

happens to come first when, as a matter of fact, that Bill might have come first. The point is that clause 6 of this Bill which provides for delimitation will certainly not come into operation until that other Bill has been passed. It is obviously so, because, we are now, as you know, amending section 21 providing for a supplementary electoral roll which itself will take a pretty long time and give us sufficient opportunity to place that Bill before Parliament.

Shri Sondhi : Why not delete the clause when it is not to come into operation.

Dr. Ambedkar : It should not be deleted.

***Shri Kesava Rao (Madras) :** I have a little doubt regarding sub-clause (b) of clause 6. I am afraid the seats reserved for scheduled castes and scheduled tribes will be determined by the President after consultation with the Election Commission. I am doubtful that the total number reserved is not stated anywhere. Even in the Parliament and in the Constituent Assembly it was many times stated that the number should be fixed.

Dr. Ambedkar : It is there in the Constitution according to the population. All that is necessary is to know the population. As regards delimitation I have my own doubts

Mr. Speaker : Let not the hon. Member go into administrative details. All that the House can do is to decide the principles, leaving it to the authorities concerned to work them out in practice. But, I myself was feeling one doubt about Mr. A. P. Jain's amendment and what was said by Pandit Thakur Das Bhargava. I am not conversant with the discussions in the Constituent Assembly nor with the discussions at the informal meeting this morning. As I understand it, all that the Members are anxious about is that, before any constituencies are fixed or delimitation is effected, this House must have an opportunity of examining it and expressing its views on that; because, it is not possible to have all these

* P. D, Vol. 4, Part II, 20th April 1950, pp. 3064-65.

constituencies mentioned as an appendix or a schedule to an Act that the House might pass. As has been rightly pointed by Mr. Krishnamachari, all that the law is expected to do is to make a "provision" for such and such a thing. That does not necessarily mean that all the details must be settled here, in the House. The House may prescribe the legal machinery by which a certain thing can be done. My difficulty is that, I am not able fully to understand the point of view of those who object. The object of the House seems to be to have an opportunity to express its views. After all, any Bill that comes before the House even in the manner in which the hon. Member has suggested would be prepared by the executive and will come in a ready and cut and dried form. I see that Dr. Ambedkar proposes to move an amendment to clause 13, and hon. Members will note that according to that amendment, whatever is done by the President is subject to such modifications as the Parliament may make. It is, therefore, clear that whatever orders are passed are coming again before the House for its scrutiny and the Parliament will have a statutory right of suggesting modifications. It will not be a matter for which Government may or may not find time, according to their sweet will. If any modification is suggested by any Member, that modification must come before the House and Government must find time for it.

Dr. Ambedkar : If you will permit me, Sit, I am going a step further. The Parliament cannot merely do this postmortem, so to say, at the fag end but what I am saying is that I shall bring in a Bill in which all these matters will be dealt with by law and Parliament will have an opportunity to express its opinion upon it. It is a much greater opportunity that I am proposing. Not having considered this matter properly and thoroughly I am not in a position to commit myself one way or the other. But whatever the system of the electorate, whatever the basis of voting, whatever the qualifications or disqualifications of the candidates, all those matters will be dealt with by a Bill which Government will bring forward here long before the operation of clauses 5 and 6 will come about.....

Mr. Speaker : Apart from that I was also pointing out that the House having got the right

Dr. Ambedkar : That is in addition to what the House will do. I am doing something further than that. I am now introducing an amendment to clause 13 to enable you to appoint committees to work with the Election Commissioner in the matter of the determination of the constituencies. The further provision that I am making is this: that the constituencies as will be set out in the order will be as recommended by that Committee and not by the Election Commission. I am cutting out by an amendment the Election Commission. I am giving the Committee the direct authority to do it.

Shri Kamath (Madhya Pradesh) : Will the Committee be appointed or elected ?

Dr. Ambedkar : In such manner as the Speaker may determine.

