The Hon. the Law Minister—he will correct me if I am wrong—has pointed out the difficulty, in the interpretation o the scheduled castes and scheduled tribes, which is possible and then it may land us into a very inconvenient, position The terms "Scheduled Castes and Scheduled Tribes" an defined in article 366 (24) and (25). Now, that definition specifically mentions the castes and tribes that are to be deemed as scheduled castes or tribes under specific articles 341 and 342 with the result that possibly, so far as Part C states are concerned, it may be contended that what you cal scheduled castes as defined by Parliament cannot be recognised as scheduled castes under the Constitution. In as much as article 330 gives a general direction so far as the scheduled castes under the Constitution are concerned, the cases of Part C States scheduled caste representation are not covered by article 330. Is that the intention?

Dr. Ambedkar: Yes**;** that is so.

Mr. Speaker: If that is so, then his further argument is that "let there be a superfluity, if you so call it, but why not make the position sure? " Therefore, even if it is assumed that the legislation is a superfluity, let us have it, so that no legal technicality might come in the way of the representation o the scheduled castes. He wants to make that position quite clear and leave nothing to the ingenuity of the lawyers or technicalities of law.

Shri J. R. Kapoor: Sir, the argument of the Hon Dr. Ambedkar is plausible enough indeed.

Mr. Speaker : If that is so, let there be no reply.

Shri J. R. Kapoor: The definition of scheduled castes and scheduled tribes in article 366 is not an absolute definition This definition has to be read along with the preamble or the introductory words of article 366 which run thus : "In this Constitution, unless the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them..." Obviously, therefore, the context of article 330 does not fit in with this definition of scheduled castes and scheduled tribes.

The context of article 330 obviously means that there shall be reservation of seats for the scheduled castes and scheduled tribes in the House of the People. Therefore, these definitions should not be taken at their face value.

Mr. Speaker : I may point out to the hon. Member that the position may be said to be left in doubt and uncertain in the Constitution. That is why we are going to have special legislation.

Shri J. R. Kapoor: What about the second point? Can we fix a number, and not go by the formula of clause (2) of article 330?

Mr. Speaker: If the argument is conceded that it is desirable, as a matter of safety, to have a special definition of scheduled castes for the purpose of representation in Part C States, the other thing follows automatically. The two go together. You cannot rely upon that definition for one purpose and still reject it for another.

Shri. J. R. Kapoor: Is it your ruling or your view that it is open to Parliament to reserve seats for any particular section of the community unless it is specifically provided for in the Constitution? If it is not so provided, can we do it?

Mr. Speaker: In the first place that question does not arise. It is a problematical one and the Chair should not be called upon to go on interpreting it. The matter is very clear. We are not going into the wider question of interpretation of the Constitution.

Dr. Deshmukh : Have you considered the objection raised by Mr. Deshpande which relates to section 6 of the representation of the People Act by which the number is to be determined by the President and not by Parliament?

Mr. Speaker: We are again in the same vicious circle. The interpretation of that is practically based on the same view of the article. I think we need not go into that. The discussions are no doubt very interesting and involve very interesting and very good points of legislation. But let us legislate as common people, going by common sense.

About the hon. Member's amendment, I shall put it to the House.

Shri J. R. Kapoor : If that be your view, it need not be put.

Mr. Speaker : He need not depend on my view, it may be a mistaken one.

Shri J. R. Kapoor : No. Sir, I go by your superior wisdom, particularly in the matter of law. I beg leave of the House to withdraw the amendment.

The amendment was, by leave, withdrawn.

Mr. Speaker : The question is :

" That clause 2 stand part of the Bill. "

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(*Addition of Sixth and Seventh Schedules etc.*)

Mr. Speaker: I find a number of amendments here making small corrections, perhaps of spelling or putting the names in proper order. For instance there is one substituting "Adi-Dharmi". It is a pure mistake of spelling. That will be corrected. Is it necessary to have it as an amendment ?

Dr. Ambedkar: Sir, I am pressed to say that in clause 3, in the proposed Sixth schedule, under the heading 'Delhi' in entry No. 14, after the word "Dhanak" the words "or Dhanuk" be inserted—If that satisfies some Members.

Mr. Speaker: That is amendment No. 4 in the list, by Mr. Chandrika Ram.

Dr. Ambedkar: Mine is No. 5 in the list. Anybody's may be taken.

Mr. Speaker: I would take the amendment about "Adi Dharmi" also. Mr. Chandrika Ram's amendment No. 2 is what the Hon, the Law Minister is accepting as his No. 3.

Shri J. R. Kapoor: In a different form that is "Ad Dharmi". The correct expression is "Adi-Dharmi".

