take vote on clause 3 now. In the meantime, the amendment may be circulated.

**Shri Tyagi:** My amendment to that amendment may also be moved, so that the House may not be taken by surprise again. Therefore, I would request you to give me a few minutes only to move my amendment.

**Mr. Chairman:** I do not yet know whether the hon. Minister has examined it.

**Shri Tyagi:** I do not care whether he agrees or not. The Chair is not to be guided by what the hon. Minister says.

**Mr. Chairman:** I wanted his opinion before hand; before I decide whether that amendment is to be allowed to be moved or not, I want his opinion, to begin with.

**Shri Tyagi:** I want your impartial judgment.

**Mr. Chairman:** How does the hon. Member say that it is not impartial?

**Shri Tyagi:** Because his opinion will count.

**Mr. Chairman:** A judgment can be impartial only if both sides are heard.

**Shri A. K. Sen:** According to Shri Tyagi, Government is not the other side, and, therefore, ought not to be heard. I think it will be highly partial, if the Government were not heard in this matter. I have seen a copy of Shri Tyagi's amendment, and I am afraid that though there is much to be said in favour of the principle that lies behind the amendment, administratively, it will throw open every constituency, and it will be impossible to accept that position.

**Shri Tyagi:** Does that mean that my amendment will be ruled out of order?

**Pandit Thakur Das Bhargava:** It cannot be ruled out of order.

**Mr. Chairman:** Whatever he may have said, I have not given my opinion yet.

**Pandit K. C. Sharma (Hapur):** It is not a question of acceptance. The question is whether he is entitled to move his amendment or not. He is certainly entitled to move it. The Minister may or may not accept it.

**Shri A. K. Sen:** I never said that he was not entitled to move it. I do not think I ever contended that he was not entitled to move it.

**Mr. Chairman:** The point is that a certain notice is necessary, and whether that notice has to be waived or not.

**Shri Tyagi:** How could I give notice, when I did not know the wording of the amendment moved just a little while ago?

**Mr. Chairman:** The question is whether notice is to be waived or not. The hon. Member may please wait until I have given my ruling.

**The Deputy Minister of Food and Agriculture (Shri A. M. Thomas):** It is only a question of waiver of notice. The amendment of Shri A. P. Jain was moved only today, and since Shri Tyagi's amendment is an amendment to that amendment, he is entitled to move it. Whether it is going to be accepted by Government or not is a different matter.

**Mr. Chairman:** Will the hon. Member not permit me to examine it and see whether it is an amendment to Shri A. P. Jain's amendment or not? Does he want me to give my opinion before I have seen it? I do not quite understand how things are going on. I have got to examine it before I give my opinion. The hon. Member says that it is an amendment to Shri A. P. Jain's amendment. But how am I to know? I have got to examine the amendment first.

**Shri A. M. Thomas:** I only said that it was question of waiver of notice.

**Mr. Chairman:** I perfectly agree, but I have got to examine it and see whether it is a new amendment or it is an amendment to Shri A. P. Jain's amendment. I have got to examine it, before I give my ruling.

**Shri A. K. Sen:** If I may say so with respect both to you and to the hon. Member who supported or who tried to support Shri Tyagi that you were perfectly right in ascertaining from Government whether Government wanted notice or waived notice, because the rules provide for Govern-

ment not raising objection to an amendment being moved at the last moment. Therefore, I say, with due respect to you and to the other hon. Members that the Chair was perfectly right in ascertaining from Government whether Government waived notice or not.

**Shri Kasliwal (Kotah):** I have also got a small amendment to that amendment. Previously, he had used the words 'Scheduled Castes' as well as 'Scheduled Tribes' but in the new amendment he has deleted the words 'Scheduled Tribes'. I see no reason why the words 'Scheduled Tribes' should be deleted.

**Mr. Chairman:** Will the hon. Member hand over that amendment to me first?

**Shri Kasliwal:** These are the two words that I want to add.

**Mr. Chairman:** Whatever that may be, the hon. Member may please hand it over in writing.

**Shri Kasliwal:** All right.

**Pandit Thakur Das Bhargava:** But there is one difficulty. These two hon. Members have moved amendments, but we have not fully appreciated the amendment of Shri A. P. Jain. If the amendment is circulated, then we also have got a right to move amendment to that amendment, because it is a very important amendment. First of all, let the amendment be circulated, and let hon. Members be given an opportunity to read it and then have their say.

