

(20)

***QUALIFICATIONS FOR ELECTIONS TO
PARLIAMENT AND
LEGISLATURE OF STATES**

Shri Sarwate (Madhya Bharat): Before you proceed further with the amendments would you not like, Sir, to call upon Dr. Ambedkar and enquire whether he would like to make any statement on the suggestion which Prof. K.T. Shah has made?

Mr. Speaker : I do not think it was necessary for me to call upon him. If he had tried to catch my eye, certainly I would have called him.

The Minister of Law (Dr. Ambedkar) : I do not want my friend Prof. K.T. Shah to feel that I have not sufficient respect for him by not speaking on his motion and if you will, Sir, permit me at this stage I would like to say a few words.

Mr. Speaker, I must confess that when I got the text of the Resolution moved by Prof. Shah I was considerably puzzled, because I felt that in a Resolution of this sort there should not merely be words indicating to Government that there exists in the Constitution a certain article which permitted them to legislate on it but should have also included in it specific suggestions as to what the Government should do in a legislation of this sort. As I said, I was considerably puzzled and therefore it was very difficult for me to come to any definite conclusion as to the attitude I should adopt with regard to this Resolution. I now see that the object of Prof. Shah in framing the Resolution in the terms in which he has framed it was really deliberate. He wanted the House to give him some idea as to what should be incorporated in a legislation under sub-clause (c) of the relevant article in the Constitution. Well, I have no objection to a procedure of

this sort but I should have thought that if Prof. Shah was so keen as he appeared to be for a legislation of this sort, he should not have had an empty mind without any kind of a suggestion of his own. However, I suppose those who have supported his resolution have correctly interpreted his mind and taking into account the various speeches that have been made in support of Prof. Shah's Resolution, it appears that many Members who are keen about adding some qualification other than those mentioned in the Constitution have in their mind some kind of an educational qualification. But none of them has been very precise : none of them has given me any idea as to what is the standard of education that they would like to prescribe in order that the candidate may become lawfully entitled to stand.

Now it seems to me that education can hardly be the sole qualification for membership of this House. If I may use the words of Buddha, he said that man requires two things. One is *Gyan* and the other is *Sheel*. *Gyan* without *Sheel* is very dangerous: it must be accompanied by *Sheel*, by which we mean character, moral courage, ability to be independent of any kind of temptation, truthful to one's ideals. I did not find any reference to the second qualification in the speeches I have heard from Members who have supported Prof. Shah, But even though I myself am very keen to see that no Member enters this August Assembly, who does not possess *Sheel* in adequate degree, I find it extremely difficult to find any means or methods to ensure that valuable qualification.

Coming to the question of education, I do not wish to be understood that I regard ignorance to be a virtue: let that be quite clear. I regard education to be a very necessary qualification for possessing that degree of competence which is very necessary for the performance of one's duty. In this House there are people who, although they are not educated, are very competent to voice the grievances of the class whom they represent. I am sure about it. A more educated person would not be able to discharge that function, because he does not know and does not have that experience. But my friends who come from these classes and with whom I have naturally very great sympathy do not realise that what is more

necessary for bringing relief to the class of people whom they represent is not merely making speeches in this House but to suggest remedies for the removal of their grievances. To make speeches and to ventilate grievances is a very easy matter but to formulate remedies is a very difficult matter. It requires education and therefore education even from the standpoint of the backward classes, scheduled classes or tribal areas is a very necessary ingredient. How can we ensure it ? When I examined the suggestion that there ought to be some kind of educational qualification, I found that a proposition which is very good in theory or in its academic aspect cannot be given effect to without producing other evils. That is my difficulty. Where will you fix the standard? Will you say that only B.As. should be qualified to be Members of this House ? Supposing you do that, what is the result ? Members probably might know that there are many people who are educationally and intellectually far more competent than any graduate, although they have never been inside any college or university. There are any number of them. Are you going to shut out these people who have privately educated themselves, who are equally competent or better than B.As. or M.As., merely because they have not been able to obtain a certificate from a university ? I think that would be a very unfortunate result.