Pandit Thakur Das Bhargava : It may be that the Committee and the Election Commission may decide in regard to each State differently and may not arrive at a common basis.

Dr. Ambedkar : As I said just now, I will bring in a Bill to determine these matters and when the Bill is passed, whatever law or whatever provision is made will be applied uniformly throughout India or differently in different States as Parliament chooses.

***Dr. Ambedkar :** I stand by the assurance that I have given that there will be a Bill. It will deal with both the aspects : (1) the nature of the constituencies—whether they are to be single-member or plural-member; and (2) what should be the system of voting. As I said, we shall also deal with the candidate, his qualifications and disqualifications. I have no desire in any way to take away the power of

* P. D., Vol. 4, Part II, 20th April 1950, pp. 3068-71.

Parliament and if I may say so with all respect, I disagree with my hon. friend Mr. Santhanam who said that this was a matter entirely to be relegated to the Election Commission. The Election Commission is there merely to control and supervise the elections, but the delimitation of constituencies is a matter for Parliament.

Mr. Speaker : Does Mr. Jain want me to put his amendment to the House ?

Shri A. P. Jain : I just want to say a few words.

Mr. Speaker : I think we have had enough discussion. It will be a wrong procedure if I allow a person to speak over and over again on the same amendment. If he wishes me to put his amendment before the House, I shall do so.

Shri A. P. Jain : No, Sir, I do not want it to be put to the vote of the House.

Shri J. R. Kapoor : In view of the assurance given by the Law Minister, I do not wish mine also to be placed before the House.

Dr. Ambedkar : Sir, I have an amendment to clause 6. I beg to move :

“In sub-clause (2), omit ‘after consulting the Election Commission’.”

So that the House will understand its significance, I shall read Clause 13. I have proposed an amendment to clause 13, which reads thus :

For existing clause, substitute :

“13, *Procedure for making orders under sections 6, 9 and 11.*—

- (1) As soon as may be after the commencement of this Act, there shall be set up by the Speaker—
 - (a) in respect of each Part A State and Part B State other than Jammu and Kashmir an Advisory Committee consisting of not less than three, and not more than seven Members of Parliament representing that State; and
 - (b) in respect of each Part C State other than Bilaspur, Coorg and the Andaman and Nicobar Islands, an Advisory Committee consisting of the Member or Members of Parliament representing that State.
- (2) The Election Commissions shall, in consultation with the Advisory Committee so set up in respect of each State, formulate

proposals as to the delimitation of constituencies in that State under sections 6, 9 and 11 or such of these sections as may be applicable and submit proposals to the President for making the orders under the said sections.

- (3) Every order made under section 6, section 9, section 11 or section 12 shall be laid before Parliament as soon as may be after it is made, and shall be subject to such modifications as Parliament may make within twenty days from the date on which the order is so laid."

Now, the responsibility of finally determining the constituencies is cast upon these Committees and consequently it is the recommendation of the Committees that will become operative. That being so, the old provision which required consultation with the Election Commission is unnecessary. That is why I am omitting those clauses.

Mr. Speaker : Amendment moved :

"In sub-clause (2), omit 'after consulting the Election Commission',"

Pandit Balkrishna Sharma (Uttar Pradesh) : On a point of clarification, Sir, the doubts raised by my hon. friend Pandit Thakur Das Bhargava that different Committees which the Hon. the Speaker may appoint consisting of three to seven Members may make different recommendations in regard to different States and therefore there may not be uniformity have not been answered. How is that contingency provided for?

Dr. Ambedkar : The reply is very simple. The work of the Committees both in respect of Parliamentary constituencies and State Legislature constituencies will be governed by the law which, as I said, Parliament would be making hereafter. So, they would not be acting independently.