Shri Chandrika Ram (Bihar)**:** It should be "Adi-Dharmi".

Dr. Ambedkar : I am prepared to accept his amendment.

Mr. Speaker: Does the hon. Member Mr. Chandrika Ram accept the Law Minister's version in regard to his amendment No. 4?

Some Hon. Members: Both are the same.

Mr. Speaker: I think the hon. Minister's amendment (No. 5) is better than Mr. Chandrika Ram's amendment (No. 4). And I think amendment No. 7 by the Law Minister is also better in form than No. 6 of Mr. Chandrika Ram.

Dr. Deshmukh: I want amendment No. 8 of mine.

Dr. Ambedkar: I have examined the list and I have also consulted authority. Those contained in No. 8 have never been part of the Schedule. I do not accept amendment No. 8.

Amendments made :

In clause 3, in the proposed Sixth Schedule, under the heading 'Delhi', in entry No. 1, for " Adharmi " substitute "Adi-Dharmi".

—[*Shri Chandrika Ram*]

In clause 3, in the proposed Sixth schedule, under the heading 'Delhi' in entry No. 14, after "Dhanak" insert "or Dhanuk".

—[*Dr. Ambedkar*]

In clause 3, in the proposed Sixth schedule, under the heading 'Delhi' in entry No. 34. after "Rehgarh" insert "or Raighar".

—[*Dr. Ambedkar*]

Dr. Deshmukh: I beg to move:

In clause 3, in the proposed Sixth Schedule, under the heading 'Delhi', at the end, add new entries:

"40. Nai (Barber).

41. Dhiwar (fisherman)".

While replying to my speech the hon. the Law Minister referred to my being discontented with Government. From the recent speech that he made it appears that he is also not too pleased with the Government of which he himself is a part.

Shri Sidhva: Are barbers untouchables?

Dr. Deshmukh: I am bringing this amendment on the strength of a representation that has been made to me. Secondly, in the list which was referred to by the Hon. the Law Minister— which is a notification by the Federal Public Service Commiossion, India, dated the 12th March 1949— these two castes are included.

[PANDIT THAKUR DAS BHARGAVA *in the chair*.]

As I had pointed out in my speech the number of these castes in Delhi according to this list is sixtyfour. I have not suggested the inclusion of all that have been omitted. I have only suggested two, which are also present in the list here. I think it is very unfair that the Hon. the Law Minister should not accept it. But even if he is not prepared to accept it I want to press it and I hope all hon. members of this House will be pleased to vote with me, because this is discrimination pure and simple. For one purpose you have a notification in which certain castes are included. This notification holds good and neither the Law Minister nor the Government have taken any steps to disallow this list. Any boy who is born of any of these castes is entitled to apply, under this notification, styling himself as a scheduled caste. But here I do not know for what reasons the Hon. Dr. Ambedkar does not wish to include them. These two castes are here in this list—in this Gazette copy which any hon. Member may come and see. These petty fishermen who are called Dhinwars or Jhinwars—that name also is here—are here in this list, which is item 22 in this list. I hope therefore that irrespective of what the Hon. Dr. Ambedkar decides, the House will vote with me and see that these two castes who feel it keenly are not deprived of their privileges merely by a stroke of the pen. I hope therefore that the House will support me in this amendment of mine.

Shri Sidhva : May I know whether it is a Government of India publication?

Dr. Deshmukh: Yes. Dr. Ambedkar has got a copy of it.

Mr. Chairman : Amendment moved:

In clause 3, in the proposed Sixth Schedule, under the heading 'Delhi', at the end, add new entries:

"40. Nai (Barber).

41. Dhiwar (fisherman)".

Shri Sonavane : With reference to the amendment moved by my hon. Friend Dr. Deshmukh I think only such of the castes who are untouchables in the society……

An hon. Member: We have no untouchables now.

Shri Sonavane: That is the basis for the scheduled castes lists and therefore these two communities are mentioned in the amendment and if they are really untouchables then there should be no objection to their inclusion. But as far as my knowledge goes, in Bombay, barbers and fishermen are not untouchables and if they are not treated as untouchables here in Delhi, I do not see any point in their inclusion. Therefore, I would oppose this amendment.

Shri Shiv Charan Lal (Uttar Pradesh)**:** It is really very strange to see that Nais are being put in the scheduled caste list. In our province, U.P., formerly they used to write Nai Thakur and afterwards as Nai Brahmin. If you call them scheduled castes, I am sure they would never like it. The same is the case with Dhiwars. You cannot include these two castes in the scheduled castes in any way. As for any other list that might be prepared for the purpose of giving service or any other thing, they might be termed as 'backward'. That is a different thing, but they cannot be put in the scheduled castes' list in any case.