**Mr. Chairman:** It is not denied that they have got the right. They have got the right to move amendments. They may move them. Let those amendments come before me, and then I shall decide whether they should be allowed or not.

**Pandit Thakur Das Bhargava:** Before that, we should know what that amendment is, and analyse its implications, so that we may be able to move amendments to it.

**Mr. Chairman:** I have already said that this amendment will be circulated. Clause 3 will be held over. The voting on clause 3 will be held over till such time as we have discussed clauses 4, 5 and 6. We shall take up this clause at the end. In the meantime, the amendment will be circulated; the amendments to that amendment will also be circulated, and the whole thing would be there before the House.

**Shri Tyagi:** I crave your ruling about my amendment, whether it is relevant or not; you have seen it and you have also consulted Government.

**Mr. Chairman:** Let that amendment come before me.

If any hon. Member wants to speak on clause 3, he may do so.

**Shri Tyagi:** I have got my amendment to clause 3.

**Mr. Chairman:** He may move his amendment.

**Shri Tyagi:** I had my objections to this Bill primarily because I feared that the deprivation of the right of the voters to offer themselves as candidates would be a very serious affair. I still feel like that.

13.47 hrs.

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

There are two rights given to the electors. One is that every voter can vote for a candidate of his choice. Another right, and a much bigger right is....

**Shri Chintamani Panigrahi:** On a point of order. Is the hon. Member speaking on clause 3 or some other clause?

**Shri Tyagi:** I am moving my amendment. My amendment is that....

**Shri Chintamani Panigrahi:** The Chairman gave a ruling that discussion on clause 3 would be held over.

**Shri Tyagi:** But the Chairman permitted me to move my amendment.

**Mr. Deputy-Speaker:** Let me follow what is happening, and then I shall be able to answer.

**Shri Tyagi:** The Chairman had permitted me to move my amendment to the amendment of Shri A. P. Jain which had been moved just a little while ago.

**Mr. Deputy-Speaker:** The objection by the hon. Member is that the Chairman has also held that this clause might be held over for some time.

**Shri Tyagi:** Therefore, it will not be disposed of?

**Mr. Deputy-Speaker:** If it is to be held over, it means that discussion of it would be taken up after some time. In the meantime, we might have the amendments to the amendments that have been received, and in respect of which notice has been waived.

**Shri Tyagi:** I was called upon by the Chairman to move my amendment.

**Mr. Deputy-Speaker:** I have no objection. Certainly he has a right to move his amendment, and he will be allowed to move it. But, simultaneously, the Chairman has also advised me that he had given the ruling that this clause would be held over for some time, and in the meantime, those hon. Members who want to send in their amendments to these amendments might send them in. Therefore, we shall have to wait for some time—I do not know if any time has been fixed—during which the amendments to those amendments might be received, and then we shall take up all of them, and Shri Tyagi will have the first opportunity to move his amendment.

**Shri Tyagi:** Before you came, the Chairman heard the opinion of the Law Minister on my amendment and he said that it was relevant, and the discussion on clause 3 would be held over for some time.

**Mr. Deputy-Speaker:** My only difficulty is, and hon. Members might also appreciate it, that some other hon.

Members might like to send in amendments to those amendments. So should we not wait for some time and then have all those amendments?

**Shri Tyagi:** May I at least read out my amendment?

**Mr. Deputy-Speaker:** We will take it up after a little time when an opportunity has been afforded to all Members to send in their amendments if they choose to. Then Shri Tyagi might move his amendment.

**Pandit Thakur Das Bhargava:** I have an amendment to clause 3, amendment No. 31.

**Pandit K. C. Sharma:** Clause 3 is held over now.

**Pandit Thakur Das Bhargava:** You are not the Chairman.

**Mr. Deputy-Speaker:** We might move on to clause 4 and come back to clause 3 together with those amendments later.

**Pandit Thakur Das Bhargava:** But my amendment No. 31 is an independent amendment it has no connection with the amendment moved by Shri A. P. Jain.

**Mr. Deputy-Speaker:** But if the whole clause has been held over, he cannot move it now.

**Pandit Thakur Das Bhargava:** Am I entitled to move it when it is taken up?

**Mr. Deputy-Speaker:** Yes, I am not barring him.

**Clause 4—(Manner of division).**

**Shri Hem Raj:** I beg to move:

(i) Page 2, line 22,

after "State" insert—

"and fix a date for filing objections to the same". (12).

