

Bill Summary

Readjustment of Representations of Scheduled Castes and Scheduled Tribes in Parliamentary and Assembly Constituencies Bill, 2013

- The Minister for Law and Justice, Mr. Ashwini Kumar, introduced the Readjustment of Representations of Scheduled Castes and Scheduled Tribes in Parliamentary and Assembly Constituencies Bill, 2013 in the Rajya Sabha on February 26, 2013.
- **Background:** Each state had reserved a number of constituencies for Scheduled Castes (SCs) and Scheduled Tribes (STs) based on their proportion of the population of the state. The constituency boundaries were redrawn in 2008 based on the 2001 Census. The constituencies where the SCs/STs have the highest share of the population were reserved for these groups. Between the Census of 2001 and May 31, 2012, several castes and tribes have been included and excluded from the list of SCs and STs, and consequently, the proportions have changed. (The Constitution (Scheduled Castes) Order, 1950 lists SCs and STs recognised in each state.)
- In *Virendra Pratap vs. Union of India* (2011), the Supreme Court directed the Election Commission to ensure the representation of certain STs in the Lok Sabha and state Legislative Assembly as they had been included in the SCs and STs list in 2002. In response the Election Commission suggested that a law be passed empowering the Commission to carry out the re-adjustment of seats for SCs and STs.
- The government promulgated an Ordinance in January 2013, and this Bill was introduced in the Budget Session of Parliament to ratify the Ordinance. As the Bill was not passed within six weeks of the commencement of the Budget Session, the Ordinance has lapsed.
- **Functions of Census Commissioner:** The Census Commissioner shall estimate, the variation in the population of SCs and STs in a state and the proportion of this population to the total population of the state, in the last census. These figures should be taken to be the population figures as estimated at the last census and will supersede any figures that have been published earlier.
- **Functions of Election Commission:** The Bill empowers the Election Commission to readjust Parliamentary and Legislative Assembly constituencies to reflect these changes in population. Based on this readjustment, the Commission will make amendments to the Delimitation Order, 2008. The Representation of Peoples Act, 1950 will be deemed to have been amended as well.
- The Commission has to publish its proposals for amendments in the central and state gazette and hold consultations with the public.
- The Commission will have the powers of a civil court such as summoning witnesses and requiring the production of any document.
- The final amendment has to be published in the central and state gazette and laid before the Lok Sabha and the Legislative Assembly of the concerned state.
- **Application of this Bill:** The amendment Bill will apply to every election to the Lok Sabha or State Assembly (on the dissolution of the Lok Sabha or State Assembly) held after the publication of this amendment in the gazette.
- Steps taken before the commencement of this Bill by the Census Commissioner or the Election Commission as long as they are in consonance with the provisions of this Bill, will be considered to have been taken as though this Bill was in force.

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