Shri Deshbandhu Gupta: I also agree with my hon. friend who has preceded me that Nais and Dhiwars should not be considered to be members of scheduled castes in Delhi. I do not know on what basis their names have been included in the list which Dr. Deshmukh has read out. The fact is that some time ago some representatives of Nais came to me and said that they had a grievance that they were termed as members of depressed classes. Therefore, I am sure that Dr. Deshmukh will not be obliging the Nais and the Dhiwars by their inclusion in this list.

Mr. Chairman: Has not the hon. Member heard : *Ghar* se *aaya hai motbir nai?*

The question is:

> In clause 3, in the proposed Sixth Schedule, under the heading 'Delhi' at the end, add new entries :
>
> "40. Nai (Barber).
>
> 41. dhiwar (fisherman)".

The motion was negatived.

Sardar Hukam Singh (Punjab)**:** I beg go move:

In cluase 3, in the proposed Sixth Schedule…….

Dr. Ambedkar: If my hon. Friend moves both his amendments together, I am prepared to accept them, subject to one reservation that these will be numbered alphabetically. Under the heading "Delhi", he has given the No. 40 and so on and under the heading " Himachal Pradesh " he has given the No. 28 and so on. These will have to be renumbered.

Sardar Hukam Singh: I beg to move:

(i) In clause 3, in the proposed Sixth Schedule, under the heading 'Delhi' at the end, add new entries:

"40. Kabirpanthi.

41. Mazhabi".

(ii) In cluase 3, in the proposed Sixth Schedule under the heading 'Himachal Pradesh', at the end, add new entries:

"28. Banjara.

29. Bawaria.

30. Ramdasia."

Mr. Chairman : Amendment moved:

(i) in clause 3, in the proposed Sixth Schedule, under the heading 'Delhi' at the end, add new entries:

" 40. Kabirpanthi.

41. Mazhabi".

(ii) In clause 3, in the proposed Sixth schedule, under the heading "Himachal Pradesh', at the end, add new entries:

" 28. Banjara.

29. Bawaria.

30. Ramdasia."

Shri Sonavane : With reference to the amendments moved by Sardar Hukam Singh, I would like to say that I am very much surprised that Sardar Hukam Singh, who is a Sikh to the core, has come forward to take out some of the Sikhs from the Sikhs proper and put them as scheduled castes. I was very much surprised in the beginning when I learnt that there were some scheduled castes among the Sikhs and then it became clear to me that Dr. Ambedkar was right when he did not embrace Sikhism. Besides that, when we hear a lot of

atrocities committed in P.E.P.S.U. and Punjab by Sikhs on the scheduled castes. I am afraid my hon. Friend Sardar Hukam Singh wants some communities to remain as scheduled castes in order that persecutions may continue to be committed on them. Therefore, I would request him to withdraw his amendments and get all these people into his fold and bring them up to his level and in that way end the scheduled castes among the Sikhs.

Shri Deshbandhu Gupta: Before you put the amendments to vote, I would like to know whether Dr. Ambedkar has satisfied himself that the Kabirpanthis in Delhi are members of the scheduled castes ? To my knowledge, there are no Mazhabis in Delhi and I do not object to their being included in the list as some Mazhabis might have migrated here. But about Kabirpathis, so far as I know, they are not termed as members of the scheduled castes. If Dr. Ambedkar has satisfied himself about this I have no objection, but if he has not satisfied himself, merely for the reason that they are so in the Punjab and P.E.P.S.U., they should not be treated as such in Delhi.

Sardar Hukam Singh: I have not put down anywhere whether these would be Sikhs or Hindus. I do not see why such an obsession should be there and certain hon. Members should bring up such an objection. I deliberately refrained from saying anything on the order that had already been passed and when I learned that the Hon. Minister was accepting I did not make a speech. But now a discussion is being initiated, may I be allowed to say certain things? I never said it has to be done here. It is also in the order of the President that these castes shall be included in the Scheduled castes so far as the Punjab and P.E.P.S.U. are concerned. I have stuck to that whether they are Hindus or Sikhs, they shall be scheduled castes. Whether they are Hindus or Sikhs, it has been admitted that they are backward classes. Now, to bring.....

Mr. Chairman: The Hon. Minister is accepting the amendment.

The question is :

(i) In clause 3 in the proposed Sixth Schedule, under the heading 'Delhi', at the end add new entries:

" 40. Kabirpanthi.

41. Mazhabi".

(ii) In clause 3, in the proposed Sixth Schedule, under the heading 'Himachal Pradesh', at the end, add new entries :

"28. Banjara.