(ii) Page 2, line 24,—

after "after" insert—

"giving a reasonable opportunity to the persons filing objections of being heard". (13).

**Shri B. C. Kamble:** I beg to move:

Page 2,—

for lines 27 to 30, substitute—

“(c) place on the Table of both Houses of Parliament, and the State Legislatures concerned, a copy of the matters so determined; and after such debate on the same in both Houses of Parliament, and the consequential modifications, if any, made by Parliament, direct, by notification published in the Official Gazette of the State and in the Gazette of India, such amendments to be made in the delimitation Order for giving effect to the said decisions.” (14).

**Pandit Thakur Das Bhargava:** I beg to move:

Page 2, lines 21 and 22,

for “in the Official Gazette of the State” substitute—

“in the Official Gazette of India and in the Official Gazette of the States and important papers of the regional languages of the State inviting objections and suggestions for amending the proposals”. (32).

**Shri Shree Narayan Das:** I beg to move:

(i) Page 2,—

for lines 20 to 23, substitute—

“(a) formulate its proposals in regard to the matters mentioned in section 3 and publish them in the Gazette of India, the Official Gazette of the State and in important daily newspapers of the State concerned together with a notice specifying:—

(i) a date on or before which objections and suggestions shall be received;

(ii) a date on which and the place where such objections and suggestions shall be heard in public;” (6).

(ii) Page 2, line 24,—

after “after” insert “hearing and”. (7).

**Mr. Deputy-Speaker:** These amendments together with the clause are before the House.

**Shri Shree Narayan Das:** I have just read out my two amendments Nos. 6 and 7. Clause 4 is the operative part of this whole Bill. The Commission which has been authorised to delimit or bifurcate the double-member constituencies and set up single-member reserved constituencies has to observe a certain procedure in regard to the division. So far as sub-clause (a) is concerned, it has been stated that the proposals are to be published in the Official Gazette of the State. My amendment suggests that these proposals should also be published in the Gazette of India and important daily newspapers of the State concerned. This will benefit the public in a greater measure. Official Gazettes are not generally received by Members of Parliament. So if the proposals are published only in those Gazettes, it will not be enough. Therefore, I have suggested that these should be published in the Gazette of India and important daily newspapers of the State also. Generally copies of the Gazette are received very late by the public. These proposals concern a large number of members of the State legislatures also. Therefore, it will be in the fitness of things if the Commission publishes all these proposals in some of the important newspapers also, especially the language papers in various States.

Then no provision has been made as regards having public sittings to hear objections. It is left to the option of the Commission to decide whether to hold public sittings or not. I would suggest that a specific provision should be made here to this effect. It should be the duty of the Election Commission to see that all those who want to be heard should be heard.



[Shri Shree Narayan Das]

The hon. Minister has stated that those persons who want to be heard will be heard by the Commission. I would suggest that there should be a specific provision in the Act itself under which different dates will be given for different States when public sittings will be held so that those who are interested may present their proposals, even if they have not given written suggestions or objections. If they have given written suggestions, they will be considered by the Commission, but I think more justice will be done if the Commission holds its sittings in public and gives an opportunity to all those who are concerned, whether those interested as candidates or others to present their case. There should be public sittings where everyone desirous of presenting his case before the Commission should be heard.

My amendment No. 7 is a consequential one. The sub-clause as it is worded does not make it clear whether the persons who have to make suggestions will be heard in person. So I have said 'after hearing and considering all objections....'.

I would request the hon. Minister to accept my amendments so that provision may be made for the Election Commission to compulsorily publish the proposals in the Gazette of India and in newspapers and also to have public sittings to hear objections.

**Shri B. C. Kamble:** My amendment is No. 14. The task of bifurcation of these constituencies is a very huge affair. It covers nearly 90 parliamentary double-member constituencies, which means that nearly half the country is affected thereby. One single official has been entrusted with this job. My submission is that even though the hon. Law Minister has been good enough to reject the association of learned Judges or Members of Parliament or the different political parties, at least he should be good enough to give an opportunity to this Parliament to consider these

matters as determined by the Election Commission. There are many Members who have expressed sentiments in different ways. Each Member has a right to ventilate his grievance. The hon. Minister says that one official is necessary to expedite the matter. All right. Let him expedite the matter and let the whole picture come before the House and let the House discuss it, and with such modifications as we may make, let the whole thing be finalised and published. That is the purpose of my amendment.

