

The Two-Member Constituencies (Abolition) Act, 1961

UNION OF INDIA

India

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Act 1 of 1961

- Published on 9 March 1961
- Commenced on 9 March 1961
- [This is the version of this document from 9 March 1961.]
- [Note: The original publication document is not available and this content could not be verified.]

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In pursuance of Articles 330 and 332 of the Constitution, seats have been reserved for the Schedule Castes and the Schedule Tribes in the House of the People and the State Legislative Assemblies. Such reservation has generally been made in the two-member constituencies, though in a few cases, seats have been reserved in single constituencies also. In each two member constituency, one seat is reserved for the Schedule Castes or, as the case may be, for the Scheduled Tribes.² There has been considerable criticism against the system of reservation of seats in two member constituencies and the suggestion has often been made that all the seats reserved for the Scheduled Castes and the Scheduled Tribes should be provided for in single-member constituencies and that there should be no two member constituencies at all. Members of Schedule Castes and Schedule Tribes generally favour small single-member constituencies which involves less expenditure and trouble. Double member constituencies are inconvenient and cumbersome and Assembly constituencies into two single-member constituencies, of which one should be reserved for the Schedule Castes or, as the case may be for the Scheduled Tribes. The Bill seeks to achieve this object. " - Gazette of India, 1960, Extra, Pt. II - Section 2, p. 944.[9th March, 1961]An Act to provide for the abolition of two-member parliamentary and assembly constituencies and for the creation of single-member constituencies in their place.BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:-

1. Short title.

This Act may be called the Two-Member Constituencies (Abolition) Act, 1961

2. Definition.

In this Act, unless the context otherwise requires, -(a)" Commission " means the Election Commission appointed by the President under article 324 of the Constitution ;(b)"Delimitation Order" means the Delimitation of Parliamentary and Assembly Constituencies Order, 1956;(c)" sitting member " means a person who, immediately before the date of publication of a notification under clause (c) of section 4 in the Official Gazette of the State concerned, is a member of the House of the People from that State or, as the case may be, of the Legislative Assembly of that State ;(d)State " includes a Union territory(e)two-member constituency " means a two-member parliamentary constituency specified in the First Schedule or a two-member assembly constituency specified in the Second Schedule, to the Delimitation Order.

3. Division of two member constituencies.

The Commission shall, as soon as may be practicable and in the manner herein provided, divide every two-member constituency (other than a two-member assembly constituency in the State of Gujarat) into two single-member constituencies, delimit their extent and decide in which of them the seat shall be reserved 'for the Scheduled-. castes or, as the case may. be, for the scheduled tribes, having regarded to the following provisions., namely:(a)all the single member constituencies shall, as far as practicable, be geographically compact areas and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience; and(b)the seat shall be reserved in that single-member constituency which in the opinion of the Commission has the greater concentration of population of the scheduled castes or, as the case may be, of the scheduled tribes.Explanation.-In this section- " population" means the population as ascertained at the census held in 1951.

4. Manner of Division.

The Commission shall, as respects each State, -(a)formulate its proposals in regard to the matters mentioned in section 3 and publish them 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 specifying a date on or after which the proposals will be further considered by it;(b)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 ; and(c)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 as appear to it to be necessary for giving effect to its decisions.

5. Effect of division.

As from the date of publication of a notification under clause (c) of section 4 in the Official Gazette of the State concerned, -(a)every two-member constituency in the State (other than a two-member assembly constituency in the State of Gujarat) shall cease to exist and, in lieu thereof, there shall

come into existence two single-member constituencies (hereinafter referred to as "the corresponding new constituencies ") as provided in the amended Delimitation Order;(b)the sitting member of any two-member constituency. in the State elected to fill the reserved seat therein shall be deemed to have been elected to the House of the People or as the case may be, of the scheduled tribes is from that one of the corresponding new constituencies in which the seat has been reserved, and the other sitting member of that two-member constituency shall be deemed to have been elected from the other of the corresponding new constituencies; and(c)any casual vacancy existing immediately before the said date in any two-member constituency in the State shall, if it be in the reserved seat, be deemed to be a casual vacancy in that one of the corresponding new constituencies in which the seat has been reserved, and if it be in the other seat, be deemed to be a casual vacancy in the other of the corresponding new constituencies.

6. Special provision for Gujarat; amendment of section 19 of Act 11 of 1960.

In section 19 of the Bombay Reorganisation Act, 1960,-(a)in sub-section (2), for clause (b), the following clause shall be substituted, namely :- "(b) the assembly constituencies into which the State shall be divided, the extent of each of such constituencies and in which of them seats shall be reserved for the scheduled castes or for the scheduled tribes ; and ";(b)for sub-section (3), the following sub-section shall be substituted, namely--- " (3) In determining the matters referred to in clauses (b) and (c) of sub-section (2), the Election Commission shall have regard to the following provisions, namely :- (a)all the constituencies shall be single-member constituencies ;(b)all the constituencies shall, as far as practicable, be geographically compact areas and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience; and(c)constituencies in which seats are reserved either for the scheduled castes or for the scheduled tribes shall as far as practicable, be located in the areas in which the population of the scheduled castes or, as the case may be, of the scheduled tribes is most, concentrated, but in regard to scheduled castes, care should be taken to distribute the reserved seats in different areas of the State."

7. Revision of the Delimitation Order.

(1)After all the notifications have been published under clause (c) of section 4 and the order referred to in sub-section (5) of section 19 of the Bombay Reorganisation Act, 1960, has been made, .the Commission shall-(a)make such further-amendments in the Delimitation Order as appear to it to be necessary for bringing up-to-date the description of the extent of all constituencies and for better arranging the order in which they are set out in the Schedules to the Delimitation Order; and(b)send authenticated Copies of the Delimitation Order as so amended and revised to the Central Government and to each of the State Governments.(2)As soon as may be after the revised Delimitation Order is received by the Central Government or a State Government, it shall be laid before the House of the People or, as the case may be, before the Legislative Assembly of the State.

8. Power to maintain Delimitation Order up to date.

The Commission may from time to time, by notification published in the Gazette of India and in the Official Gazette of the State Concerned, -(a) correct any printing, mistake in the revised Delimitation Order or any error arising therein from an inadvertent slip or omission, and (b) where the boundaries or name of any district or any territorial division mentioned in a Schedule to the said Order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing the Schedule up-to-date.