Dr. Deshmukh (Madhya Pradesh) : Sir, when the Hon. the Law Minister moved to delete the words "Election Commission", I felt very happy. But unfortunately they are coming in again by way of amendment to clause 13. I am in a very co-operative mood today and am prepared to take the most sympathetic view of the whole situation, but I would urge that the Election Commission should be absolutely kept apart from the work of the delimitation of constituencies. This is a body which has come into existence as a result of the Constitution and its functions have been determined by article

324 of the Constitution. So, there should be some amendment to say that the President shall bring into being such bodies as may be necessary for the delimitation of constituencies. The main idea is that the Election Commission should be the last body which should have anything directly to do with the delimitation of constituencies.

Shri Kamath : In view of the fact that the work envisaged in this Bill has to be undertaken almost immediately, am I to understand that the purport of this amendment is to see that these Committees—Advisory or otherwise—will be constituted immediately ?

Dr. Ambedkar : No. As soon as the other work is ready, they will be constituted.

Mr. Speaker : Hon. Members will see that there must be set up some administrative machinery for making proposals, and that administrative machinery, so far as I see, is the Election Commission.

Dr. Ambedkar : Otherwise, how can Members of the House delimit a constituency ?

Mr. Speaker : I will invite the attention of the House to one thing more and that is this—that though the committees are advisory the amendment says “the Election Commission shall, in consultation with the advisory committees”, not after consultation. That is a big change. But whatever that may be, I put the amendment to the House. It has been sufficiently discussed.

Shri Syamnandan Sahaya : Sir, I just want to bring to your notice that after the President has determined the Parliament is supposed to alter it.

Dr. Ambedkar : I have said so many times that the President will not do anything except in accordance with the law which will be made. How many times am I to repeat it ?

Mr. Speaker : The question is :

“In sub-clause (2) omit ‘after consulting the Election Commission’,”

The motion was adopted,

(Clause 6, as amended, was added to the Bill.—*Ed.*).

***Clauses 7 and 8**

Clauses 7 and 8 were added to the Bill.

Clause 9

(Delimitation of Assembly Constituencies.)

Amendment made :

“Omit ‘after consulting the Election Commission’.”

—[*Dr. Ambedkar*]

Shri Tyagi : I beg to move :

Add the proviso :

“Provided that areas comprising a municipal board or a municipal corporation shall not be included in a constituency which comprises of rural areas.

Sir, since the time this Bill has come before this House I have been striving my best to see that the rights and privileges which have so far been enjoyed by the rural areas may not be taken away from them. For the last thirty years and more rural areas have been having their separate constituencies in the Legislative Assemblies of the various States.

Dr. Ambedkar : Sir, may I point out, in order to curtail discussion, that this is a matter which could more appropriately be dealt with in the Bill which will be coming up before the House. I do not think that this is a matter which is germane to this particular Bill.

Shri Tyagi : But then there would be no point in my bringing it up after the electoral rolls are prepared where rural areas are mixed up with urban areas.

In the case of other hon. Members’ amendments the Hon. Dr. Ambedkar has given some assurance that they will be considered—but mine he has been opposing all along. For the last two days I have been trying my best to convince him of my view-point; but he has not given me a sympathetic hearing.

Mr. Speaker : But this time he has shown sufficient sympathy by saying that the matter may be brought up at the time when the next Bill is taken up.

*** Clause 10**

Clause 10 was added to the Bill

Clause 11

(Delimitation of Council Constituencies)

Amendment made :

“Omit ‘after consulting the Election Commission’.”

—[*Dr. Ambedkar*]

Clause, as amended, was added to the Bill.

Clause 12

(Power to alter or amend orders)

Shri Syamnandan Sahaya : I cannot understand what is the necessity for this clause, because over and above all these Advisory Committees this gives the President power to alter the whole thing after consulting the Election Commission. I want to understand the position. It runs counter to what we agreed to.

Mr. Speaker : Perhaps, the idea is to vest the President with power to revise his own orders from time to time.

