
The motion was adopted.

The House then adjourned till a Quarter to Eleven of the Clock on Wednesday, the 12th April, 1950.

REPEALING AND AMENDING BILL

***The Minister of Law (Dr. Ambedkar):** Sir, may I have your permission to take my Bill out of turn? They are very small ones.

Mr. Deputy Speaker : Yes.

Dr. Ambedkar : I beg to move :

“That the Bill to repeal certain amendments and to amend certain other enactments, be taken into consideration.”

The purpose of the Bill which is brought in annually for the purpose of pruning the Statute-book of what is called the “dead wood” and of amending and making good certain errors discovered in certain enactments. I do not think it necessary for me to say anything more in support of the motion I make.

Mr. Deputy Speaker : Motion moved:

“That the Bill to repeal certain enactments and to amendments and to amend certain other enactments, be taken into consideration.”

Shri Himatsingka (West Bengal) : What I would suggest to the Hon. Minister of Law is this. Would he please take steps to have all the laws that are in force printed in a book form so that one may follow what laws are in existence and what not? At present it is so very difficult. We are passing so many laws in a day that it is very difficult for anyone to know or find out what the law is. Therefore, will he take my suggestion into consideration and have the laws in force up to 1949 printed?

Dr. Ambedkar : That is being done.

Mr. Deputy Speaker : The question is:

“That the Bill to repeal certain enactments and to amend certain other enactments, be taken into consideration.”

The motion was adopted.

Clauses 1 to 4 were added to the Bill.

The First and Second Schedules were added to the Bill.

The Title and the Enacting Formula were added to the Bill

Dr. Ambedkar : I beg to move:

“That the Bill be passed”

Mr. Deputy Speaker : The question is:

“That the Bill be passed.”

The motion was adopted.

(16)

REPRESENTATION OF THE PEOPLE BILL

[MR. SPEAKER *in the Chair*]

***The Minister of Law (Dr. Ambedkar):** May I, Sir, with your permission make the motion that stands in my name in the Order Paper for today ? I could not do it this morning because printed copies of the Bill were not available in the morning. As the House takes objection to giving leave for introduction without copies of the Bill being there, I thought I should wait.

Mr. Speaker : Yes ; he may make that motion. I was told that the matter was not to be taken up. That is why I passed over that.

Dr. Ambedkar : Because, I said that printed copies were not available.

I beg to move for leave to introduce a Bill to provide for the allocation of seats in, and the delimitation of constituencies for the purpose of election to, the House of the People and the Legislatures of States, the qualification of voters at such elections, the preparation of electoral rolls and matters connected therewith.

Mr. Speaker : The question is :

“That leave be granted to introduce a Bill to provide for the allocation of seats in, and the delimitation of constituencies for the purpose of elections to, the House of the People and the Legislatures of States, the qualification of voters at such elections, the preparation of electoral rolls, and matters connected therewith.”

The motion was adopted.

Dr. Ambedkar : I introduce the Bill.

REPRESENTATION OF THE PEOPLE BILL—*contd.*

***The Minister of State for Transport and Railways (Shri Santhanam):** I beg to move:

“That the Bill to provide for the allocation of seats in, and the delimitation of constituencies for the purpose of elections to, the House of the People and the Legislatures of States, the qualifications of voters at such elections, the preparation of electoral rolls, and matters connected therewith, be taken into consideration.”

I do not propose to speak at this stage. By the end of the discussion I expect the Minister in charge will be present and he will then reply. If he is not present then I shall reply to the debate.

Mr. Deputy Speaker : Motion moved.

Shri Bharati (Madras): This is a very important Bill and may I suggest that it would help the discussion to a very great extent if the Hon. Minister in charge of the Bill elucidated certain points which are very necessary, so that we may not traverse unnecessary ground. The Hon. Minister, Dr. Ambedkar, has just come to the House. It was only because he was not here that Hon. Mr. Santhanam made the formal motion. If Dr. Ambedkar had been here he would certainly have made a very useful speech. I am prepared to speak after the Hon. Dr. Ambedkar has spoken. However, I leave it to the House.

The Minister of Law (Dr. Ambedkar): Sir, at the outset I must apologise to the House for my delay in reaching the House. I was told that the Insurance Bill would not be finished before 4-30 p.m. and that a message would be sent to me in my room

Shri Kamath (Madhya Pradesh): There are always surprises in life.

