

Reply to calling attention tabled by Shri. Yuri Alemao, Leader of Opposition, Altone D'Costa, Venzy Viegas, Cruz Silva, Viresh Borkar and Vijai Sardessai MLA's under rule 63 of Rule of Procedure and Conduct of Business of the Goa Legislative Assembly.

### **“Calling Attention”**

**“Fear and anxiety in the minds of Scheduled Tribe Community due to lethargic approach b of the Government to provide Political Reservations to Scheduled Tribes in Goa. The Government must take immediate steps to provide Political Reservations to Scheduled Tribes of Goa. It is observed that despite Goa Having 12.5% Scheduled Tribe population, they are being deprived their Constitutional Right of Reservation of Seats in Goa Legislative Assembly. The steps the Government intends to undertake/ has undertaken in this regards and also to ensure that the Election Commission of India notifies Constituencies for Scheduled Tribes in Goa”**

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### **Reply by Dr. Pramod Sawant Hon'ble Chief Minister/ Minister for Tribal Welfare**

Sir,

The job of delimitation is assigned to a high power body. Such a body is known as Delimitation Commission or a Boundary Commission. In India, such Delimitation Commissions have been constituted five times – in 1952 under the Delimitation Commission Act, 1952, in 1963 under the Delimitation Commission Act, 1962, in 1973 under the Delimitation Act, 1972 and in 2002 under the Delimitation Act, 2002. The Delimitation Commission in India is a statutory body.

It is pertinent to note that although the Parliament has frozen the total number of seats in the legislative Assemblies and the Lok Sabha through the Constitution 84th Amendment) Act, 2001, and the Constitution (87th Amendment) Act, 2003, the number of seats reserved for the Scheduled Castes and Scheduled Tribes have not been frozen.

The Delimitation Commission, set up under the Delimitation Act, 2002, was entrusted with the task of readjusting all Parliamentary and Assembly constituencies in the Country. The Commission's role under the Constitution and the Delimitation Act, 2002 was to readjust the Parliamentary and Assembly

constituencies in all the states of India, (except the state of Jammu and Kashmir) on the basis of population ascertained in the **2001 Census**.

The Parliament initially provided for the Delimitation exercise to be conducted on the basis of the 1991 census. Subsequently, it amended the Constitution of India (eighty-seventh Amendment dated 22nd June, 2003), which provided that the delimitation work shall be done by the Commission on the basis of the 2001 census and not on 1991 census figures.

The Commission took great care in identifying the seats reserved for the Scheduled Castes and Scheduled Tribes in the Legislative Assemblies and the Lok Sabha. Articles 330 and 332 of the Constitution of India, and Section 9 (1) (d) of the Delimitation Act, 2002 make it clear that in the reservation of constituencies for the Scheduled Tribes, the Commission has no discretion and only those seats where their proportion is the highest, are to be reserved. This was done by working out the percentage of Scheduled Tribe population in each Assembly and Parliamentary Constituency and identifying the requisite number of reserved constituencies by arranging them in descending order.

As per the 2001 census the ST population of the State of Goa was 566. The same was considered by the Delimitation Commission and accordingly no seat in the Assembly was reserved for the ST community.

The Goan Original Communities viz. Gawdas, Kunbis and Velips was approved by the Hon'ble Parliament and declared as a Scheduled Tribes Communities of the State of Goa as per the Gazette of India dated 08/01/2003.

As per the census 2011, the population of Scheduled Tribes Communities figure 1,49,275 which is 10.23%.

Scheduled Tribes Community in the State of Goa are getting the reservation in election at Panchayat, Municipalities, Zilla Panchayat but not in Legislative Assembly Elections.

Various Organizations of Scheduled Tribes Communities has filed numerous representations for seeking Political Reservation in Goa Legislative Assembly.

With regards to various representation made by Scheduled Tribes Organization in the Directorate of Tribal Welfare, the proposal has been forwarded time to time to the Competent Authority, such as Election Commission of India, New Delhi, Chief Electoral Office, Altinho Panaji, Joint

Secretary, Ministry of Tribal Affairs, Government of India, New Delhi and Ministry of Law & Justice, Legislative Section, New Delhi.

Upon perusing the proposal of reservations of seats for Scheduled Tribes by Legislative Department, Law & Justice Legal II Section, it is conveyed vide letter No. H-11021/11/2020-leg-II dated 05/02/2021 that allocation of Constituency for Scheduled Castes & Scheduled Tribes is done by the Delimitation Commission during the Delimitation exercise based upon the population figures of a particular region with Article 330 of the Constitution.

Further, with the approval of the Government, the Directorate of Tribal Welfare submitted the proposal to the Ministry of Law & Justice (Legislative Department), New Delhi, to constitute a Delimitation Commission in terms of section 3 of Delimitation Act, 2002 for the purpose of Delimitation of Assembly Constituencies to make provision for reservation of seats for ST Community in the State of Goa.

In this context, upon perusing the said proposal Legislative Department, Legislative-II section Shastri Bhavan, New Delhi vide Office Memorandum dated 28<sup>th</sup> July 2023 submitted to this Directorate and stated that the readjustment of Parliamentary and Legislative Assembly Constituencies was undertaken in accordance with the provision of the Delimitation Act, 2002 by Delimitation Commission and the Delimitation Order, 2008 issued by the said Commission is still in force.

Further, Article 82 and 170 (2) and the Explanation to Article 330 read with Article 332 of the Constitution provides that until the relevant figures for the first census taken after the year 2026 have been published, it shall not be necessary to readjust the seats in the Legislative Assembly of each State. Therefore, it is clear that the next Delimitation exercise and the readjustment of seats, including the number of seats to be reserved for SCs and STs would only take place by a Delimitation Commission to be constituted for the purpose after the relevant figures of the census taken after the year 2026 is published.

The ST community people of Goa are agitating and demanding the formation of Delimitation Commission before the forthcoming Lok Sabha Election are notified by the Election Commission of India.

In this regards, Government has submitted a letter dated 07/02/2024 addressed to Shri. Arjun Ram Meghwal, Hon'ble Minister of State (Independent Charge), Ministry of Law & Justice, Government of India and to Union Home

Minister, Ministry of Home Affairs, Government of India, New Delhi to initiate the process to identify and determine the Assembly Constituencies that will be reserved for ST Community in the State of Goa as per the census 2011 by constituting Delimitation.