

ITEM NO.3

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 443/2017

PUBLIC INTEREST COMMITTEE FOR SCHEDULING
SPECIFIC AREAS & ANR

Petitioner(s)

VERSUS

UNION OF INDIA MINISTRY OF HOME AFFAIRS SECRETARY

Respondent(s)

([PART HEARD BY: HON. THE CHIEF JUSTICE, HON. J.B. PARDIWALA AND
HON. MANOJ MISRA, JJ.])

WITH

W.P.(C) No. 187/2019 (X)
(IA No. 44400/2019 - APPROPRIATE ORDERS/DIRECTIONS IA No.29816/2019
- PERMISSION TO FILE SYNOPSIS AND LIST OF DATES)

Date : 23-11-2023 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Prashant Bhushan, AOR
Mr. Pranav Sachdeva, Adv.
Ms. Neha Rathi, Adv.

Ms. Pritika Kumar, Adv.
Mr. Vishesh Sharma, Adv.
Ms. Mithu Jain, AOR

For Respondent(s) Mr. Amit Sharma, AOR
Mr. Dipesh Sinha, Adv.
Ms. Pallavi Barua, Adv.
Ms. Aparna Singh, Adv.

Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Ashok Kumar Panda, Sr. Adv.
Mr. Chanchal Kumar Ganguli, AOR

Mr. Shashwat Panda, Adv.

Mr. Raghvendra Kumar, AOR

Mr. Basava Prabhu Patil, Ag Sikkim, Sr. Adv.

Mr. Basava Prabhu S Patil, Ag Sikkim, Sr. Adv.

Mr. Samarth Kashyap, Adv.

Mr. Devvrat Singh, Adv.

Mr. Tushar Mehta, Solicitor General

Mr. K M Nataraj, A.S.G.

Mr. Shailesh Madiyal, Adv.

Mr. Kanu Agarwal, Adv.

Mr. B K Satija, Adv.

Ms. Vanshaja Shukla, Adv.

Mr. Arvind Kumar Sharma, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 The Writ Petitions are disposed of in terms of the signed reportable judgment.

Operative part of the judgment reads as under :

“Conclusion

105 The delimitation of Parliamentary and Assembly Constituencies Order 2008 forms the basis of the First and Second Schedules to the RP Act. The Delimitation Commission completed its exercise almost fifteen years ago. Mr K M Nataraj, Additional Solicitor General submitted that nearly fifty-one communities were added after 2001 to the list of Scheduled Tribes until the last census took place in 2011. This is a matter which must engage the attention of the Union Government. The manner in which this exercise would have to be determined within the purview of the Delimitation Act 2002. But as we have already noted earlier, the exercise would require legislative amendments, particularly having regard to the provisions of the First and Second Schedules to the RP Act. Directing a legislative amendment is beyond the domain of judicial review.

106 In regard to the State of West Bengal, it has been submitted, by the counsel appearing on behalf of the

Election Commission that broadly an additional seat would have to be made available in the State of West Bengal for the Scheduled Tribes in order to accommodate the principle of proportional representation. The above submission makes it abundantly clear that it is for the Union Government to take recourse to the powers under the Delimitation Act 2002 for the purpose of ensuring that the provisions of Articles 330 and 332 are duly implemented. The Central Government should take a decision with all reasonable dispatch, in accordance with law.

- 107 We, however, clarify that this judgment shall not be construed as interfering with the election schedule that the Election Commission may prescribe for the conduct of elections either to Parliament or to the State Legislative Assemblies.
- 108 The Writ Petitions are disposed of in view of the above discussion.
- 109 Pending applications, if any, stand disposed of.”

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)