Dr. Ambedkar : With regard to this Bill it is obvious that the Bill deals with four questions. Firstly, it deals with the allocation of seats for the House of the People among the different States. Secondly, it deals with the fixing of the total seats for the State Legislative Assembly. Thirdly, it deals with

the questions relating to the registration of voters for election to Parliament and election to State Assemblies. And fourthly, the Bill proposes to fix the composition of the State Legislative Councils and the registration of voters for the Councils. I propose to take each of these points and explain to the House what exactly the Bill does.

First I propose to explain to the House the question of the allocation of Parliamentary seats among the States. The allocation proposed by the Bill is shown in the First Schedule. The House will recall that the Constitution lays down in article 81 the rules which have to be observed in the matter of distributing seats in Parliament among the different States. The rules to which I made reference are laid down in article 81(1)(b) and 81(1)(c). The first rule which this article lays down is that the constituency shall be so determined that there shall be not less than one member for every 750,000 and not more than one for every 500,000 of the population. The second rule which this article lays down is that whatever standard figure is chosen between these two figures—the maximum and minimum—that standard figure, so far as the States in Parts A and B are concerned, shall be uniform throughout the territory of India. That is the general direction given by the Constitution which this Bill is bound to conform to.

The standard figure adopted in this Bill for the purpose of allocating seats is one Member for every 720,000. It will be seen that this figure is in between 750,000 and 500,000. The seats for the different States are arrived at by dividing the total population of each State by this standard figure of 720,000 and you get the total number of seats for each State set out in the First Schedule to this Bill. The total population is as estimated on the 1st March 1950 according to the order issued by the President under the appropriate article of the Constitution. I believe it is article 347

Shri Bharati : Article 387.

Dr. Ambedkar : I believe hon. Members have got the notification issued by the President in which the population of the various States as estimated has been shown

Shri Bharati : We have not a copy of it. When was it issued ?

Dr. Ambedkar : It was issued on the 17th April 1950.

Shri Bharati : That was yesterday. We have not been supplied with a copy.

Dr. Ambedkar : I am very sorry. It is in the Gazette. We are in such a great hurry that long intervals are not permissible.

Dr. Deshmukh (Madhya Pradesh): Sir, the figures of population are essential for the Debate.

Dr. Ambedkar : I think they will be circulated. However, I shall read them out.

Part A States

Assam	...	...	8.51	million
Bihar	...	...	39.42	"
Bombay	...	...	32.68	"
Madhya Pradesh	...	...	20.92	"
Madras	...	...	54.29	"
Orissa	...	...	14.41	"
Punjab	...	...	12.61	"
U.P.	...	...	61.62	"
West Bengal	...	...	24.32	"

I do not think I need trouble the House with the population figures for States in Part B and Part C.

Shri Raj Bahadur (Rajasthan): We want them.

Dr. Ambedkar : Then I will read them out.

Part B States

Hyderabad	...	...	17.69	million
Jammu and Kashmir	...	...	4.37	"
Madhya Bharat	...	...	7.87	"
Mysore	...	...	8.06	"
Patiala and East Punjab States Union			3.32	"
Rajasthan	...	...	14.69	"
Saurashtra	...	...	3.96	"
Travancore-Cochin		...	8.58	"

Part C States

Ajmer	...	...	0.73	million
Bhopal	...	...	0.85	"
Bilaspur	...	...	0.13	"
Coorg	...	...	0.17	"
Delhi	...	...	1.51	"
Himachal Pradesh		...	1.08	"
Cutch	...	...	0.55	"
Manipur	...	...	0.54	"
Tripura	...	...	0.58	"
Vindhya Pradesh		...	3.88	"

That is the population as calculated on the 1st March 1950.

Shri Kamath : What about the Andaman and Nicobar Islands ?

Dr. Ambedkar : I have not got the figures here, and they do not form part of this scheme.

Shri Bharati : Is any Member given to Aandamans in the Schedule ?

Dr. Ambedkar : Yes, but that is a separate thing altogether. I am coming to that.

I have given to the House the total population of the States in Part A, Part B and also in Part C.

Dr. Tek Chand (Punjab): Are these based on the census of 1941?

Dr. Ambedkar : They have been calculated for the purpose of this Schedule by the Census Commissioner who must be taken to be the final authority in this matter ; he has advised the Election Commissioner that these should be the standard figures that may be taken as the basis.

Dr. Tek Chand : How have they been calculated ?

Dr. Ambedkar : It is a very difficult thing to say now. They have been calculated in the manner prescribed in the Constitution (Determination of Population) Order, 1950, and the President has accepted them.