Dr. Ambedkar : Once the orders have been finalised by Parliament there will be no power to amend them.

Mr. Speaker : But are the words “after consulting the Election Commission” necessary ?

Dr. Ambedkar : That is before they have been finalised by Parliament.

Shri Syamnandan Sahaya : There will be this Advisory Committee. The Advisory Committee and the Election Commission will jointly send a particular proposal to the President. The President accepts it and passes orders under clauses 6, 9 or 11. After that the election goes on.

Dr. Ambedkar : After that the order is placed before Parliament. The recommendation is made by the Advisory Committee to the President. The President may make an

* P. D., Vol. 4, Part II, 20th April 1950, p. 3072-74.

order. After that the order is placed before Parliament. There is an interregnum. During the period if the President thinks that probably he has made an error he should have the power to alter or amend the order.

Mr. Speaker : So, this power will not extend to alteration after the House approves. Then it is final.

Clause was added to the Bill.

Clause 13

(Orders to be laid before Parliament)

Dr. Ambedkar : I beg to move :

For existing clause, substitute :

“13. *Procedure for making orders under sections 6, 9 and 11.*—

- (1) As soon as may be after the commencement of this Act, there shall be set up by the Speaker—
 - (a) in respect of each Part A State and Part B State other than Jammu and Kashmir, an Advisory Committee consisting of not less than three, and not more than seven, Members of Parliament representing that State ; and
 - (b) in respect of each Part C State other than Bilaspur, Coorg and the Andaman and Nicobar Islands, an Advisory Committee consisting of the Member or Members of Parliament representing that State.
- (2) The Election Commission shall, in consultation with the Advisory Committee so set up in respect of each State, formulate proposals as to the delimitation of constituencies in that State under sections 6, 9 and 11 or such of these sections as may be applicable and submit proposals to the President for making the Orders under the said sections.
- (3) Every Order made under section 6, section 9, section 11 or section 12 shall be laid before Parliament as soon as may be after it is made, and shall be subject to such modifications as Parliament may make within twenty days from the date on which the Order is so laid.”

Mr. Speaker : I have just one doubt in sub-clause (3). The wording is “and shall be subject to such modifications as Parliament may make within twenty days from the date on which the Order is so laid.” What is really intended, I think is that the motion for making amendments may be initiated within twenty days.

Dr. Ambedkar : It will be initiated long before so that the final order of Parliament shall be passed not after twenty days ; twenty days is the period that has been given. Government will no doubt initiate whatever changes are necessary.

Mr. Speaker : I do not know. I thought that it would be a rather difficult matter. It is just possible that the House may be engaged with important business and it may not pass the necessary order before twenty days.

Dr. Ambedkar : The House will then have to give precedence to this.

Mr. Speaker : What I was considering about this was that we might say “and shall be subject to such modifications as Parliament may make on a motion made within twenty days from the date on which the Order is so laid.”

Dr. Ambedkar : I am prepared to accept it.

An. hon. Member : Parliament may not be in session.

Mr. Speaker : Therefore, what I was suggesting to the Law Minister was that twenty days will be counted from the time of laying it when the House is in session and the only condition should be that a motion is made within twenty days.

* **Shri Ramalingam Chettiar** (Madras) : I have a little doubt as between clauses 12 and 13. Clause 12 says that the President may alter the order he has passed already. Clause 13 says that it may be modified by the Parliament. In the interval what is going to happen ? Is the order passed by the President to be effective or is it to be only provisional.

Dr. Ambedkar : It is provisional because the final authority is with Parliament.

Shri Ramalingam Chettiar : You do not say so. The section as it stands says that it is a final order subject to modification and not that it is a provisional order. The order becomes effective immediately it is passed. It may be modified by the Parliament afterwards.

* P. D., Vol. 4, Part II, 20th April 1950, pp. 3074-75.

