

THE CONSTITUTION (THIRTY-FIRST AMENDMENT) ACT, 1973

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Statement of Objects and Reasons appended to the Constitution (Thirty-first Amendment) Bill, 1973 (Bill No. 31 of 1973) which was enacted as the Constitution (Thirty-first Amendment) Act, 1973

STATEMENT OF OBJECTS AND REASONS

Clause (1) of article 81 of the Constitution provides that the House of the People shall consist of not more than 500 members to be chosen by direct election from territorial constituencies in the States and not more than 25 members to represent the Union territories, chosen in such manner as Parliament may by law provide. As a result of the enactment of the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), the total number of seats in the Lok Sabha allotted to the States has increased to 506, six more than the permissible limit of 500 under article 81. The actual total number of elected members of the present Lok Sabha is 522 (489 from the fifteen major States, 17 from the six smaller States of Himanchal Pradesh, Jammu and Kashmir, Manipur, Meghalaya, Nagaland and Tripura each of which has a population of less than six millions and 16 from the nine Union territories).

2. Clause (2) of article 81 of the Constitution lays down that for the purposes of sub-clause (a) of clause (1), there shall be allotted to each State a number of seats in the House of the People in such manner that the ratio between that number and the population of the State is, so far as practicable, the same for all States and that each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it is, so far as practicable, the same throughout the State. Under clause (3) of article 81, the expression "population" means the population as ascertained in the last preceding census of which the relevant figures have been published. Article 82 enjoins that on the completion of each census, the allocation of seats in the House of the People to the State and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine. In pursuance of article 82, Parliament had enacted the Delimitation Act, 1972 and the Delimitation Commission has been constituted to undertake the

necessary task of the readjustment envisaged in article 82. It will be noticed that adherence to the principles laid down in clause (2) of article 81 by the Delimitation Commission in undertaking readjustment as enjoined by article 82 on the basis of the 1971-census figures may have the effect of affecting the number of seats allotted to the States in the House of the People. It is felt that it would be better to ensure that any readjustment and consequent allocation of seats does not adversely affect the existing number of seats allotted to each State in the House of the People and to achieve this purpose it would be necessary to increase the strength of the Lok Sabha suitably.

3. In order to ensure that there is no reduction in the existing representation in the House of the People in respect of any of the States, clause 2 of the Bill seeks to amend article 81 so as to increase the upper limit for representation of the States from 500 to 525. The opportunity is taken to decrease the limit for the Union territories from 25 to 20, as the existing representation for Union territories is only 16. Government also consider it necessary to make an amendment in clause (2) of article 81 to provide that the provisions of sub-clause (a) of clause (2) of article 81 shall not be applicable to any State so long as its population does not exceed six millions. This is to ensure that the existing representation in the Lok Sabha is maintained for the smaller States referred to in paragraph 1 above.

4. Article 330 of the Constitution relates to reservation of seats in the Lok Sabha for Scheduled Castes and Scheduled Tribes. The provisions of this article have, however, been made inapplicable to the State of Nagaland on the ground that it has a predominantly tribal population. According to the 1971-census, 88.6 per cent. of Nagaland's population belong to the Scheduled Tribes. The corresponding figures for the State of Meghalaya and the Union territories of Arunachal Pradesh and Mizoram are 80.5 per cent., 79.0 per cent. and 94.3 per cent. respectively. Government, therefore, consider that the provisions of article 330 should not apply also to the predominantly tribal units of Meghalaya, Arunachal Pradesh and Mizoram. Similarly, it is considered that as in the case of Nagaland, there need be no reservation of seats for Scheduled Tribes in the Legislative Assembly of the State of Meghalaya and the article 332 of the Constitution may be amended suitably. Clauses 3 and 4 of the Bill seek to achieve these objects.

NEW DELHI; H. R. GOKHALE.

The 18th April, 1973.

THE CONSTITUTION (THIRTY-FIRST AMENDMENT) ACT, 1973

[17th October, 1973.]

An Act further to amend the Constitution of India.

BE It enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:---

1. Short title.-This Act may be called the Constitution (Thirty-first Amendment) Act, 1973.

2. Amendment of article 81.-In article 81 of the Constitution,-

(a) in clause (1),-

(i) in sub-clause (a), for the words "five hundred members", the words "five hundred and twenty-five members" shall be substituted; and

(ii) in sub-clause (b), for the words "twenty-five members", the words "twenty members" shall be substituted;

(b) in clause (2), after sub-clause (b), the following proviso shall be inserted, namely:-

"Provided that the provisions of sub-clause (a) of this clause shall not be applicable for the purpose of allotment of seats in the House of the People to any State so long as the population of that State does not exceed six millions."

3. Amendment of article 330.- (1) In article 330 of the Constitution,-

(a) in sub-clause (b) of clause (1), for the words "except the Scheduled Tribes in the tribal areas of Assam and in Nagaland, and", the following shall be substituted, namely:-

"except the Scheduled Tribes-

(i) in the tribal areas of Assam;

(ii) in Nagaland;

(iii) in Meghalaya;

(iv) in Arunachal Pradesh; and

(v) in Mizoram; and";

(b) after clause (2), the following clause shall be inserted, namely:-

"(3) Notwithstanding anything contained in clause (2), the number of seats reserved in the House of the People for the Scheduled Tribes in the autonomous districts of Assam shall bear to the total number of seats allotted to that State a proportion not less than the population

of the Scheduled Tribes in the said autonomous districts bears to the total population of the State."

(2) The amendment made to article 330 of the Constitution by sub-section (1) shall not affect any representation in the House of the People until the dissolution of the House of the People existing at the commencement of this Act.

4. Amendment of article 332.- (1) In article 332 of the Constitution, in clause (1), for the words "except the Scheduled Tribes in the tribal areas of Assam and in Nagaland" the words "except the Scheduled Tribes in the tribal areas of Assam, in Nagaland and in Meghalaya" shall be substituted.

(2) The amendment made to article 332 of the Constitution by sub-section (1) shall not affect any representation in the Legislative Assembly of the State of Meghalaya until the dissolution of that Legislative Assembly existing at the commencement of this Act.