As I said, the First Schedule refers to the House of the People. The seats for the States in Part A and Part B have been calculated on the basis of one Member for every 720,000 of the population. With regard to Part C, hon. Members will remember that the determination of the seats for States in Part C is set out in article 82. That article 82 practically leaves it to Parliament to decide it in the best manner it can without being bound by the two rules which have been laid down in article 81. Consequently, really speaking, this standard figure of 720,000 could not be made the basis for the allocation of seats to States in Part C because on that basis most of those States will not even get a single seat in Parliament. Consequently, what has been done is that they have been just given one seat for the purpose of securing their representation in Parliament without being bound down by any of the rules that have been laid down for States in Part A and Part B.

Shri Syamnandan Sahaya (Bihar): But in cases where there is more than one seat ?

Dr. Ambedkar: I am coming to that. With regard to Delhi an exception has been made, namely, that Delhi has been given three seats.

Shri Raj Bahadur: Why was this exception made ?

Shri Bharati: Because it is the Capital.

Dr. Ambedkar : One of the reasons is that Delhi has quite a big population as compared to the other States listed in Part C. The basis we have taken with regard Delhi is one seat for every 500,000 of the population, and therefore Delhi will have three seats.

Capt. A. P. Singh (Vindhya Pradesh): Why has this standard of 500,000 not been taken as a basis in the case of Vindhya Pradesh ? Vindhya Pradesh has been given only five seats.

Dr. Ambedkar: Vindhya Pradesh has a big population. What I say is this, that we are trying to upgrade where upgradation is necessary ; we are not trying to upgrade where

on the population basis a State is getting representation ; and we are upgrading a great deal where a State is not getting any representation at all. It has really got to be done by equitable consideration and not by logic and not necessarily by population.

Then I come to Kashmir. As the House will see, there is a special provision with regard to Kashmir and that provision differs in one important respect and that is that the Kashmir representatives will not be elected by the people. Now, the reason for making an exception in regard to Kashmir is this, namely, that Kashmir is a part of India in a very attenuated manner, so to say. The Article relating to Kashmir says that only Article 1 applies, that is to say, Kashmir is part of the territories of India. The application of the other provisions of the Constitution, that Article says, will depend upon the President, who may in consultation with the Government of Kashmir apply the rest of the Articles with such modifications and alterations as he may determine. As the honourable House may probably know, there has been already issued an order in regard to Kashmir in which the President has modified the Article providing for the representation of States in Parliament by stating that he shall nominate the representatives of Kashmir in consultation with the Government of Kashmir. I think it was issued on the 26th January. That being so, there is really no room for this Parliament to make any provision with regard to the representation of Kashmir in Parliament in a manner different from what has been provided in the Bill. I think that nothing more is necessary for the purpose of elucidating how the First Schedule has been brought into being.

I now come to the fixation of the total seats in the State Legislative Assemblies as has been shown in the Second Schedule. With regard to this matter also, we have had to conform to the provisions of Article 170. That Article lays down two rules. One rule is that there should be not more than one seat for every 75,000 of the population. The second rule is that the maximum number of seats of a State Legislative Assembly shall be 500 and the minimum shall be 60. In framing the Second Schedule, the following considerations

have been taken into account. The first consideration is that the total number of seats in any Legislative Assembly is not unduly large. The second consideration is that the total number of seats fixed for each State Legislative Assembly is an integral multiple of the State quota in Parliament. The reason for adopting this second rule that the one should form a sort of integral multiple of the other is because by doing so it would be easy to work out the provisions of Article 55. Hon. Members will appreciate that Article 55 provides that notwithstanding the fact that the total membership of the different Legislative Assemblies in the States may be different there shall be equal valuation of the votes cast in the Presidential election. Now, it is quite obvious that this equal valuation would become easier of calculation if we had the total seats in the Legislative Assembly of any State forming an integral multiple of the number of seats for that State in Parliament. That is why the seats have been allotted accordingly. It is, of course, to be remembered that the multiple is not the same in all the cases but the multiple is there. That is how the seats in the Second Schedule have been calculated.

Shri Syamnandan Sahaya : Therefore, the State Assemblies have different numbers in different States. It is unlike the Parliament where you have a fixed number.

Dr. Ambedkar : Yes. The maximum is 500 and the minimum is 60, but different numbers may be fixed for different States. There is no uniformity prescribed in the Constitution. We have a wide limit within which we can fix different totals for different States.