The hon. Minister having rejected so many proposals and suggestions which are very reasonable—in fact, the Delimitation Act has been repealed; I am sorry for it—should at least have courtesy for Parliament and place all the proposals before Parliament before taking any final step in regard to this law.

**श्री हेमराज:** उपाध्यक्ष महोदय, मेरे से पहले के माननीय सदस्य ने बहुत अच्छे तरीके से इस बात की वजाहत की है कि अब दुबारा जो डबल मेम्बर कांस्टीट्यूंसीज को अलाहिदा किया जा रहा है तो उस के लिये खास तौर से पब्लिक के जो सुझाव और ओब्जेक्शंस हैं, उन को सुनने के लिये मौका मिलना चाहिये।

मैं आप से यह अर्ज करना चाहता हूँ कि जिस वक्त सन् १९५१ की मर्दमशुमारी के बाद डिलिमिटेशन कमिशन बैठा और उसने कांस्टीट्यूंसीज को डिलिमिट किया उसके बाद यहाँ पर हम ने एक स्टेट्स रिआर्गनाइजेशन एक्ट पास किया और उस का नतीजा यह हुआ जैसा कि उपाध्यक्ष महोदय आप को पता ही है कि खास तौर से हमारे पंजाब में कांस्टीट्यूंसीज का रिऐडजस्टमेंट हुआ। उस के डिलिमिटेशन का काम एलेक्शन कमिशन के सुपुर्द हुआ। एलेक्शन कमिशन ने उस वक्त भी कहा कि हमारे पास ओब्जेक्शंस भेज दो हम उन ओब्जेक्शंस को सुनेंगे लेकिन जिस वक्त उन के पास ओब्जेक्शंस भेजे और पेश हुए तो वह कहने लगे कि आप रिटन ओब्जेक्शंस

भेज दीजिये लेकिन आप हमारे सामने पेश होकर अपने आबजेक्शंस रक्खें तो हम उस हालत में उनको सुनने के लिये तैयार नहीं हैं।

इस बिल में यह आप ने जो क्लोजेज रक्खें हैं उन में भी इसी किस्म की आप ने लैंग्वेज रक्खी है और इसी वास्ते मैंने क्लोज ४ पर अपने १२ और १३ नम्बर के अमेंडमेंट्स पेश किये हैं।

14 hrs.

मैं यह चाहता हूँ कि क्लोज ४(ए) में "आफिशल गेजेट आफ दि स्टेट" के बाद ये शब्द जोड़ दिये जायें "एंड फिक्स ए डेट फार फाइलिंग आबजेक्शंस टु दि सेम"। मेरा मतलब यह है कि इलेक्शन कमीशन के हाथ बांध दिये जायें और इस बारे में एक डेट फिक्स कर दी जाये, ताकि पब्लिक का जो आदमी आबजेक्शन करना चाहे, वह उस डेट तक आबजेक्शन भेज दे।

अगली क्लोज में ये शब्द हैं : "आफ्टर कनमिडरिंग आल आबजेक्शंस— . . ."। उस का मतलब यह भी हो सकता है कि जो आबजेक्शंस उस के पास आयें, उन पर वह अपनी मरजी से सोचे समझे और फंसला कर दे। मैं चाहता हूँ कि आफ्टर के बाद ये शब्द जोड़ दिये जायें :  
"giving a reasonable opportunity to the persons filing objections of being heard"

इस अमेंडमेंट का मकसद यह है कि जो लोग अपना नुक्ता-ए-निगाह वहां रखना चाहें, वे रख सकें और इलेक्शन कमीशन उन को यह कह कर न टाल दे कि आप के आबजेक्शंस आ गये हैं, हम ने सोच लिया है और इस तरह उन लोगों को आर्ग्यु करने का मौका न मिले। इस वजह से यह अमेंडमेंट निहायत जरूरी है। मैं ने अभी आप के सामने आबजेक्शन किया था, तो आप ने कहा था कि आप को १९५६ में रिट पेटिशन करने का हक था। १९५७ में इलेक्शन होने वाले हैं और १९५६ के आखिर में कांस्टीट्यूएंसिज में एडजस्टमेंट की जा