29. Bawaria.

30. Ramdesia."

The motion was adopted.

Shri Chandrika Ram: I beg to move :

In clause 3, in the Sixth Schedule, at the end, add:

" Ajmer-Merwara.

1. Aheri

2. Begri

3. Balai.....

Dr. Ambedkar: These amendments are quite outside the scope of the Bill. The Bill reserves seats in certain Part C States. It is only in those States that we are trying to define what the scheduled castes are. In Ajmer-Merwara we have not reserved any seat. In Bhopal, we have not reserved any seat. In Tripura and Coorg we have not reserved any seat. Therefore, these amendments are quite outside the scope of the Bill.

Shri Chandrika Ram: You are going to make a representation for Part C States. All these people belong to Part C States. Even yesterday when I spoke I did not demand that these people must have representation. But, this matter has got a long history. When these people.....

Dr. Ambedkar: I might mention to cut short the discussion that Government has in contemplation the issue of a list of scheduled castes in Part A states, Part B States and also Part C States where there is no representation because it is felt that besides the privilege of representation in the legislature, there are also other privileges such as educational concessions, fees and services and so on. In order that there may be no misunderstanding on the part of anybody that those scheduled castes who are not included in the list are not entitled to those privileges. Government propose to do that. This is hardly the moment to deal with that.

Shri Chandrika Ram : It is not a new thing that I have brought forward here. In the Ministry of Education, the Government of india have already accepted this list and on the ground of this list, all these people are getting scholarships. What is the harm if the Government accepts…..

Dr. Ambedkar: It cannot be done in this Bill.

Mr. Chairman: We have already adopted clause 2; Clause 2 gives representation only to certain States. Those States are not included in this amendment. I do not see how this amendment could be moved. Therefore, I rule it out of order.

The question is:

"That clause 3, as amended stand part of the Bill".

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 1, was added to the Bill.

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

Dr. Ambedkar: I beg to move:

"That the Bill, as amended, he passed. "

Mr. Chairman : Motion moved :

"That the Bill, as amended, be passed."

Ch. Ranbir Singh (Punjab)**:** (*English translation of the Hindi Speech*) Sir, I must thank Hon. Dr. Ambedkar for providing representation for the backward classes of Delhi and other areas. But I wish to submit all the same that the problem presented by Delhi is a peculiar one. Delhi has four seats out of which hardly one falls to the lot of the rural areas. If the rural seat is also joined on to an urban seat and bracketed with it, the other seat being a reserved one, this would mean giving away the seat of one backward class to another. I think that as against the clever people of Delhi and the officers and big people living in New Delhi the rural people of Delhi should be included either among the scheduled castes or if the Hon. Minister would not have them as such on the ground that they are not Harijans, they might be included among the scheduled

tribes. The Hon. Minister should thus have tried to get them a seat. Since I know that this is extremely difficult I would make another suggestion. There is a general principle that as far as possible the seats for those areas which have a larger percentage of the scheduled castes, should be doubled. There are also some other considerations attached. I know that in the case of not one but several states, occasions have arisen when the Committees have not followed these rules. I do not mean to say that they have not followed them at all. Exceptions are always there and it would be right to a great extent, to treat this as an exceptional case. The reason for this is that there is a considerable difference between the people living in the rural and the urban areas of Delhi. Besides if people belonging to the scheduled castes are given representation from the rural areas they will have to experience a lot of difficulty. If any two seats out of the seats for Delhi city are doubled this would help those poor folks in whom we all are interested to secure true and proper representation. If, however, their seat is joined on to the rural seat this would not serve as a reward to them but rather as a punishment. Hence, I would appeal to the Hon. Minister to give a direction to the Election Commission that in the matter of the doubling of seats they might combine any two out of the three seats for Delhi city and turn them into double seats but that the seat for the rural areas should be left single so that it could be possible to do justice to a backward class of people who are as much entitled to sympathy as the scheduled castes.

(*Translation concluded*)

Shri J. R. Kapoor: Sir,....

Mr. Chairman : The Bill has been so much discussed and at such great length that I do not think any long speeches are necessary now.

Shri J. R. Kapoor: I do not want to enter into any detailed discussion. If you will permit me, Sir, I only want to utter a note of warning. I will not take more than two minutes. That note of warning is that by not accepting my contention the Hon. Law Minister has rendered the greatest possible disservice to the scheduled castes and scheduled tribes of Part C States.

Shri Sonavane : No, no.