Shri Syamnandan Sahaya : Could we know what is the basis in the different States ? Say 100,000 voters per seat in Assam; 110,000 in Bihar; 120,000 in U.P. and so on?

Dr. Ambedkar : After I finish my speech, if you put that point clearly to me, I shall be able to explain. So much for the fixation of seats in Parliament and in the Legislative Assemblies of the different States.

Now, I come to registration of voters. The principles adopted for registration of voters for Parliamentary constituencies as

well as for State Legislative Assembly constituencies are the same. There is no difference. Consequently, I think that it would be enough if I explain the provisions relating to registration of voters for Parliamentary constituencies. The first principle is what is laid down in Clause 15 of the Bill which says that every constituency is to have an electoral roll on the basis of which election will be conducted. The preparation of an electoral roll is therefore an obligatory thing and a condition precedent for election. The second principle is that for being registered on an electoral roll a person should not suffer from the disqualifications mentioned in Clause 16. He should not be a person who is not a citizen of India; or a person who is of unsound mind or a person who is guilty of offences relating to corrupt practices and election offences, then, he becomes eligible for being enrolled or registered in that constituency. The next principle is that a voter can be registered and that, in one and not more than one constituency. Even in one constituency he is to be registered only once. Then we have what are called "conditions of registration", which are laid down in Clause 19. One is that he must be ordinarily resident for not less than 180 days during what is called a "qualifying period". Secondly, he must not be less than twenty-one years of age on the qualifying date.

Now, with regard to qualifying date and qualifying period, I think it is necessary that I should make the position a little clearer. On reading the Bill, the House will realise that there are really two different provisions for qualifying period and qualifying date. There is one qualifying period and one qualifying date for the first electoral roll, and there is another provision for qualifying period and qualifying date for subsequent electoral rolls.

Now, for the first electoral roll the qualifying period is from 1st April 1947 to 31st March 1948. The qualifying date for the first electoral roll is the first day of January 1949. Now, these provisions which I have referred to with regard to the qualifying period and the qualifying date for the first electoral roll are really, so to say, beyond our control now, because they were fixed by the Constituent Assembly when it passed a resolution that the election should take place at a certain

period in the year 1950 and so on, and that accordingly preparation should be made for the registration of voters, and preparation of electoral roll. Now so much work has been done under the authority of the Resolution passed by the Constituent Assembly that it is not possible for us to make any change in the basis which was laid down by the Constituent Assembly. But with regard to the subsequent electoral roll we have said that the qualifying period shall be the calendar year immediately preceding the first of March in each year and the qualifying date shall be 1st March in each year.

Now with regard to the residential qualification, about which I know there has been a great deal of perturbation in the minds of Members, I should like to draw the attention of the House to clause 20 of the Bill which defines what is called "ordinarily resident". I would not at this stage enter into any further discussion of the matter, but if a point is raised I shall be glad to give further explanation. In this very clause provision has been made to define or to specify what would be the constituency of any particular person employed in the armed forces.

My attention is drawn to the fact that there is no provision made with regard to persons who have to change their residence by reason of the fact that they are serving in the State and the State either transfers them permanently from one area to another or sends them out of the country. It is perhaps necessary to make a provision to cover cases of this sort and I propose to move an amendment to add a sub-clause to clause 20 to deal with cases of this sort.

Now there is one other provision with regard to the preparation of the electoral roll to which I would like to draw the attention of hon. Members. The first is this : that the existing roll which will now be prepared will be operative till the 30th of September 1952, that is to say, if any election takes place up to the 30th of September 1952 the electoral roll that would now be prepared will be regarded as operative, although it is probably a stale one — but there is no help to that. Subsequent electoral rolls however would be prepared every year and that will be seen from clauses 23 and 24. This

point is important because it is generally agreed that an electoral roll should not be older than, say, for instance, six months, or three months from the date on which election takes place. Under the old English law there was a provision that electoral rolls should be prepared every six months. But they themselves found that this provision was so costly that they have now extended this period to twelve months. It is felt by the Government of India that in a vast electorate which we are likely to have under adult suffrage system, the cost of two revisions in one year would be enormous and consequently we have adopted the modest procedure of having only annual revisions of the electoral rolls. As I stated, these rules which apply to the electoral roll in Parliamentary constituencies are also made applicable to the preparation of electoral rolls, to the State Legislative Assemblies and to the State Councils and, therefore, I need not refer to them here at all.