रही है। उस वक्त एक कैंडीडेट रिट पेटिशन में पड़ेगा, या इलेक्शन के कैंम्पेन में पड़ेगा। इस लिए अगर इलेक्शन कमीशन के हाथ बांध दिये जायेंगे, तो लाजिमी तौर पर इलेक्शन कमीशन को, जो भी आबजेक्शंस होंगे, उन को सुनना पड़ेगा और सुन कर फंसला करना पड़ेगा। यह मेरी छोटी सी अमेंडमेंट है। ला मिनिस्टर माहत्र बहुत रीजनेबल हैं और मुझे उम्मीद है कि वह इस को मंजूर फरमायेंगे।

**उपाध्यक्ष महोदय :** माननीय सदस्य प्रीज न करें।

**श्री हेम राज :** यह हुकूमत भी रीजनेबल है। मेरी अमेंडमेंट भी रीजनेबल है और वह रीजनेबल आदमी हैं। इसलिये मुझे उम्मीद है कि वह इस को मंजूर कर लेंगे।

**पंडित ठाकुर दास भार्गव :** जनाब डिप्टी स्पीकर साहब, क्लोज ४ उन मैथड्स के मुतालिक है, जिनके मुताबिक कमीशन काम करेगा। उसमें पब्लिसाइज करने का जरिया बताया गया है आफिशल गेजेट आफ दि स्टेट। उसके अलावा और किर्स, जगह प्रोपोजलज नहीं भेजी जायेंगी। मुझे पता नहीं कि लोग उन प्रोपोजलज को प्रिंटेड फार्म में खरीद सकेंगे, या नहीं। आफिशल गेजेट इतनी वाइडली पब्लिसाइज नहीं होता है। मैं मानता हूँ कि गांवों और डिस्ट्रिक्ट्स में

**Shri A. K. Sen:** I have told him that I will accept his amendment, amendment No. 32.

**पंडित ठाकुर दास भार्गव :** उस के लिए मैं शुक्रगुजार हूँ, लेकिन मैं दो तीन बातें और अर्ज करना चाहता हूँ

पहली बात हीर्यरिंग के मुतालिक है। पिछली दफा जब डीलिमिटेशन कमीशन बैठा, तो उसमें कुछ एसोशियेटेड मेम्बर थे,

[पंडित ठाकुर दास भागंब]

जिनमें मैं भी था। जिस वक्त पंजाब में जालन्धर में मीटिंग हुई, तो वहाँ कुछ नये आदमियों ने भी, जिन्होंने आब्जेक्शन नहीं भेजे थे, जबानी आब्जेक्शन दिये, जिनमें से कई एक निहायत माकूल थे और वे मंजूर हुए। यहाँ पर लोगों को इस बात की आदत नहीं है कि वे पहले से रिटन आब्जेक्शन भेजें और फिर चेम्बर में बैठ कर उसका फ़ैसला कर दिया जाये। यह भी प्रोवाइड किया जाय कि उस दिन भी आब्जेक्शन किये जा सकते हैं। जनाब वाला लफ्ज़ 'that' को मुलाहजा फरमायें। उससे पहले आब्जेक्शन भेजे जाने जरूरी हैं। जो आब्जेक्शन उसके बाद किये जायेंगे, उनको कनसिडर नहीं किया जायेगा। मैं यह कहता हूँ कि अगर कोई शरूस उस वक्त भी औरल या रिटन आब्जेक्शन दे, तो वे भी कनसिडर होने चाहिए।

**उपाध्यक्ष महोदय :** इस तरह तो सारे आब्जेक्शन ही उस वक्त आयेंगे।

**पंडित ठाकुर दास भागंब :** बहुत थोड़े आदमी आते हैं।

**उपाध्यक्ष महोदय :** अगर आखिरी वक्त भी आब्जेक्शन लिये जायें, तो फिर रिटन देने की क्या जरूरत है ?

**पंडित ठाकुर दास भागंब :** पिछली दफ़ा भी जबानी आब्जेक्शन सुने गये थे। दो दिन में पंजाब का डीलिटेशन जालन्धर में खत्म हो गया। अब तो घंटे से ज्यादा नहीं लगेगा। इस वक्त डबल-मैम्बर कांस्टीट्यूएंसिज कुल तीन हैं। कितने आदमी आयेंगे ? ज्यादा नहीं आयेंगे, लेकिन सबको सेंटिसफ़िकेशन हो जायगा कि कम से कम हमारे एतराज्जत तो सुने गये।