Take another consequence. In this country education is in the lowest grade. Not only that is so but for some reason which all of us know, education has not been universally spread among all the communities in this country. There are communities which are highly educated and there are communities where education is very, very low. Supposing you make B.A. or even matriculation as a standard, are you not making the membership of this House to be a monopoly of the few ? I fear that will be the consequence, Supposing you lower down your standard, say, for instance, to the fourth standard, to the study of the three Rs. or to literacy in order that no community may be excluded from the opportunity of sending its members to this House. Is That qualification any good? It is of no value at all.

Therefore, my submission is this, that it is a good thing. I am not going to outcry the feeling that there ought to be

some education in Members who come to represent their various constituencies in this House. But I just cannot see how you can give legal effect to it. Therefore, my suggestion is that this is a matter which had better be left to the people themselves, or to the political parties who will run the Government. I have no doubt about it that if the political parties, for their own particular purposes, do not attend to this matter, people themselves in course of time will attend to it. People are not going to allow persons who cannot discharge their functions properly in this House to be continued and returned for ever. They want results, They want their welfare to be attended to, and I am sure about it that they will realise that the only instrumentality through which they can achieve this purpose is to send good men to this House. Therefore, I think the proper course is to leave the matter to the people.

Now, Sir, my friend Prof. K. T. Shah in a somewhat desperate mood said that he knew the fate of this Resolution. That was because not that his Resolution was bad on merits but because he was the Mover of it. I like to assure my friend Prof. K. T. Shah that I have no such personal prejudice against him, and certainly I am not the man to reject a Resolution moved by a person because I happened to disagree with him or happened to dislike him. There are many people in this House who have personal prejudices—probably personal antagonisms—between themselves, but I am sure about it that no Member is going to allow these prejudices to stand in the way of doing the work which this House is always engaged in doing. Therefore, I hope that he will not carry such views in his heart when he finds me opposing his Resolution.

Sir, I do not think that any purpose would be served by forming a Committee because, as I find, nothing workable has emerged from the debate. If I had found that any concrete suggestion had emerged from the debate which it was possible to give effect to in terms of law, I certainly would not have hesitated to accept that recommendation. My friend Prof. K. T. Shah said that he did not despair at this stage of finding a formula which he might give legal effect to. I was waiting to hear from him further some concrete suggestion and the method by which he would give

it a legal form, but he abruptly ended by saying that he did not despair of it, without throwing any light as to how the matter could be dealt with. Of course, this matter I know will be agitated on the Motion which I hope I shall be able to make during this session for the consideration of the People's Representation Bill, because it is there that this matter is being specifically put before the House, namely, the qualifications and disqualifications. And no matter what the desire of my friend Dr. Panjabrao Deshmukh may be, nothing can take away the liberty of the House to reagitate this question in the form of an amendment when the Bill comes. For the moment, I am afraid I cannot accept this Resolution.

Mr. Speaker : I was just placing before the House the amendments.

Shri Klamath (Madhya Pradesh): Sir, as the question is coming up before the House later in the Session, I beg leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Speaker : Then there is an amendment moved by Shri S. N. Mishra. The question is:

That before the word "qualifications" the words "minimum educational" be inserted.

The motion was negatived.

Mr. Speaker: Then as regards the Resolution. The question is :

"This House is do opinion that qualifications be laid down for membership of Parliament and Legislatures of States in the Union of India and that necessary steps be taken forthwith to give effect to them before the next election."

The motion was negatived.

(21)

***COOCH-BEHAR (ASSIMILATION OF LAWS) BILL**

The Minister of Law (Dr. Ambedkar) : I beg to move for leave to introduce a Bill to assimilate certain laws in force in Cooch-Behar to the laws in force in the rest of West Bengal.

Mr. Speaker : The question is :

“That leave be granted to introduce a Bill to assimilate certain laws in force in Cooch-Behar to the laws in force in the rest of West-Bengal.”

The motion was adopted.

Dr. Ambedkar : I introduce the Bill.

**** The Minister of Law (Dr. Ambedkar) :** I beg to move :

“That the Bill to assimilate certain laws in force in Cooch-Behar to the laws in force in the rest of West Bengal, be taken into consideration.”

This is a very simple and short Bill, but having regard to the experience which we have had in the last whole week, I hope that I will be fortunate enough to get this Bill through before the House rises this evening.