Then I come to the last part of the Bill which deals with the composition of the Upper Chambers in the provinces, hon. Members will remember that there was a considerable division of opinion as to whether there should be second chambers in the provinces or not. The Constituent Assembly left this matter to the choice of the representatives of the various provincial assemblies in the Constituent Assembly to decide for themselves as to whether they should have or should not have second chambers. Some Members decided that there should be upper chambers for their provinces and others decided to the contrary. Consequently, the Constitution makes provision for the upper chamber for those provinces or those States where their representatives agreed to have such upper chambers. Now the Constitution also lays down how the upper chamber is to be constituted—that will be found in article 171. There again, much of the composition of the upper chambers has really been laid down by the Constitution itself. It says that the maximum of total membership shall not exceed one-fourth of the total of the Lower House and the minimum shall not be less than forty.

That is one principle that is laid down in article 171. The other principle that is laid down is that about the distribution

of the seats among the various constituent elements from which the Upper House is to be drawn. For instance, one-third are to be elected by municipalities, district boards and such other local bodies in the State as Parliament may by law specify. Further, one-twelfth are to be elected by persons residing in the State who have been at least three years graduates : then one-twelfth to be elected by teachers in educational institutions recognised by the State ; one-third by the Legislative Assembly itself; and the remainder to be nominated by the Governor amongst certain classes of persons who have been specified in clause (5) of article 171. Consequently very little really remains for Parliament to do. As a matter of fact, what remains for Parliament to do is to define what are the other local bodies which are to be selected for the purpose or being constituencies to send Members to this upper chamber. The second thing that is left to be defined is the equivalent of a graduate. When one is graduate of a University no question arises ; but there may be others who have not gone to the Universities and may have equivalent qualifications. What is that equivalent also remains to be determined. Thirdly, we have to define what is an educational institution which would qualify a teacher for being elector and also prescribe the registration of voters.

The local bodies other than municipalities and district boards which are to participate in the elections are set down in the Fourth Schedule which hon. Members will find on page 10. This Schedule has been prepared in consultation with the various State Governments. Hon. Members will see that in all cases municipalities and district boards have been specified. In fact, we cannot go against that provision which is in the Constitution. It is only with regard to other bodies mentioned therein under each State that any question or argument can arise whether that particular body should or should not be included under the head "local authority"

With regard to the question of finding the equivalent of a graduate and defining an educational institution which would qualify a teacher to vote, it is felt that the best thing

is that this matter should be left to be determined by the State Government in concurrence with the Election Commission. I do not think it would be possible for us right now or for the Centre to define for each particular State which person should be treated as a graduate although as a matter of fact in technical terms he is not a graduate.

Shri A. P. Jain (Uttar Pradesh) : May I ask a question ? Will you recognize a person as a graduate under this law who is recognized by a State Public Service Commission or the Union Public Service Commission as a graduate ?

Dr. Ambedkar : The point is this that under the Constitution all electoral matters are really the concern of the Election Commission and if the Election Commission seeks the advice of the Public Service Commission or any other body in order that it may come to the right conclusion there will be nothing to prevent it from doing that. But the final authority will be that of the State Government in concurrence with the Election Commission.

I do not think that there is any other point that requires to be elucidated. These are the general provisions of the Bill and I hope that the House will find that they are the most suitable under the circumstances.

Shri R. K. Chaudhuri (Assam) : What about the displaced persons who have come to India now ?

Dr. Ambedkar : If you are raising the point I will explain it now. We have provided, as you will see in clause 20(6), that anybody who has come to India before the 25th July, 1949 will be entitled to be registered as a voter in the constituency in which he resided on that date or in any other constituency which he may specify to be his constituency.

Shri Tyagi (Uttar Pradesh) : What about those who are coming now, in 1950 ?

Dr. Ambedkar : That we cannot do, because under our Constitution a voter is required to be a citizen, and our citizenship clause defines citizenship as on the commencement. Unless we have a new citizenship law to regulate the position

those who have come after that date I am afraid they will have to go without the franchise. There is no help.

* **Shri M. A. Ayyangar :** What I suggest, therefore, is that though formally a motion for reference to Select Committee has not been moved, we may sit around a table and consider whatever amendments have been suggested on their merits and incorporate them if necessary. We may adjourn and continue the proceedings tomorrow.

The Minister of Law (Dr. Ambedkar) : May I explain a few things, Sir ? May I intervene in the debate to deal with this point about the Select Committee ?