मेरी राय में श्री कामले का अमेंडमेंट निहायत माकूल है। पहले डीलिटेशन एक्ट में डीलिटिड करने का यह कायदा था

कि फ़ैसला होकर पालमेंट के सामन आता था और इस बार में पालमेंट का आखिरी लफ्ज़ होता था। मैं अर्ज करना चाहता हूँ कि पालमेंट के इलैक्शन के मामले में पालमेंट का ही लास्ट वर्ड होना चाहिए। यह प्रिंसिपल का क्वेस्चियन है। आप हाउस आफ कामन्स की ट्रेडीशन्स को देखें। डिस्क्वालिफ़िकेशन आफ मेम्बर्ज का फ़ैसला खुद पालमेंट—मेम्बर्ज—करती है। इस में प्राविसिज और उनकी कांस्टिट्यूएंसिज और पालमेंटरी कांस्टिट्यूएंसिज का ही महज सवाल नहीं है। यह सारे देश का सवाल है। पालमेंट के मेम्बरों को उस फ़ैसले को रिव्यू करने का हक होना चाहिए। पहले यह कायदा था कि आखिरी चीज पालमेंट में आती थी और पालमेंट का हुकम आखिरी होता था फ़ाइनल होता था और तब प्रेजिडेंट उसको मंजूर फ़रमाते थे। यह नहीं था कि जो कुछ कमीशन ने कर दिया, वही फ़ैसला हो गया। पालमेंट साविरें बाडी है। आखिरी फ़ैसला पालमेंट में होना चाहिए। यहाँ पर उस बारे में एतराज्जत और डीबेट हो। यह उसूल का सवाल है। मैं ला मिनिस्टर साहब से दरख्वास्त करूंगा कि चूँकि यह अमेंडमेंट मन्जूरी के काबिल है, इस लिए वह इस पर तबज्जह देकर इसको मन्जूर फ़रमायें।

**Shri A. K. Sen:** As I have already said, with regard to amendment No. 32, I am prepared to accept the obligation to publish these proposals in important regional languages. We are drafting an amendment which will meet, more or less, with the convenience of the Chief Election Commissioner. I do concede that publication in the 'Official Gazette' may prove inadequate in some cases because these 'Official Gazettes' do not circulate as well as the important newspapers. Therefore, it is of the utmost importance that the public should be apprised of the proposals for bifurcation.

With regard to the question of amending clause 4 for the purpose of making it obligatory to have a public hearing, I personally think it is unnecessary.

**Shri Punnoose:** It is very much necessary.

**Shri A. K. Sen:** Whether it is public or private, if the objections are heard properly and reasonably, there cannot be any question of the objectors having a good hearing. We are not setting up courts of law here to adjudicate in public. We are here to provide a forum where objectors will be heard; where objections will be decided in a reasonable way.

First of all, public hearing is a difficult matter to define (*Interruption*). There will be all sorts of writ applications to challenge the decisions of the Chief Election Commissioner.

**Shri Shree Narayan Das:** In the Delimitation Act, previously, there was a provision that the Commission may for that purpose hold one or more sittings at such time and place or places as it may deem fit.

**Shri A. K. Sen:** Yes; I know that. I have tried to argue that it would be a mistake to suppose that this bifurcation will be delimitation under the Delimitation Act. Let us not forget that these reserved constituencies were created by the Delimitation Commission itself after hearing all parties, after observing all the procedure of the Civil Procedure Code. We are now only bifurcating them on the basis of certain conditions, certain objective tests laid down in the Bill.

**Dr. M. S. Aney (Nagpur):** May I ask a question? When bifurcating are we not creating a constituency? If you are creating a constituency, then the Delimitation Act will apply.

**Shri A. K. Sen:** If the Delimitation Act were to apply we could not have the General Election on the basis of single member constituencies in 1962. As I said the Delimitation Commission took up nearly 3 years to complete its work. And, under the procedure