Shri J. R. Kapoor: I am sure he will regret sooner rather than later having adopted this attitude and this contention that the scheduled castes and scheduled tribes should be considered as defined in article 366 for the purposes of the Constitution. If I only draw his attention to article 335 and some other cognate articles which also use the words 'scheduled castes' then, I am sure he will change his opinion because if he would still stick to that view, then the scheduled castes and scheduled tribes will be deprived of all the various privileges that are contemplated to be given under article 335 and other articles to the scheduled castes and scheduled tribes residing in Part C States. Article 335 runs thus :

> " The claims of the members of the Scheduled Castes and the Scheduled tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affaris of the Union or of a State. "

If scheduled castes and scheduled tribes as mentioned in article 335 are to refer only to those scheduled castes and scheduled tribes as are defined in article 366, meaning thereby the scheduled castes and scheduled tribes belonging to Part A and Part B States, then, the scheduled castes and scheduled tribes residing in Part C States do not get the advantage of article 335 of the Constitution. By this one error—I do not know whether it is error of judgment or what it is —by this one error to day-he has deprived the scheduled castes and the scheduled tribes of Part C States of all the benefits they were having or could have under article 335. And...

Mr. Chairman: Order, order. May I ask the hon. Member whether all the members of the scheduled castes and the scheduled tribes are bound by the interpretation given by the Law Minister ? there is no such thing as an estoppel on interpretation. We have only just enacted this Bill without coming to any legal conclusions whether this interpretation or that interpretation is the correct one. That is for the courts to decide. The courts have to interpret the meaning.

Shri J. R. Kapoor: With due respect to you, Sir, I would submit that it is for the Government and for the Cabinet to advise the President in this matter and as such these scheduled castes and tribes will be losing what they were entitled to get with reference to article 335. So far as the Government is concerned, they are bound by the interpretation of the Law Minister.

Mr. Chairman: And can he not change his opinion?

Shri J. R. Kapoor: I do not know whether he will change his opinion or not. But so far I have found that...

Mr. Chairman: Let me point out that at this stage this discussion is quite academical. After all we have accepted a particular provision in the Bill and we are not concerned any further with the definition of a scheduled tribe or scheduled class or other articles so far as this Bill is concerned.

Shri J. R. Kapoor : Therefore, it is that I say I am only sounding a note of warning here.

Shri Jnani Ram (Bihar) **:** The time for filing objections to the electoral rolls has expired on the 31st of March last. But in view of the amendments now made will the scheduled castes people be entitled to file objections even after this date?

Dr. Ambedkar : That question does not arise because a person is registered as a voter irrespective of the fact whether he is a member of the scheduled castes or not.

Shri Jnani Ram: Does it not arise when a candidate happens to be a member of a scheduled caste or scheduled tribe ?

Dr. Ambedkar : That question will arise on the date of nomination.

Mr. Chairman : The question is:

"That the Bill, as amended be passed.

The motion was adopted.

REPRESENTATION OF THE PEOPLE (No. 2) BILL

Presentation of Report of Select Committee

***The Minister of Law (Dr. Ambedkar):** Sir, on behalf of the Chairman of the Select Committee I present the Report of the Select Committee on the Bill to provide for the conduct of elections to the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt and illegal practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections.

Shri Kamath (Madhya Pradesh)**:** In regard to this matter may I know whether Government have taken any decision as to how many days will be allotted for the discussion of this very important Bill and when. That will be helpful to members in more ways than one.

The Prime Minister and the Leader of the House (Shri Jawaharlal Nehru): Government considers that this measure should have top priority, so that as soon as the Finance Bill is discussed this Bill should be taken up.

Shri Kamath: How many days will be allotted for its discussion?

Shri Jawaharlal Nehru: I cannot say.

Mr. Deputy Speaker: The hon. Member very often gets into the noose. It is no good saying that it is open to any Member or even the Government to restrict the time allotted for the discussion of a Bill. Let not the House give away its rights and privileges.

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*P.D., Vol. 10, Part II, 31st March 1951, p. 5566.

REPRESENTATION OF THE PEOPLE (NO. 2) BILL

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

> " That the Bill to provide for the conduct of elections to the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt and illegal practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections, as reported by the Select Committee, be taken into consideration."

In the few observations that I propose to make in support of the motion, I wish to draw the attention of the House to the changes made by the Select Committee in the Bill and also to the changes proposed by some of the Members of the Select Committee in their minutes of dissent. The House will agree that the Bill is a very big one, extending to about 169 clauses. The Select Committee has made changes in various clauses of the original Bill and it is hardly possible for me to deal with every single change proposed by the Committee. I think it would be enough if I were to draw the attention of the House to the most important changes which have been made by the Select Committee.