Mr. Speaker : Yes. I am not in touch with what happened during my absence from the Chair, but I have got a sufficiently fair idea of it from what the Hon. Deputy Speaker has said and from the reception of what he said just now.

So, one could appreciate the demand for a Select Committee which means only an earnest and a pressing request for a quiet consideration of all the various provisions. That is what it really comes to.

Dr. Ambedkar : There is no motion for a Select Committee.

** **Shri Santhanam :** The Select Committee may consist of a fairly large number thirty or forty, of those people who are very keenly interested and who want to press certain amendments. Tomorrow we can discuss the Select Committee proposals.

Mr. Speaker : Whether it is a formal, technical, Select Committee or an informal meeting of thirty, forty or fifty Members who want to have their full say in the matter, all that I am keen about is that, everybody should as far as possible be given an opportunity to express his own views and the difficulties he might be feeling. If that is done I think

* P.D. Vol. 4, Part II, 19th April 1950, p. 3051.

** *Ibid*, pp. 3052-54.

our object will be served. I think we may adjourn just now and meet tomorrow at about 2-30.

Dr. Ambedkar : Sir, I think it is desirable that I should state to the House exactly what a Select Committee will be able to do and what it will not be able to do. I think it will be wrong on my part to agree to any such motion leaving the House in darkness as to what is possible to be done by a Select Committee and what is not possible. I think my remarks might also enable the House to decide whether in view of the points that may remain open for discussion it is desirable to have a Select Committee.

The first thing I am quite certain about is that the Select Committee will not be able to alter the provisions regarding qualifying period and qualifying date. I am quite certain in my mind that however desirable it may be, it would not be possible to do so, for the simple reason that we had taken a decision in the Constituent Assembly, as every Member of this House will remember, that the elections will take place at a certain time, and under that Resolution directions were issued to various States to prepare their electoral rolls. Most Members of the House must have noticed a statement which was recently published in the *Statesman* or the *Hindustan Times* stating the progress which the various States have made in the matter of the preparation of the electoral rolls. Now, those electoral rolls prepared by the various States were made on the basis of the qualifying period and the qualifying date.

Obviously, unless the House comes to the conclusion that the labours which have been devoted by the various States to the preparation of the electoral roll ought to be thrown overboard (*Shri Sondhi* : Who says that?) and that we should in this Bill fix a qualifying date and a qualifying period which would be much nearer the preparation of the electoral roll than the existing ones have been, it seems to me absolutely clear that it would not be possible for the Select Committee or for me to accept a new qualifying date and a new qualifying period.

Shri Sondhi : Can we not have supplementary lists ?

Dr. Ambedkar : This question was put to me in the morning. I was asked as to what would happen to those who come of age, that is to say, who become twenty one, after the present qualifying date.

Shri Sondhi : What about those who have been left out ?

Dr. Ambedkar : I am conscious of all that I have been saying. Please let me go on.

I had the matter examined by the Election Commissioner and my Ministry. The question is as to how much labour would be involved in the preparation of the supplementary electoral roll which would contain the names of persons who have come of age after the qualifying date that we have fixed. I am told that the number would be quite enormous. It would involve new work. We would have to have new machinery in addition to the one that would be necessary to revise the rolls that have already been prepared. This additional burden would certainly have the effect of postponing the target dates for certain stages that we have fixed. Therefore, unless this House is prepared to accept the proposition that there need be no cancellation on the date mentioned by the Prime Minister, it would not be possible to undertake this piece of work. I want to make that point quite clear. Unless the Select Committee is prepared to take the responsibility of recommending to Government that the work that has already been done be thrown overboard and be deemed to be of no value and that additional work be taken up notwithstanding the cost and the impossibility of providing additional material, my submission to the House is that the Select Committee cannot alter these provisions.

What are the other provisions in this Bill? The other provisions are only two. They are urgent matters and I have not seen any hon. Member making any kind of reference to them. One clause which is important and about which I myself feel that the Bill might do something more is with regard to delimitation of constituencies. Except one hon. Member, nobody had realized

Some Hon. Members : We have not spoken as yet.

Dr. Ambedkar : Notwithstanding the fact that so much heat and so much vehemence have been introduced in this debate

Shri Sondhi : You will have more of it.

Shri Kamath : You are adding to it.

Mr. Speaker : Order, order. Let him go on.