laid down for the Delimitation Commission, it is impossible to imagine that in the course of a month or two we shall have single-member constituencies. It was felt that it was unnecessary to go through the elaborate procedure except in the case of Gujarat where we will have to do it on the basis of the increased seats under the Bombay Reorganisation Act. An hon. Member wanted to provide for making Gujarat also the same as the other States, thereby doing away with the Delimitation Act applicable there for the purpose of adjusting the increased number of seats. The constituencies there have to be reformed. But so far as the other constituencies are concerned, let us not forget that they are already created on the basis of the predominance—numerically or otherwise—of the Scheduled Castes and Scheduled Tribes. We are now carving out of them single-member constituencies on the basis of the objective tests laid down, finding out how best it can be done. The objective tests are that they have to be compact areas geographically and by reference to physical features and there should also be numerical superiority of Scheduled Caste members in regard to the place which is selected as a reserved constituency. After the census figures of 1961 are out the delimitation commission is going to deal with the matter over again but for the purposes of the 1962 elections, all that would be inappropriate, as I have tried to explain. Therefore, the question of putting expressly that the party will have a reasonable opportunity of being heard is absolutely unnecessary because when an authority like this is set up to consider all objections, it is written into the law that all objections are to be heard reasonably and everyone will have a reasonable opportunity of being heard. If that principle is not followed the authority's decision will be upset on that ground alone.

**Shri Hem Raj:** Last time we were not allowed to appear before the Election Commission.

**Shri A. K. Sen:** As I have told Shri Hem Raj earlier, if the Election Commission does not allow any person to appear or put forward his objection, that one ground would be enough to upset the decision of the Election Commission before any court of law... (Interruptions).

**Mr. Deputy-Speaker:** If Shri Hem Raj is not allowed to appear before the Commission, he can appear through the Law Minister.

**Shri A. K. Sen:** Supposing we provide that every one will have a reasonable opportunity of being heard but the Election Commission does not hear him, the same question will be asked, if under the section as it is the obligation is inherent, then by putting it expressly in that form it does not advance the matter further; it will again be the question as to the Election Commission not observing its statutory obligation; that is all. We know what remedies are to be pursued if a statutory authority does not observe its obligation.

With regard to amendment No 32, may I suggest that it be phrased in this way?

For "In the official gazette of the State together with a notice",  
substitute, "in the Gazette of India, the official gazette of the State and important newspapers in the regional languages of the State".

I do not want to put the words 'Important newspapers'. It may be put as 'such newspapers as in the regional languages of the State as in the opinion of the Chief Election Commissioner are important'. We do not want an argument against as to which are important newspapers and which are not, in a court of law. Shall I put it in this way?

"In the Gazette of India, in the official gazette of the State and in such newspapers in the regional languages of the State as are considered important by the Election

Commission together with a notice inviting objections and suggestions in relation to the proposals and".

**Shri Chintamani Panigrahi:** Daily newspapers will do.

**Shri A. K. Sen:** We may leave it to the Chief Election Commissioner at least he can be trusted. It may be that in some States there are no daily newspapers; in some areas there may not be daily newspapers. I suppose Pandit Bhargava is willing to accept the amendment as redrafted.

**Pandit Thakur Das Bhargava:** It is satisfactory.

**Shri A. K. Sen:** I beg to move:

Page 2, lines 21 and 22,

for "in the official gazette of the State together with a notice,"

substitute" in the Gazette of India, in the official gazette of the State and in such newspapers in the regional languages of the State as are considered important by the Commission together with a notice inviting objections and suggestions in relation to the proposals and" (50)

**Mr. Deputy-Speaker:** This is amendment No. 32 as substituted by Government amendment, No. 50. I shall put this amendment to the vote of the House.

The question is:

Page 2, lines 21 and 22,

for "in the official gazette of the State together with a notice",

substitute" in the Gazette of India, in the official gazette of the State and in such newspapers in the regional languages of the State as are considered important by the Commission together with a notice inviting objections and suggestions in relation to the proposals and" (50)

The motion was adopted.

**Mr. Deputy-Speaker:** Shall I put 6 and 7 to the vote of the House?

**Shri Shree Narayan Das:** Part of it has been accepted.

**Mr. Deputy-Speaker:** He is not pressing the other part. Has the hon. Member leave of the House to withdraw them?

*The Amendment Nos. 6 and 7 were by have, withdrawn.*

**Mr. Deputy Speaker:** I shall put amendment Nos. 12 and 13 moved by Shri Hem Raj.

*The Amendment Nos. 12 and 13 were put and negatived.*

**Shri B. C. Kamble:** My amendment No. 14 may be put in the routine way; I am not withdrawing it.

**Mr. Deputy-Speaker:** I have no two ways—one routine way and another, out of the routine way. I shall put amendment No. 14 to the vote of the House.