Sir, the object of the Bill is to extend certain central laws relating to matters lying in List I and II to Cooch-Behar. The Bill proposes to give the Central Government power to appoint a day by notification in the Gazette as to when these laws will come into operation. There is only one exception to these laws, and that is with regard to the Muslim *shariat* law. With regard to that, power is given to the West Bengal Government to appoint the day so that on the day appointed by it the Muslim *shariat* law will come into operation. This Bill would have been unnecessary had Cooch-Behar become a merged State before 1949, because the House will remember that by

*P. D., Vol. 5, Part II, 4th August 1950, pp. 291-292.

**P. D., Vol. 6, Part II, 1st December 1950, p. 1147.

Act LIX of 1949 which was passed, I believe, in the December Session of the Assembly, the whole lot of Central laws were made applicable to all merged States, but unfortunately at that time Cooch-Behar had not become a merged State. The order merging Cooch-Behar in West Bengal was issued by the President some time in January 1950, with the result that this Supplementary Bill, so to say, became necessary. I do not think that there is any clause which requires any further explanation.

The motion of Dr. Ambedkar was adopted.

Clauses 1 to 4, were added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Dr. Ambedkar : Sir, I move:

“That the Bill be passed.”

Mr. Chairman : The question is :

“That the Bill be passed.”

The motion was adopted.

(22)

*** INDIAN TARIFF (FOURTH AMENDMENT) BILL**

The Minister of Law (Dr. Ambedkar) : I am very much surprised that a point like this should have been raised by my hon. friend, Mr. Tyagi, who always in the House has said that he represents the most ignorant class in this country. It is a point which I think baffled many lawyers and I should have thought it was worthwhile for my friend to have left this matter in other hands. Now that the point is raised and you have expressed your own opinion that a point like this is important and must be decided, I propose to offer a few remarks on the subject. While I was listening to Mr. Tyagi's remarks, I thought he was confusing two different issues which must be kept quite separate. One is whether Parliament can delegate its authority. The second is whether Parliament should. The two are, in my judgment, quite different questions. We must apply very different considerations in coming to a conclusion on either one of them.

I will take the first question whether Parliament can delegate.

Shri J. R. Kapoor (Uttar Pradesh) : That is the only question.

Shri Tyagi : No.

Dr. Ambedkar : No. On that subject, so far as I am concerned, I have not the least doubt that Parliament can delegate its authority to other agencies subject to one condition and that condition is this that Parliament does not by such delegation completely divest itself of the authority to resume back the powers which it has delegated. A delegation for a purpose, a delegation for a time, and a delegation which permits Parliament to resume back their

* P. D., Vol. 6, Part II, 4th December 1950, pp. 1171-76.

authority is really no delegation at all, and therefore, Parliament is quite competent to enact a measure which conforms to this particular test. I think I cannot do better than read from a judgment of the High Court of Australia which deals with this matter. I will, of course, later on specifically cite an authority on this very point raised by the Bill. The case is *Meakes Vs. Dignan*, 46 Commonwealth Law Reports, page 117. This is what Mr. Justice Evat says :

“The Statesmen and Lawyers concerned in the framing of the Australian Constitution, when they treated of ‘legislative power’ in relation to the self-governing colonies, had in view an authority which over a limited area or subject-matter, resembled that of the British Parliament. Such authority always extended beyond the issue by Parliament itself of binding commands. Parliament could also authorise the issue of such commands by any person or authority which it chose to select or create. “Legislative power” connoted the power to deposit or delegate legislative power because this was implied in the idea of parliamentary sovereignty itself. It was of course always understood that the power of the delegate or depository could be withdrawn by the Parliament that had created it, and in this sense Parliament had to preserve ‘its own capacity intact’.”

I can read many passages : but I do not wish to trouble the House. In deciding the question whether Parliament can lawfully delegate, the test to be applied is this : whether Parliament has kept its capacity intact to withdraw the authority which it has deposed in somebody else. Therefore, the question that has to be considered so far as the first question is concerned, whether Parliament can delegate, is to examine the causes in order to find out whether the test that has been laid down is fulfilled or not, whether there is anything in this Bill which prevents Parliament from resuming that authority. That is one point.

Now, on this very question I am glad to say that there is a ruling of the Privy Council reported in House of Lords, Appeal Cases, Volume 10, on page 282. The case is exactly on a par with the present one. There, the legislature of one of the Commonwealth countries passed a law permitting the Governor, which of course means the Executive, to levy a customs duty on certain articles which were not mentioned in the schedule attached to the Customs Act, some new article or similar article.