So far as I see, I find that the Select Committee has made four important changes in the original Bill. The first clause in which important changes have been introduced is clause 7, which deals with the disqualifications for being chosen and for being a Member of Parliament or of a State Legislature. The House will recall that the clause as it stood originally had only three cases of disqualification in it. The first disqualification in the original Bill was founded on a conviction for an electoral offence, either connected with corrupt practice or an illegal practice. The second disqualification in the Bill was founded on a conviction for

*P. D., Vol. 2, Part II, 9th May 1951, pp. 8348-70.

an offence enacted by the penal law of the country as distinguished from an electoral offence, for instance, an offence under the Penal Code or some other local criminal law. The third one was the disqualification which was founded on what might be called the actual serving of a sentence during the course of the election. That will be found in the original clause 7, sub-clause (2). And the fourth was failure to lodge election expenses in accordance with the law and within the time.

So far as these original proposals are concerned, the only change to which the Select Committee has made is with regard to the disqualification contained in sub-clause (2) of clause 7.

[MR. DEPUTY SPEAKER *in the Chair*]

That provision the Select Committee has dropped. And the reason is this that the clause is unnecessary so far as a sentence is for two years or more. If the sentence is for less than two years the Committee felt that there was no necessity to enact a disqualification on that ground because, assuming that a man was elected to the House, it would still be necessary for him to obtain the permission of the House to absent himself beyond sixty days, which is the rule now, and if the House did not grant him the permission his seat might thereby be rendered vacant. On that ground the Committee felt that it was unnecessary to retain it.

To this clause 7 the Committee has added four new disqualifications which are very important. The first is that the holding of a contract with Government would, under the provisions now made by the Select Committee, be a disqualification. Secondly, the holding of a licence or permit from Government for dealing in commodities which are subject to control so far as their price or movement is concerned would also be a disqualification. Thirdly, the holding of a Directorship in a company in which the Government has a share or interest would be a disqualification ; and fourthly, dismissal of a Government servant for corruption. These are the four new disqualifications which the Select Committee has added to the original clause.

Now I come to the second change which the Select Committee has made. The House will remember that there was in the original Bill a clause which was numbered 35. The object of that clause was this. The clause intended to seperate proceedings with regard to nomination from proceedings with regard to actual election. As hon. Members will remember, an election proceeding falls into two divisions. The first is the stage of nomination and the second is the stage of election. Under the law as it existed the provision was this that there was no finality to the proceedings with regard to nomination. There may be objections to nominations and yet the election could continue to its final course and it is only when an election petition was filed for challenging the result of the election that it was open to any party who was a party to the election to raise the question before the Election Tribuanal that the nomination paper of a particular candidate was wrongly admitted or that the nomination paper of a particular candidate was wrongly rejected. Then if the Election Tribunal came to the conclusion that either of the two grounds was well-founded it was open to the Election Tribunal to set aside the whole of the election. It has been felt by many persons who are interested in politics that, that was not a very fair thing, to have the whole of the election gone through with the enormous amount of expenditure which various candidates would incur and then to be ultimately faced with this solitary single issue whether the nomination paper was properly admitted or rejected and then the whole election to be set aside. It has been felt that it was a very wrong thing and that it was desirable to sever the nomination proceedings from the election proceedings and that the election should proceed after the nomination proceedings have been finalised and made conclusive so that no such issue could be raised before the Election Tribunal when the election was challenged. I personally felt that that point of view was a very good and a very sound one and that if it was possible we should treat the nomination issue as a preliminary issue, as civil lawyers call it and have it disposed of completely and finally, so that we could then proceed to real election and the challenge to the real election could be limited only either to corrupt practice or to illegal practice or to intimidation and cases of that sort in which the election was neither fair nor free.

Unfortunately the Committee did not agree with that view, although, as Members will see from the Report of the Select Committee, they expressed a great deal of sympathy with the provisions contained in the original clause 35. The Committee was greatly influenced by the fact that before the nomination proceedings could be deemed to have been concluded and finally settled it would be necessary for somebody to investigate whether the questions as to qualifications and disqualifications of a candidate were properly decided. The Committee felt that if the issue of qualifications and disqualifications of candidates were to be decided before the actual election starts the interval between nomination and election might be very long and the election might not take place as expeditiously as we would all wish it to take place. That was the governing factor which led the Committee to reject the provisions contained in the original clause 35. Notwithstanding that, as hon. Members who have read the Report of the Select Committee would notice, the Committee has said that they like the provision, and, if during the passage of the Bill in the House it was possible to evolve some formula which would avoid that delay that Members feared would take place between the conclusion of the nomination proceedings and the start of the election, they would welcome such a provision. I myself have not been able to think of anything which I could at this stage put before the House. I am told that such a provision does exist in the Madras law which deals with the election of the District Local Boards. It was after a long time that I was able to get a copy of that and I have not had time to apply my mind to it. I therefore—speaking from my point of view—propose to keep this question rather open.