Dr. Ambedkar : It is a provisional order in the sense that if Parliament does not afterwards modify, it takes effect. But the ultimate power of enactment so to say is left to Parliament.

Pandit Thakur Das Bhargava : The point raised by my hon. friend Mr. Kamath was that as a matter of fact according to the Constitution the Election Commissioner is invested with certain powers and these powers do not deal with the delimiting of constituencies. It is the privilege of the Parliament alone to delimit constituencies. Now the Election Commissioner is put in a much better situation than even the Committee. He will only consult it and he has the right to formulate the proposals.

Mr. Speaker : This is the same thing which was raised previously. When we discussed clause 6 the same point was raised and the position has been clarified already by the Hon. the Law Minister. Ultimately it is Parliament which is going to exercise this power.

Dr. Ambedkar : All these are preliminary stages. Even the President's order is a preliminary stage.

Mr. Speaker : The hon. Member will see in the amendment the words "formulate proposals as to the delimitation of constituencies". He is not given the power of determining. Another thing to remember is that, it is this Parliament that will deliberate and examine the proposals in respect of the delimitation.

* **Dr. Deshmukh :**You might lay down any procedure by which the committees will be elected. But there should be some element of election in so far as these persons are concerned. The Chair should not be saddled with the responsibility of creating a body which is going to determine the constituencies.

Mr. Speaker : May I know the reactions of the Hon. the Law Minister?

Dr. Ambedkar : I cannot accept any of these amendments.

Sardar B. S. Mann : What about my amendment Sir ?
What is the Hon'ble Minister's reaction ?

Dr. Ambedkar : I cannot accept it.

Sardar B. S. Mann : Then I do not move it.

Clause 20

(Meaning of 'Ordinary resident')

* **Dr. Ambedkar :** I beg to move:

After sub-clause (3), insert :

“(4) Any person holding any office in India declared by the President in consultation with the Election Commission to be an office to which the provisions of this sub-section apply, or any person who is employed under the Government of India in a post outside India, shall be deemed to be ordinarily resident during any period or on any date in the constituency in which, but for the holding of any such office or employment, he would have been ordinarily resident during that period or on that date.”

and renumber the subsequent sub-clauses.

In sub-clause (4), renumbered as sub-clause (5),—

(i) after “sub-section (3)”, insert “or sub-section (4)”; and

(ii) after “Armed Forces” insert “or but for his holding any such office or being employed in any such post as is referred to in sub-section (4).”

In sub-clause (5), renumbered as sub-clause (6),—

(i) after “sub-section (3)”, insert “or sub-section (4)”; and

(ii) for “sub-section (4)”, substitute “sub-section (5)”;

This amendment is made for the purpose of removing some doubts that were expressed with regard to the application of the term “ordinarily resident” which occurs in clause 20, in

* P. D., Vol. 4, Part II, 20th April 1950, pp. 3081-82.

its application to certain persons who may have temporarily left their places of ordinary residence and gone to stay somewhere else. It is felt necessary that such a provision ought to be inserted in this clause. This refers to persons who are sent outside India temporarily on official duty and in whose case it may be presumed that they have ceased to reside in the place of their ordinary residence. It is to prevent that kind of presumption being drawn in their case and to retain their right to be registered in the constituency in which they have been ordinarily residing that this provision is made.

Similarly, this provision is also intended to apply to the case of Ministers, for instance, at the Centre who, having regard to the fact that they have accepted certain offices under the State, presumably intend to stay here during the term of their office which might be co-terminus with the term of Parliament itself, namely five years. There again, it might be presumed that they have ceased to reside in the place where they have been ordinarily residing. It is to cover that case also that it is felt that some such provision is necessary.