Shri Sondhi (Punjab) : Was it a fixed rate or a varying one? That is the only point.

Mr. Speaker : Let him proceed.

Dr. Ambedkar : No, that is not the point. Here, by this law, we are empowering the Executive to levy a customs duty on an article,—I am not concerned with the amount or its variability: an article which is not found in the schedule. That is the position. Here, the case is exactly on all fours. The Supreme Court of that country held that the law was *ultra vires* because it was a delegation. The Privy Council reversed the decision, and I shall read only one small passage from the judgment of the Privy Council on page 291. This is what the Privy Council said :

“ It is argued that the tax in question has been imposed by the Governor and not by the legislature, who alone had the power to impose it. But the duties levied under the Order in Council are really levied by the authority of the Act under which the Order is issued. The Legislature has not parted with its perfect control over the Governor and has power at any moment to withdraw or alternate the power which they have entrusted to him. Under these circumstances, their Lordships are of opinion that the judgment of the Supreme Court was wrong in declaring section 133 of the Customs Regulation Act of 1879 to be beyond the power of the legislature.”

Pandit Balkrishna Sharma : May I submit, Sir.....

Mr. Speaker : Let us hear him patiently. If there is anything to say, I shall hear the hon. Member.

Dr. S. P. Mookerjee (West Bengal): Which country is that?

Dr. Ambedkar : Some colony in Australia. If my hon. friend is anxious, I shall give it.

Shri Tyagi : It may be too small a country.

Dr. Ambedkar : The law is never small or big. Law is law. It is New South Wales.

Thus, so far as the first question is concerned, whether Parliament can delegate, my submission is this. So far as this condition is observed, namely that Parliament has kept within its hands the power to withdraw any such delegation, there can be no legal objection.

Before I proceed to the other point, I should like to say that I cannot see how this House is competent to decide that question. Surely, this is not a point of order' A point of order relates to rules of business. We are dealing here with the competency of the House. Supposing, Sir, this House or you decide that this was *ultra vires*, and notwithstanding that, Parliament proceeded to make the law, and the matter went to the Supreme Court, and the Supreme Court decided that the Act was *intra vires*, what a difficult situation would arise? Or supposing we proceed to deal with the point on the belief that it was *intra vires*, the matter went to the Supreme Court and the Supreme Court decided that it was *ultra vires*, we would be creating a great difficulty for ourselves. What I would like to say is this. All this attempt to raise questions regarding competency is really an attempt to convert this Parliament into a court. It is not a court. It is much better that justiciable matters had better be left to the Supreme Court to decide and we proceed on our understanding that whatever we are doing is within the competence of Parliament. Therefore, my submission is that this is not a point of order at all and should not be treated as such.

Then, I come to the other question whether Parliament should delegate. That is a matter which is entirely within the competence of this House : entirely, I
3-00 P.M. make no reservation whatsoever. If in certain circumstances Parliament thinks that it should not delegate, well, Parliament should insist that it will not delegate, and that the matter shall be dealt with by Parliament itself. In certain circumstances, such as an emergency and so on, when Parliament cannot meet, and when executive action must be speedy, Parliament will, no doubt, consider it, and it may be that circumstances are such that a certain amount of delegation may be permitted. Therefore, this Bill has to be considered from this point of view. The second question is whether we should or we should not delegate. My friend Mr. Tyagi referred to Campion and referred to the opinion given by Mr. Campion on the question of taxation. I have no doubt in my mind that that is the correct attitude which Parliament should adopt in the matter of taxation. The power to tax is