Then I come to the third change which the Select Committee has made and that relates to the Election Tribunal. First of all I may refer to the changes made in the personnel of the Tribunal. As the House will remember, the original provisions in the Bill said that District Judges, advocates of ten years' standing and subordinate judges might be regarded as eligible to act as Members of an Election Tribunal. The Select Committee has cut out subordinate judges. They think they

ought not be regarded as eligible for sitting on an Election Tribunal and they have added retired District Judges and retired and sitting High Court Judges as persons eligible for being appointed to an Election Tribunal. With regard to the two other matters relating to the Election Tribunal namely, the constitution of the Tribunal and the question of appeal, the Select Committee has made no change, so that the Tribunal as originally provided would continue to be a Tribunal of two members, one Chairman and one Member. Similarly the provisions with regard to appeal will also continue. As the House knows, we provide no regular appeal at all. What is proposed is that if the two members differ, there will be an automatic reference to the High Court.

Then I refer to the fourth change which the Select Committee has made and which from what has happened recently, I think, is a very salutary and a very important change. The House will remember, that in the original draft Bill the power to fill casual vacancies was left to the State Governments to decide. It was a matter left entirely within their power and within their discretion. The Select Committee felt that the State Governments might not be very diligent in the matter of exercising these powers and casual vacancies might remain unfilled for a long time, depriving constituencies of their opportunity to have their representatives sitting in Parliament or in the State Legislature. The Committee has therefore decided that this power, instead of being left with the State Governments, should be vested in the Election Commission which has nothing to do with Parliament or with the State Legislature. It is he now who will fix the date of election ; it is he now who will issue writs to the constituencies for holding the election and for sending their representatives. This I think is a very salutary change. These are the four important changes which the Select Committee has made in the Bill.

I will now proceed to deal with the changes proposed in the Minutes of Dissent. Analysing the Minutes of Dissent, I find that the Members who have subscribed to their Minutes of Dissent propose 10 different changes to be made in the Bill, as reported by the Select Committee. The first change is an

alteration in the disqualification clause introduced by the Select Committee in sub-clause (*d*) of clause 7. This change is proposed by two members of the Select Committee, Mr. Gokulbhai Bhatt and my friend, Mr. Goenka. Among themselves they do not seem to be *ad idem*. Mr. Bhatt has no objection to the disqualification relating to holding of a contract to continue as it is. His only objection is to the holding of licences or permits, but my hon. friend, Mr. Goenka objects to both. As I said, these provisions did not exist in the original Bill; they were introduced by the Select Committee. I do not mind giving to the House my own personal reactions to these additional provisions. The first thing I feel is that there is no doubt that the clauses, as worded in the Select Committee draft of the Bill, appear to be somewhat severe. I personally feel that we could make a distinction between disqualification for being chosen and disqualification for continuing to be Members of Parliament. We ourselves have been making that distinction. I do not quite understand what difficulty or political injustice can arise if we said that while persons holding a contract from Government or having a licence from Government are free to stand as candidates for election they would become disqualified for continuing to be Members of Parliament. I cannot see any difficulty in making a provision of this sort. In other words, we may permit a holder of a contract or a holder of a licence to stand as a candidate. After he has been elected, he may be presented with this alternative, either he gives up his contract and continues to be a Member of Parliament or he decides not to be a member of Parliament and continues his contract……

Pandit Maitra (West Bengal)**:** Whichever is more profitable ?

Dr. Ambedkar: Whatever it is, my point is this. I think it would be too much to say that none of these people shall be entitled to stand as a candidate. There may be something in the argument that they should not continue to be Members of Parliament. I think we could make that change.

Shri Sidhva (Madhya Pradesh)**:** Has Government any view on this ?

Dr. Ambedkar : In course of time Government's view will be known. With regard to the other question of licences and so on, no doubt a great agitation is going on in the country by the business community that if this clause stood as it now stands in the draft Bill of the Select Committee, the whole of the business community would be disfranchised from playing its part in Parliament, I mean in the political affairs of the country. I am sure that we do not want to bring about such a result. Every section of the community should have an opportunity of taking part in the politics of the country, of coming into Parliament, placing its points of view, modifying legislation in any way it thinks it ought to be. Parliament ought not to be a sectional body, representing any particular class or any particular group or any particular community so that the point of view of all others goes un-represented. I think that would be very unfair thing; it would be a disservice to Parliament in my judgment if such a thing happens. At the same time, I am quite clear in my mind that while the business community should have a fair opportunity to influence politics and to come into Parliament, we do not want Parliament to be converted into a Stock Exchange.