It was also suggested to me that Members of Parliament as distinguished from office-holders, such as Ministers and so on, may be affected by the other presumption, namely that as they come here often they may also be deemed not to reside in the place where they are ordinarily resident. But on advice I feel that that presumption cannot be applied to them, for the reason that when a man temporarily for some specific reason leaves his ordinary place of residence and goes somewhere else, it cannot be presumed in law that he has abandoned his intention to revert to his original place of residence. Consequently, I don't think that that provision is necessary in the case of Members of Parliament. In the other two cases it seems that it may be necessary and as a measure of precaution I propose to introduce this amendment.

The motion was adopted:

Clause, as amended, was added to the Bill.

Clause 21

(Meaning of 'qualifying date' and 'qualifying period')

* **Dr. Ambedkar** : I beg to move :

For sub-clause (a), substitute :

“(a) in the case of electoral rolls first prepared under this Act, shall be the first day of March 1950, and the period beginning on the first day of April 1947 and ending on the thirty-first day of December 1949, respectively; and”

This is the result of the agreement that was reached this morning as regards the preparation of the electoral rolls and the qualifying period.

Clause 27

**** Dr. Ambedkar** : Sir, I thought that I had this morning explained to the hon. Member who initiated this debate why clause 17 was not applied, but evidently he was very keen that his objections should be heard by the whole House. I do not deny him that privilege.

Shri Ethirajulu Naidu : On a point of order, Sir, is it in order to refer to what transpired at the meeting in the morning ?

Dr. Ambedkar : Certainly ; there is nothing secret about it. The committee was constituted by the Speaker himself.

Mr. Deputy Speaker : There is nothing secret about it. It is in order.

Dr. Ambedkar : Now, Sir, the point is this. No doubt we have initiated in clause 17 of the Bill a very important principle, namely, that one man shall be registered in one constituency and that he shall have one vote, but it must always be understood that the principle can be made applicable only in the case of constituencies of the same class, that is to say, territorial constituencies. Now, the constituencies which we propose to form under clause 27 of this Bill are different classes of constituencies. They are not constituencies of the same class. A graduate constituency is a

*P. D., Vol. 4, Part II, 20th April 1950, pp. 3082.

***Ibid.*, pp. 3084-87.

constituency of a different class. A teachers' constituency is a constituency of a different class. Similarly, the local authorities' constituency is a different class of constituency. Consequently, there does not seem to be any very great anomaly if the name of a person is included in the electoral rolls of different classes of constituencies. Besides, I am really bound to say this : I cannot understand why Members of Parliament are so much exercised over the constitution of the Upper Chamber.

It is an utterly effected body—not even an ornamental one. It has no power—not even power of revision. It is not a body with co-equal authority with the Lower Chamber.

5-00 P.M. Some provinces desired that they should have them. They were probably under the impression that their Second Chamber would be a Second Chamber more or less on the same pattern of the Chamber here, which would have the authority to hold up, if not financial legislation, at least ordinary legislation. But even that power is not there and I do not understand why Members of Parliament, even for the sake of merely maintaining some theoretical principle bother their head about a constitutional body which I say is of no value and no consequence.

Clause 27 was added to the Bill.

Clauses 28 and 29

Dr. Ambedkar : I had assured my friend Pandit Thakur Das Bhargava that I would make a statement on the point in which he is interested and I do now say that we shall take every care to see that the existing electoral rolls are revised and any omissions or additions that are necessary will be made.

Clauses 28 and 29 were added to the Bill.

New Clause 30

Dr. Ambedkar : I beg to move :

After clause 29, add :

“30. *Jurisdiction of civil courts barred.*—No civil court shall have jurisdiction—

- (a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in a electoral roll for a constituency; or

- (b) to question the legality of any action taken by or under the authority of an Electoral Registration Officer, or of any decision given by any authority appointed under the Act for the revision of any such roll.”

This is a usual clause and was omitted inadvertently.

The motion was adopted.

New clause 30 was added to the Bill.