a very important power. It is really the one and only power which Parliament possesses to control the Government and to order the Government; and if Parliament were to give its permanent power of raising revenue to the Executive, the Executive would not care two hoots for Parliament. It is, therefore, very desirable that Parliament should keep within its own hands this power. The British Parliament keeps the Executive under control, if I have understood it correctly, in two ways. They have certain important Acts which are only Annual Acts, for which they never have permanent Acts. For instance the Army Act in England is an Annual Act. Every year, the Executive has to come before Parliament in order to get that Act renewed; and if they do not renew it, the whole army will have to be disbanded, because there will be no law governing it. The other measure by which the British Parliament controls the Executive is by reserving for annual levy, certain taxes, for instance, income-tax which forms a very large part of the resources of the British Government, and also of our Government. Therefore, there can be no quarrel on the question that Parliament should be very chary, very tardy, of handing over powers of taxation to the executive. It is perfectly open to Mr. Tyagi to say that in this matter delegation should not be made, or some other view may be taken. But so far as competency is concerned, I am afraid, he is out of court. After this matter was brought to our notice, I also came to the conclusion that, probably, from the point of view of financial propriety, from the point of view of maintaining the supremacy of Parliament, it was desirable to make some amendments in the clauses as they stood in the original Bill. I do not know whether I have got the thing with me now; but I am satisfied that there are two new provisions in the new amendments. One is this that the power to levy customs duty on articles not specified is only for a short period, up to the Budget Session, not indefinitely, for all times. Whenever the Budget Session comes, any customs duty levied by the Executive under this Bill will automatically lapse, and the matter will then be dealt with by Parliament, as Parliament deals with any other financial measure. I should have thought that that was a great improvement in

the Bill as it stands, and Parliament should not have any quarrel about proposing a legislation of this sort.

***Pandit Thakur Das Bhargava :**After all this we must revert to our own Constitution to decide the point. As far as our Constitution is concerned this House is not competent to delegate any such authority to the Ministers.

Dr. Ambedkar : There is no bar; we have plenary powers.

Shri Santhanam : Will the hon. Member read article 286?

Mr. Speaker : Matters would be shortened if the hon. Member is allowed to proceed with his argument in his own way. Let us hear him first.

Pandit Thakur Das Bhargava : At this moment we need not be wedded to any theory. I am not wedded to any theory. I only place these facts for your consideration, so that you may consider them before coming to a final decision.....

(23)

**SOCIETIES REGISTRATION
(AMENDMENT) BILL**

***Shri Sidhva** (Madhya Pradesh) : My Bill refers to amendment of the Societies Registration Act, 1860. This is a very simple Bill.

The Minister of Law (Dr. Ambedkar) : May I, with your permission, make a statement on the Bill, so that my friend Mr. Sidhva may be in a position to determine the course that he should follow?

Last time when the Bill was before the House I promised that I would enquire from the various States as to what they thought about Mr. Sidhva's measure and that I would communicate to Mr. Sidhva as well as to the House the replies received from the various States. Now the position is this.

So far as Part A States are concerned, they are desirous that the improvement suggested by Mr. Sidhva should be made, but they have made this reservation that they would like to initiate legislation themselves. The Government of India, on a further consideration, do not think that, in view of the wishes expressed by the Governments of the Part A States, they should themselves undertake all-India legislation. They do not think that this is a matter of such character as to require common uniform legislation throughout India. They are prepared to, leave the matter to the different States. So far as Governments are concerned, Part A States must be excluded from this Bill.

In regard to Part B States, they have no such law and consequently the Government of India did not consult them. The standing rule which the Government of India observe in the matter of initiating legislation falling within the Concurrent List is of a very longstanding character, namely, that they shall not undertake legislation without the consent

* P. D., Vol. 7, Part II, 12th December 1950, pp. 1560-65.

of those States. Therefore, what remains for us to operate upon is States in Part C. Therefore, if Mr. Sidhva wishes to proceed with this Bill he must agree to confine this particular measure to Part C States. That is one limitation which I am afraid we shall have to insist upon.

Then, the other thing that I find is this, that Mr. Sidhva's Bill will require considerable amendment—almost every clause of the Bill requires amendment. As I said last time, I am myself in favour of the legislation and I do not wish to obstruct it in any way. In fact, I have here before me drafted such amendments as I think are necessary to make in this Bill. I am quite prepared to pass on those amendments to Mr. Sidhva so that he may himself move them and take the credit for initiating this legislation.

Therefore, my suggestion to Mr. Sidhva was this that he might move for the postponement of the consideration of the Bill to the next session, have these amendments from me, give notice of the amendments himself, and, next time when the Bill comes up, move them. And I promise that I shall accept the amendments that I myself am suggesting, if that course is agreeable to him.

Shri Tyagi (Uttar Pradesh) : It is not a very great promise.