*The Amendment No. 14 was put and negatived.*

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

"That clause 4, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 4, as amended, was added to the Bill.*

*Clause 5 was added to the Bill.*

*(Special provision for Gujerat; amendment of Section 19 of Act II of 1960).*

**Shri A. P. Jain:** I have to move an amendment to clause 6.

**Mr. Deputy-Speaker:** It has not been circulated.

**Shri A. P. Jain:** I move it formally now. The clause may be held over, just as you have held over the other clause.

1894(Ai) L.S.—7.

**Shri A. K. Sen:** This follows from the other thing; it is really consequential on the amendment to clause 3.

**Mr. Deputy-Speaker:** Then this clause shall have to stand over.

**Shri Tyagi:** I have a third consequential amendment for this amendment.

**Shri A. P. Jain:** May I move it formally?

**Mr. Deputy-Speaker:** He may move it now.

**Shri A. P. Jain:** I beg to move:

Page 3, after line 39, add—

"(3A) Notwithstanding anything contained in sub-sections (2) and (3), on the expiration of the period of five years from the date of the making of the order under clause (c) of sub-section (5), the seat reserved for the scheduled castes in a constituency shall cease to be so reserved and in lieu thereof the seat shall be reserved for the Scheduled Castes in such other constituency as the Election Commission may, having regard to the population of the scheduled castes, by order in the Official Gazette of the State specify in this behalf:

Provided that nothing in this sub-section shall affect any representation in the Legislative Assembly of the State until the dissolution of the then existing Assembly.

(3B) In sub-sections (3) and (3A), "population" means the population as ascertained at the latest census of which figures are available." (49).

**Mr. Deputy-Speaker:** He may make his speech also.

**Shri A. P. Jain:** There is not much to say in support of this amendment.

**Pandit Thakur Das Bhargava:** Before you allow him, may I bring to your notice that this goes beyond the scope of the Bill?

**Mr. Deputy-Speaker:** Let him say first what he has to.

**Shri A. P. Jain:** There is not much to say in support of this. It is a consequential amendment. Clause 3 excludes two member Assembly constituencies in the State of Gujarat from the general operation of the Bill. For that purpose special provisions have been made in clause (6). As I have moved an amendment to clause 3 incorporating the principle that the same constituency shall not be kept as a reserved constituency after five years. If that amendment is accepted, then *ipso facto* it follows that the same principle must apply to Gujarat. The acceptance or otherwise of this amendment will depend upon the acceptance of the previous amendment moved to clause 3.

**Pandit Thakur Das Bhargava:** Sir, this Bill provides for the abolition of two-member constituencies and for the creation of single member constituencies in their place. So that the principle of reserved constituency cannot apply to any constituency other than the existing double member constituencies. One of the two reserved constituencies shall be a reserved constituency. But if it applies to other constituencies also, it will be beyond the scope of this Bill. I do not want to speak on the merits of the amendment. After that amendment is circulated to Members I shall put in my amendments to that. I am very much opposed to the rotation of constituencies. The report of the Election Commissioner on the previous elections also says that this is a great wrong to disturb the constituencies frequently. On that I will speak next day.

**Shri Tyagi:** Shall I move, Sir, my amendment to this amendment?

**Mr. Deputy-Speaker:** All that will be taken up next day because these

shall have to be circulated and opportunity afforded to hon. Members to send in any amendments that they would like to move.

**Shri Tyagi:** May I only read it just as my hon. friend has done. I will move it next day

**Mr. Deputy-Speaker:** If it so pleases him he may do it.

**Shri Tyagi:** My amendment reads like this:

Add at the end of the amendment moved by Shri Jain:

"Provided that as far as possible no seat for Legislative Assembly shall be reserved within the area covered by a reserved constituency of the Lok Sabha."

**Mr. Deputy-Speaker:** Clauses 3 and 6 are to be held over. The amendments shall be circulated to hon. Members tonight. Those hon. Members who wish to send in their amendments may do so. I shall now put clauses 7 and 8 to the vote of the House.

The question is:

"That clauses 7 and 8 stand part of the Bill."

*The motion was adopted.  
Clauses 7 and 8 were added to the Bill*

**Mr. Deputy-Speaker:** I suppose we cannot proceed further. We can only resume further discussion on this tomorrow.

**Shri A. K. Sen:** Sir, tomorrow is Saturday. May I suggest, Sir, that on Monday this may be taken up before any other business. This will not take much time.

**Mr. Deputy-Speaker:** Yes. This would be the first thing to be taken up on Monday.

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