Schedules

Dr. Ambedkar : I beg to move :

- (i) In the First schedule,—

- (a) for the entries under the heading “Part C States” substitute :

“1. Ajmer	...	2
2. Bhopal	...	2
3. Bilaspur	...	1
4. Coorg	...	1
5. Delhi	...	4
6. Himachal Pradesh	...	3
7. Kutch	...	2
8. Manipur	...	2
9. Tripura	...	2
10. Vindhya Pradesh	...	6
11. Andaman and Nicobar Islands .	...	1”

- (b) against “Total”, for “488” substitute “496”.

- (ii) In the Second Schedule, in column 2, for existing entries, substitute :

“108
339
315
232
375
140
126
430
238
175
99
99
60
160
60
108”

(iii) In the Third Schedule, in column 2 to 7, against “Bihar”, “Bombay”, “Madras” and “Uttar Pradesh”, for existing entries, substitute :

“72
24
6
6
24
12”

(iv) For the Fourth Schedule, substitute:

“THE FOURTH SCHEDULE

[See section 27(2)]

*Local Authorities for purposes of elections to
Legislative Councils*

BIHAR

1. Municipalities.
2. District Boards.
3. Cantonment Boards.
4. Notified Area Committees.
5. The Patna Administration Committee.

BOMBAY

1. Municipalities.
2. District Local Boards.
3. Cantonment Boards.

MADRAS

1. Municipalities.
2. District Boards.
3. Cantonment Boards.

4. Major Panchayats, that is to say, Panchayats notified by the State Government in the *Official Gazette* Panchayats which exercise jurisdiction over an area containing a population of not less than five thousand and whose income for the financial year immediately preceding the date of the notification was not less than ten thousand rupees.

PUNJAB

1. Municipalities.
2. District Boards.
3. Cantonment Boards.
4. Small Town Committees.
5. Notified Area Committees.

UTTAR PRADESH

1. Municipalities.
2. District Boards.
3. Cantonment Boards.
4. Town Area Committees.
5. Notified Area Committees.

WEST BENGAL

1. Municipalities.
2. District Boards.
3. Cantonment Boards.
4. Local Boards.

MYSORE

1. Municipalities.
2. District Boards.”

Mr. Deputy Speaker: Amendments moved.

* **Mr. Deputy Speaker:** May I suggest one course ? Those who are satisfied with the number of seats allotted need not speak. We have got another Bill. Other hon. Members who have got any representation to make may make their points.

Shri Deshbandhu Gupta: I want to say a few words.

Dr. Ambedkar: You have got four seats all right.

Shri Gautam (Uttar Pradesh): I do not want to take much time of the House. I rise to oppose the amendment moved by Shri Jaspat Roy Kapoor. I want to say that we the people of U.P. and the Government of U.P. are satisfied with the number 72 so far as the Upper House is concerned. We do not want any more and—

Shri J. B. Kapoor: Does the hon. Member claim to be the sole representative of the U.P. both of Government and the people ?

Shri Gautam : I know the mind of the Government and I am in a position to say that I know the mind of the people. I can claim that I represent the Congress organisation as a General Secretary and I can say that I do represent some people, at least, him.

* D. Vol. 4, Part 11, 20th April 1950, pp. 3092-93.

Shri Syamnandan Sahaya: That is Jaspat Roy Kapoor ?

Shri Gautam: If he is a Congress-man.

Shri Tyagi: I am an Ex-General Secretary.

Shri Gautam: Dr. Ambedkar has no personal axe of his own to grind. He is not interested in the U.P. At the request of some of us, he has reduced the number. He is neither in favour of 72 nor of 86. It is we who requested him and he has accepted our request. We are obliged to him for that. Therefore I oppose the amendment moved by Mr. Jaspat Roy Kapoor.