Dr. Ambedkar : As I said, I am committing myself to the acceptance of these amendments, so that the Bill may not have the defects which we certainly find it is full of now. It is for Mr. Sidhva to decide what course he would follow. I thought I might help him by this statement.

Shri Sidhva : I was glad to hear the statement of my Hon. friend the Law Minister. What I was suggesting was that my Bill was a very simple Bill, namely, an addition to Section 4 of the Societies Registration Act. As the Law Minister has rightly stated, the Part A States have sent their opinions favouring the adoption of my Bill, but they said that they would themselves like to initiate in making the legislation. I hope that Dr. Ambedkar would be good enough to accept my suggestion. We do not want to wait any longer to

see that the fraudulent procedure that is being practised by various societies is continued. Now that the Hon. Law Minister has accepted the provisions of the Bill, there is no difficulty. The question is only of time and I hope the Law Minister will accept my suggestion.

I therefore beg to move :

“That the Bill further to amend the Societies Registration Act, 1860, be taken into consideration.”

Dr. Ambedkar : I am sorry. I think my hon. friend Mr. Sidhva has misunderstood me. He is probably under the impression that while accepting his Bill as it stands, I am seeking to amend some other provisions of the original Act. That is not so. I am amending his amendments because I find it impossible to accept the Bill as drafted by him without the amendments that I am suggesting. Therefore, as I said, I have not the least objection for the Bill going through provided the amendments I am suggesting are made in the Bill of Mr. Sidhva. Here are the amendments I am prepared to hand over the papers to Mr. Sidhva, but of course, there has been no notice of these amendments and I do not know what view the House will take, but as I said, he can take the amendments, give notice of them and have the matter discussed.

Mr. Speaker : I was just thinking as to whether—I am not clear yet—whether we could get a priority in respect of this Bill on the assumption that the consideration motion is moved and then have the further consideration postponed.

Dr. Ambedkar : That may be done.

Mr. Speaker : Perhaps he will be coming in ballot. The only difficulty is that he loses the priority.

Dr. Ambedkar : If I may say so, the Bill is very small and I am speaking without the authority from Government, but I do not think it would be difficult for me to persuade Government to give, for instance, whole day to Mr. Sidhva from one of the Government days in the next Budget Session.

Mr. Speaker : There is another alternative to it also; supposing instead of taking it now, we postpone the consideration of this Bill say, at five minutes to five, and we

may then take up the Bill and leave it as part-heard, so that it may take care of itself.

An Hon. Member : Dr. Ambedkar will accommodate Mr. Sidhva on a Government day.

Dr. Ambedkar : I can arrange that.

(24)

**** REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL**

***The Minister of Law (Dr. Ambedkar) :** I beg to move for leave to introduce a Bill to amend the Representation of the People Act, 1950.

Mr. Speaker : The question is :

“That leave be granted to introduce a Bill to amend the Representation of the People Act, 1950. ”

The motion was adopted.

*** The Minister of Law (Dr. Ambedkar) :** I beg to move :

“That the Bill to amend the Representation of the People Act, 1950, be taken into consideration.”

This bill has two objectives. One is to provide for the representation of Part C States in the Council of States. The second is to enact the provisions made by the Representation of the People (Amendment) Ordinance, 1950. I propose, first to deal with the first objective of the Bill, namely, to provide for the representation of Part C States, hon. Members will remember that under article 80, clause (5) this matter is left to be dealt with and determined by Parliament by law. There is no provision in the Constitution itself as to how Part C States should be represented in the Upper Chamber. As I said the matter is left to the discretion of Parliament to deal with it by such law as Parliament may deem fit. It is because of this obligation which has been cast upon Parliament that the present Bill has been brought forth. In dealing with this particular matter, it is obvious that three questions have to be dealt with. The first is the nature of the electorate. What

* P. D., Vol. 6, Part II, 20th November 1950, p. 267.

** P. D., Vol. 7, Part II, 12th December 1950, pp. 1678-83.

is to be the electorate which is to represent or elect the representatives of Part C States in the Upper Chamber at the Centre? The second is the distribution of the seats which have been assigned to Part C States by the Fourth Schedule of the Constitution. And thirdly we have to consider the method of representation, whether they should be elected, by election, by nomination or by some other method.