Dr. Ambedkar : In the Constitution, there is a provision that delimitation shall be undertaken by Parliament. That is there. In this Bill, what we have proposed is that this power which belongs to Parliament may be delegated to the President, and the President may, by order, prescribe what the constituencies are. It may be contended—and very rightly too—that this matter ought not to be left to the President but that this Parliament should engage itself in looking into every constituency that may be framed for the purpose of both the elections to the Parliament and to the State Legislatures. I do not deny the right, but the question is whether Parliament can and will be able to find the enormous time that will be necessary for scrutinising every constituency both for the Parliament and for the State Legislatures.

Dr. Deshmukh : That is not the only course.

Dr. Ambedkar : Please let me go on.

Therefore, in this particular clause 13, the provision is made that although the President may, by order, prescribe and delimit constituencies he shall be bound to place the order of delimitation before the House. I may frankly state that even I am not satisfied with this provision, because I want Parliament to have a look into it. But nobody has suggested this. (*Interruption*). This is one point which the Select Committee may look into, I agree. But why go to the Select Committee for this kind of thing? I have a solution. I have two alternatives. One is that clause 12 may be so amended that we can add that the order of delimitation made by the President should be placed before Parliament and if Parliament

does not make any alteration in it, then within a prescribed period it should become final. That is one alternative. The other alternative which I am prepared to propose is that when delimitation is undertaken, whoever delimits, there shall be associated with him a Committee composed of Members of this House or of the local State Legislature who are concerned with that particular constituency, so that they may be in a position to give their advice and their judgment to the officer who is engaged in delimitation. (*Shri Tyagi* : That is a good idea.) If the House is agreeable to that, there is no need to refer this Bill to a Select Committee at all.

Then, Sir, the other point that remains in the Bill is this. I do not think that I am accusing anybody in saying what I do, namely, that a large part of the heat and vehemence and the general plausible argument that have been engendered have been intended merely to cover a very small point, namely, that most hon. Members are interested in having the number of seats in the State Legislatures increased, but they have not had the courage to say so, except one or two. If hon. Members are only interested in this little point that the number for the U.P. should be increased by 15 or that the one for Mysore should be increased by 1 or that the one for Delhi should be increased by 2, I want to ask whether it is not a matter which we can deal with in this House? Why bother with a Select Committee?

Shri Bhatt : You cannot deal with all the details.

Dr. Ambedkar : There are no details. I am myself moving certain amendment changing the figures in the total representation of the various States. If my hon. friends think that I am very miser and meagre and that I am not meeting their demands, well, they can move their amendments right here and the House may decide whether the figure that I suggest is the right figure or whether the figure that they suggest is the right figure. Why send it to the Select Committee? Where is any other thing in this Bill, I want to know, which the Select Committee can deal with? This is a routine Bill.

My hon. Friend Mr. Hossain Imam said that there were certain matters which were not included in this Bill. I think that he forgot what I had stated when I made my observation on the introduction of this Bill. I had stated then that this Bill deals with only one aspect of the election. The conduct of election as such is quite a different matter and will be dealt with by another Bill. Consequently, all those matters which appear to be absent here are not going to remain absent, because the elections cannot be completed and carried on unless the complementary part of the legislation is also put through. Therefore, my submission is that although there is no motion—and you said that a motion can very well be manufactured if one is wanted ;—quite true that it can be—but is there any necessity? That is the point which I want the House to consider. These are the three points and I have the amendments ready with me.

REPRESENTATION OF THE PEOPLE BILL—*concl'd.*

*** Mr. Speaker :** The House was proceeding yesterday with the consideration of the following motion :

“That the Bill to provide for the allocation of seats in, and the delimitation of constituencies for the purpose of elections to, the House of the People and the Legislatures of States, the qualifications of voters at such elections, the preparation of electoral rolls, and matters connected therewith, be taken into consideration.”

Shri Syamnandan Sahaya :Now that the Law Minister is here I hope he will place before you the facts as transpired this morning and then we may proceed to consider the Bill clause by clause.

The Minister of Law (Dr. Ambedkar) : I am sorry, Sir, that I was late. At your suggestion there was a meeting held this morning under the chairmanship of the Deputy Speaker of such Members of the House as were interested in this Bill and I am glad to say that we have unanimously accepted certain amendments to this Bill which I propose to move with your permission. I hope that there will be no further controversy or debate on the subject.

Shri Tyagi (Uttar Pradesh) : I have not been accommodated. I agree with the amendments, but my points have not been accommodated and my amendment has not been accepted. Therefore, it was not 'unanimous'.

