

ஒன்றுபட்ட இந்தியாவிற்காக நாடாளுமன்றத் தொகுதிகளின்

எண்ணிக்கையை மேலும் அதிகரிக்காமல் இப்போதைய நிலையே

தொடர வேண்டும் என்பது குறித்து இந்தியன் எக்ஸ்பிரஸ் நாளேட்டில்

வெளியான கட்டுரை தொடர்பாக மாண்புமிகு தமிழ்நாடு முதலமைச்சர்

திரு. மு.க. ஸ்டாலின் அவர்களின் சமூக வலைதளப் பதிவு

மூத்த வழக்கறிஞர் திரு. அரவிந்த் பி. தாதார் அவர்கள் இந்தியன் எக்ஸ்பிரஸ் நாளேட்டில் முக்கியமானதொரு கட்டுரையை இன்று எழுதியுள்ளார்.

வட மாநிலங்களுக்கும் தென் மாநிலங்களுக்கும் இடையே மக்கள்தொகையில் சமமின்மை தொடர்ந்து அதிகரித்து வரும் நிலையில் நாடாளுமன்றத் தொகுதிகளின் எண்ணிக்கையை மேலும் அதிகரிக்காமல் இப்போதைய நிலையே தொடர வேண்டியது மிக அவசியமாகும்.

நாட்டின் கூட்டாட்சியியல் நல்லுறவே அச்சுறுத்தலுக்குள்ளாகும் என்பதால், மக்கள்தொகைக்கேற்ப மக்களவைத் தொகுதிகள் எனும் வழிமுறையைக் கண்ணை மூடிக்கொண்டு செயல்படுத்தலாகாது. அனைத்துப் பகுதிகளுக்கும் இடையே நியாயமான முறையில்

அடங்கியுள்ளது.

An important piece by senior advocate Thiru. Arvind P. Datar in The Indian Express today.

As demographic imbalance grows between northern and southern states, it is vital to freeze the number of Parliamentary seats. Proportional representation cannot be applied blindly when it threatens federal harmony. The progress of India depends on a fair balance of power across regions.

For united India, freeze Lok Sabha

It's necessary to complete the Census. But principle of proportionality has become unworkable due to asymmetric demographic changes



ARVIND P DATAR

IN A NATION plagued by many controversies, change of them available, a serious problem that threatens to create a rift between the northern and southern states is the delimitation issue. Article 81(1) mandates that the Lok Sabha shall consist of not more than 543 members who have to be chosen by direct election from territorial constituencies in the states, another 20 members are to represent the Union Territories. Currently, the Lok Sabha has a strength of 543 seats. Article 81(2) requires the difference of seats between state to be in proportion to its population, with the further condition that the ratio between the population of a state and the number of seats allocated shall, as far as practicable, be the same for all the states. Article 82 requires the readjustment of seats after the completion of each census, and it will now have to be done under the Delimitation Act, 2002.

From 1951 to 1971, the readjustment of seats took place after each decennial Census, with states gaining or losing a few seats depending on their population. The 42nd Amendment, passed during the Emergency, when most Opposition members were in jail, froze the number of seats allocated based on the 1971 census and declared that there would be no reallocation till the results of the 2001 census were published.

Unfortunately, this amendment gave no reasons for postponing the readjustment. In 2002, when Atal Bihari Vajpayee was the prime minister, the 84th Amendment postponed the readjustment by another 25 years.

The time has come for re-allocating seats according to each state's population was arising. "Keeping in view the progress of family planning programmes in different parts of the country, the government, as part of the National Population Policy strategy, recently decided to extend the current freeze on understanding fresh delimitation up to the year 2026 as a motivational measure to encourage state governments to pursue the agenda for population stabilisation."

Thus, all elections to Parliament and the legislative assemblies have been based on the 1971 Census for the last five decades. Although no Census has been held since 2011, any readjustment of seats based on population proportionality will result in a reduction of seats for southern states. The reason is that population growth has been rapid in the south, while it has been slow in the north. The increase in population in the south has been 15.31 per cent, and 31.4 per cent for Bihar and Jharkhand. In contrast, the increase in Tamil Nadu, Maharashtra and Karnataka has been 15.5 per cent, 28 per cent and 24.2 per cent respectively.

Although Article 81 mandates the same proportionality for all states, this is only "so far as practicable". There would be Article 81(2) have enabled significant departures from proportionality. For example, Goa has two members in the Lok Sabha for a population of 1.5 million, but New Delhi, with a population of 31.80 million, has seven. Similarly, the northeastern states have a larger number of MPs in proportion to their population. The fairness of our Constitution does not require that the government's population would be so unequal that it would render the principle of population proportionality an unfair and inequitable yardstick.

But the more fundamental question is: Do we need a Parliament with more than its current strength of 543 members or the current limit of 500 members? Equally, do we require more MPs in each state? An examination of the data during of Parliament and state assemblies over the past 30 years establishes that an increase in their numerical strength will make no difference. If the number of MPs had been increased to their 1971 level, it would have resulted neither in better laws being passed nor in the improvement of functioning of the Lok Sabha.

There are several disadvantages to having a huge cost to the exchequer by way of increased housing and other infrastructural expenses, with zero benefits. Further, under Article 75(1A), the strength of the Council of Ministers can be up to 15 per cent of the total number of members for the Lok Sabha. Therefore, one could have a cabinet of 90 to 100 ministers at the Centre. There would be a similar increase in the size of cabinets in the states, with little or no improvement in administration or in resolving India's economic and social challenges.



Ministers can be up to 15 per cent of the total number of members for the Lok Sabha. Therefore, one could have a cabinet of 90 to 100 ministers at the Centre. There would be a similar increase in the size of cabinets in the states, with little or no improvement in administration or in resolving India's economic and social challenges.

It is, therefore, necessary to complete the Census but discontinue the process of delimitation based on the principle of population proportionality. It is advisable that Articles 81, 82 and other constitutional provisions are amended to freeze the current strength of Parliament and every assembly, irrespective of the results of any decennial Census. This is particularly necessary because the principle of population proportionality has become unworkable due to asymmetric demographic changes.

Otto von Bismarck famously remarked, "Politics is the art of the possible; the attainable — the art of the next best." Any real delimitation that disrupts the existing proportionate strength of states may result in unrest in the southern states. The practical solution to the divisive issue of delimitation is to amend Articles 81, 82 and the other concerned articles and place a constitutional cap of 500 members in the Lok Sabha with other consequential changes. The principle of population proportionality must be abandoned. The need of the hour is a united India, not a bigger Parliament.

The writer is a senior advocate

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