Now, the first question, namely the question of the electorate is dealt with in clause 9 of the Bill and it is to that clause that I propose first to draw the attention of the House. In considering this question, the question of the electorate, the House will remember that the Constitution has laid down the general principle for the composition of the Upper Chamber. That principle will be found in article 80, clause (4). That clause says though it is confined to the representation of Part A and Part B States, that the representation to the Upper Chamber shall be by indirect election by Members of the Legislatures in Part A and Part B States, That being so, in devising a method for securing representation to Part C States in the Upper Chamber, it is necessary and obligatory to follow that principle namely, that the representation shall be by the indirect method. Now, in following this method, there is one difficulty that stands up at the outset.

So far as Part A and Part B States are concerned, the electorate already exists, namely, the Assemblies in the various Part A and Part B States. With regard to Part C States, there are no such Assemblies in existence and one does not know when Parliament will undertake any kind of Legislation to provide a more popular method of administering Part C States. Consequently, we must proceed upon the hypothesis that no Legislative bodies exist in Part C States, nor are they likely to come into being by the time the elections take place. The question, therefore, is what should be the nature of the electorate. Obviously, the only other method that comes to one's mind is to resort to the existing local bodies in all Part C States, such as municipal committees, town committees, village *panchayats*

and so on and so forth, and to permit members of these local bodies to be registered as voters. It was, however, found that probably this method of election may not provide a sufficiently large constituency. We have no idea as to how many municipal committees, town committees and village *panchayats* may be existing in various Part C States. It may be that in some Part C States there may be a plethora of them, and it may be that in some other Part C States there may be a great paucity of them. Consequently, in order to create a solid electorate, it is felt that in addition to the membership of these local bodies, it would be desirable if the franchise was extended to persons who have undergone some University examination. Therefore, in addition to membership to the local bodies, it is proposed, in this bill that matriculates or persons holding other equivalent qualifications may also be permitted to be registered as voters, provided they have the necessary qualification on the qualifying date, and have put in the necessary period of residence during the qualifying period. That is the general provision contained in clause 9 which seeks to introduce after section 25 of the original Act, new sections 25A, 25B, 25C and 25D. This is the nature of the electorate that this Bill proposes to bring into existence for the purpose of electing representatives to Part C States in the Upper Chamber.

I will take up the other two questions which I said, necessarily require consideration. The second question is nomination *versus* election. This matter is dealt with in clause 4 of the Bill. In this connection, it is felt that so far as the two States of Manipur and Tripura are concerned, election will not be possible, for the simple reason that so far as these two States are concerned, there are hardly any local authorities existing there. Therefore, the basis of the general proposal which is introduced by clause 9 does not exist at all so far as these two States are concerned. Tripura is really a tribal area. Manipur is a very backward area. There are hardly any of these local bodies and organisations. The educational status of these two States is also very backward. Consequently, it is not hoped that even if the educational qualification was introduced, it would be possible to obtain a sufficiently large

electorate to permit of elections being introduced in the representation of these two States. Consequently it is felt that the only course left is to secure the representation of these two States by nomination by the President and it is proposed that their nomination should alternate at the end of a two year period—once a representative of Manipur would be nominated by the President for the first two years and in the second two year period a representative of Tripura would be nominated. In the rest of Part C States the representation would be by election.

A further question, as I said, arises, namely the distribution of the seats. The House will remember or it can see by reference to Schedule IV that that Schedule in three cases has given one seat to two States. Those three cases are Manipur and Tripura, Himachal Pradesh and Bilaspur, which together have one seat and Ajmer and Coorg have together one seat.

There are two methods for regulating the representation of these states which have one seat jointly between them. One is to treat them as one constituency and the other is to treat them as two different constituencies and give them alternate representation. The case of Manipur and Tripura has already been disposed of, because the question of election does not arise there. That is a case which is governed by nomination. With regard to Ajmer and Coorg it is proposed that they should be represented by election separately in rotation—once the seat should be filled by election in Ajmer and the second time it should be filled by representation from Coorg. With regard to Himachal Pradesh and Bilaspur it is proposed that the two States should be treated as one constituency and they should in a joint election elect one representative.

The House will no doubt say that we have given one treatment to Ajmer and Coorg and a different treatment to Himachal Pradesh and Bilaspur. The argument is apparently correct. But I do not see how it is possible to treat these two series of States on a common footing. It will be realised that Ajmer and Coorg are not territorially contiguous. It will also