***Dr. Ambedkar :** Sir, I do not think I can at this late stage enter into any elaborate arguments with regard to the various matters, constitutional or otherwise, which have been raised. I do not think we have violated the Constitution as my friend Mr. T. T. Krishnamachari supposes in giving the allotted seats mentioned in the First Schedule to Part C States. We are perfectly within our constitutional rights in allotting the seats in this schedule. With regard to the amendment of the Third Schedule my friend Pandit Kunzru would have seen that it is only in one case as a matter of fact that the total number is reduced and that is with regard to Uttar Pradesh.

Mr. Deputy Speaker: Madras also.

Dr. Ambedkar: I was coming to it. I am taking Uttar Pradesh for my observation. There I am confronted with the fact that the State Government is very chary of increasing the size of the Upper Chamber and sitting as we are at Delhi, I do not like to sit in judgment over the decision of the State Government as to what is the suitable number for their Upper Chamber. They have thought that 72 is the proper and sufficient number for their Upper Chamber and it is on that basis that I have reduced 86 to 72. With regard to the changes made in the total number of Bihar, Bombay and Madras, I might say that the proposition enunciated by Mr. Tyagi today in the informal meeting that the total number should be divisible by 12 did appeal to me and it is for that reason that

* P. D., Vol. 4, Part II, 20th April 1950, p. 3095-96.

I have fixed 72 in the case of Bihar, Bombay and Madras. It will be noticed that my amendment as a matter of fact while it decreases the total number for Madras by only 3, increase the quota for Bihar and Bombay. There could therefore be no complaint on that account. I was sorry to see that I could not apply the same principle to Punjab because it has only got a minimum.

With regard to Bengal, it was felt that if the principle was applied *viz.*, divisible by 12, the number would go down from 51 to 48 and it was felt that Bengal was a big enough State to have at least 51 and I have therefore not touched the figure of these two States. In other cases my friend Mr. Tyagi will see that I have really yielded to his principle.

With regard to the question of extending the Fourth Schedule to Village *Panchayats* or the Headmen of the *Panchayats*, I am sorry to say that I am not able to accept that suggestion for the simple reason that it is felt, I am sure, in large sections of this House that to include Village *Panchayats* as bodies who would have the right to send their representatives would merely be the duplication of the same electorate because in view of the fact that we are going to have adult suffrage, practically every member of the Village *Panchayat* would also have a vote in the election of the Lower House of that State and therefore it would be a needless duplication and I am not therefore prepared to accept his suggestion.

Shri Barman (West Bengal): What about the Members of the Municipalities and District Boards ?

Dr. Ambedkar: They might be, I cannot help it but to extend it to *Panchayats* would be a complete duplication of the votes—a sort of double voting—and I am not prepared to accept it. I do not know whether there is any other point. For Madras it is only a reduction of 3.

With regard to Delhi, whatever my friend may say, I have no doubt about it that the House has been more than generous.

Shri Syamnandan Sahaya: He himself is more than happy.

Dr. Ambedkar: It is not only being correct but very considerate.

Syed Nausherali: What about the Union Boards ?

Dr. Ambedkar: I quite see that the opinion of the Bengal Government and the view expressed by my two hon. friends today seem to differ. Some say the local board entry which has been suggested by the West Bengal Government should be retained and my two friends stated that it ought to be deleted and the entry of Union Boards should be there.

Syed Nausherali: Both may be there.

Dr. Ambedkar: I shall have to make some enquiries on this point. If I find that it is necessary to make a change it would not be difficult to bring in a small amendment to make the change. For the moment I must act upon advice which I think is reliable.

Shri J. R. Kapoor: What are the special reasons for increasing the number of seats of Bombay State from 66 to 72, when the next divisible number by 12 is 60.

Dr. Ambedkar: It is not a very wide difference. There is nothing sacred about one number or the other. All I want is divisibility by 12.

Mr. Deputy Speaker: Bombay is a composite Province consisting of Gujaratis, Marathis and Karnataks.

(The First, Second, Third and Fourth Schedules as amended were added to the Bill.)

Clause 1 was added to the Bill.

(The motion moved by Dr. Ambedkar was adopted).

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