Mr. Speaker : Whatever the reasons, the conclusion seems to be unanimous. I shall put the consideration motion to the House and then we can take the Bill clause by clause. I must congratulate the Members on the very happy end that has been brought about. The question is :

"That the Bill to provide for the allocation of seats in, and the delimitation of constituencies for the purpose of elections to, the House of the People and the Legislatures of States, the qualifications of voters at such elections, the preparation of electoral rolls, and matters connected therewith, be taken into consideration."

The motion was adopted.

Mr. Speaker : We may now proceed with the Bill clause by clause.

Dr. Ambedkar : There is an amendment to clause 13 and I would therefore like that clause to be held over because the amendment is being typed.

Mr. Speaker : All right, I take it generally that the previous amendments tabled by hon. Members are all scrapped.

* **Dr. Tek Chand** (Punjab) : Unfortunately we have not seen the wording of the amendments in respect of what we decided in the morning. There was only a general talk. And with regard to some of the clauses, for instance with regard to clause 6, there is still a great deal of controversy and there is no unanimity.

Dr. Ambedkar : There is no controversy.

Mr. Speaker : I do not at all want to exclude any amendment tabled. I was trying to clarify the position so that if there are no amendments I shall take those clauses together.

Dr. Tek Chand : What are the new amendments ? Let us see them. Nobody has seen them. Without seeing them how can we pass them?

Dr. Ambedkar : I will read them.

Mr. Speaker : Has the hon. Member, Dr. Tek Chand, any amendments to move?

Dr. Tek Chand : We have sent an amendment to clause 6.

Clauses 2 to 5

Mr. Speaker : Is any hon. Member desirous of moving any amendment to any of the clauses 2 to 5 ?

Some hon. Members : None.

Clauses 2 to 5 were added to the Bill.

***Shri Buragohain (Assam) :** May I submit before the Hon. Minister replies

Dr. Ambedkar : I do not want any suggestions.

Mr. Speaker : The better course will be to know the reactions of the Law Minister.

Shri Buragohain : Sir, the case of the Tribals of Assam stands on a different footing. I have to

Mr. Speaker : The better course will be to hear the Hon. Minister first. Do the hon. Members want me to place this amendment at this stage, or shall I place it later ? All right, I shall place it later.

Dr. Ambedkar : I regret very much that I cannot accept either of the amendments moved by Mr. Jain or by Mr. J. R. Kapoor. But, I do want to remove any kind of suspicion that there might be in the mind of Mr. Jain or Mr. Kapoor or of any other Member of Parliament. It seems to me that they are under a misapprehension that by clause 6 Parliament is going to be completely deprived of the right to determine what should be the nature of the constituency : whether it should be single-member constituency or plural member constituency; what should be the method of voting,

* P. D., Vol. 4, Part II, 20th April 1950, p. 3062.

whether it should be distributive voting or one man one vote or cumulative voting or any other system. I have not the slightest intention to deprive Parliament of its right to have its determination upon that subject. In fact, as I said in my opening speech yesterday and according to the statement made yesterday by the Prime Minister, this Bill is not a complete Bill itself. This Bill is to be followed by another Bill which may be either called Conduct of Elections Bill or the Electoral Bill. In that Bill, matters relating to the constituencies, qualifications and disqualifications of candidates and matters relating to the voting system will be dealt with and it will be undoubtedly within the competence of Parliament to come to a decision when that Bill is placed before the House, as to what sort of system of constituency and voting they approve of. Therefore, there is no desire at all to oust the jurisdiction of Parliament at all. On the other hand, as my hon. friends will remember, I myself am anxious that at every stage in the delimitation of constituencies, Parliament should be associated. As they know, I am making a provision in clause 13 that not only will the order of delimitation be placed before Parliament as an information, but also I am going to move an amendment that Parliament should have the right to make suggestions and modifications as it likes provided it wishes to do so within a stated period of ten days or so. In addition to that, there is also going to be an amendment empowering the Speaker to appoint Committees of this House to be associated with the work of delimiting constituencies, the members to be drawn from that particular area. Having regard to the statement which I have made, I think it is clear that I have not the slightest desire to oust the jurisdiction of Parliament. I am providing for placing the Order of delimitation on the Table of the House with the right of the House to make any changes they may like and in addition there is a further provision that the Speaker will have the right to appoint Committees to be associated with the work of delimitation. I do not think that any Member have any doubt that we have the fullest desire to have Parliament's decision on this matter. The only thing is that this Bill