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Pandit Maitra: They are already dominating.

Dr. Ambedkar: Another thing that we must bear in mind, and which I think goes to the root of the matter is that our Parliament and our Electoral law should be so constituted that the independence of the Members of Parliament as against the Government must be scrupulously observed, There can be no use in a Parliament if we adopt a system which permits the Government to corrupt the whole of the Parliament either by offering political offices or by offering some other advantages. If a Parliament cannot act independently without fear or without favour from the Government, in my judgment such a Parliament is of no use at all. Therefore, while it is necessary to permit every class of people to come into Parliament and to play their part, you must at the same time place some safeguards whereby Parliament will not be converted into a sort of what I might call chorus girls who would be saying always ditto to what the Government say.

Shrimati Durgabai (Madras)**:** Why girls ?

Dr. C. D. Pande *rose—*

Mr. Deputy Speaker: What is it ?

Dr. Ambedkar: My point is as I said, we have to sail within two limits. One limit is this: that our electoral law should not be such as to deliberately shut out any particular section or any particular community. The second limit is this: the Electoral law must be such that it would maintain an amount of freedom in Parliament. Within these two limits, anybody who has any suggestion to make with regard to the improvement of the provision relating to this particular disqualification will have my sympathetic hearing.

Mr. Deputy Speaker: Is there any provision regarding political jobs ? The Hon. Minister was saying that political jobs or contract ought not to be allowed to corrupt Members of Parliament.

Dr. Ambedkar: To that point, my reply is this. I wish very much that we adopted the principle of the British law where there has been a definite limit laid down to the number of Ministers, Parliamentary Secretaries, Ministers of State, and so on. I hope some day we shall be able to pass legislation of that kind so that Government will not be in a position to increase its supporters by offering political jobs such as Ministers and Deputy Ministers and Parliamentary Secretaries to anybody in the House. This matter.....

Seth Govind Das (Madhya Pradesh)**:** Why not have those provisions now ?

Dr. Ambedkar: That cannot be done; that is a matter dealing with Ministerial affairs. I do not know ; perhaps, you may remember that this question was considered at the time when the Government of India Act, 1935, was made. One proposal was .....

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): That was by a foreign Government.

Dr. Ambedkar : Wisdom is wisdom whether it comes from inside or outside the country.

Pandit Munishwar Datt Upadhyay (Uttar Pradesh)**:** Are you in agreement with this ?

Dr. Ambedkar: Yes ; I said so. I remember when the Government of India Act, 1935 was framed, this very question was raised whether we should allow the Prime Minister……

Pandit Thakur Das Bhargava (Punjab)**:** Article 102 is already there; everybody holding an office of profit is disqualified.

Dr. Ambedkar: We have limited that. If anybody becomes a Minister, he ceases to come under that disqualification. I do not want to go into that now. This question apart. I shall answer the query that you put.

Shri Sidhva : Why not incorporate all those things here ?

Dr. Ambedkar: I cannot do all sorts of things in this Bill.

Shri Kamath (Madhya Pradesh)**:** You were referring to the Government of India Act, 1935. What was it ?

Dr. Ambedkar: I said about the Government of India Act, 1935, because I had been at the Round Table Conference where this very question was raised namely, whether it was necessary to put a limit on the number of Ministers that could be apppointed. The point there was that it might be possible for the Ministry to so expand as to have a large number of people in the Ministry so that the House may be disabled. There were two proposals made. One proposal was that a maximum number should be fixed in the Act, that not more than a certain number of persons could be appointed as Ministers. The second proposal was—I do not know whether the Members would like it or not—to fix a maximum salary for the Ministry as a whole, so that, if they wanted to expand, they could do so by dividing the spoils and lowering the share of each one. Neither suggestion was adopted and it was left to the good sense…….

Seth Govind Das: We can have both.

Pandit Munishwar Datt Upadhyay : Could you limit the number of Ministers under the Constitution ?

Dr. Ambedkar: The House can.

The Minister of State for Transport and Railways (Shri Santhanam): If cannot; please read the Constitution.

Dr. Ambedkar: I am very sorry; I should think that we can. There is nothing in the Constitution to prevent that. All that the Constitution says is that there shall be a Council of Ministers to advise the President. It does not say how many Ministers there will be.

Shrimati Durgabai: On a point of order, Sir.....

Mr. Deputy Speaker: The hon. Member is on a point of order. Will the Hon. Minister give way?

Shrimati Durgabai : On a point of order, Sir, may I know whether the Hon. Minister is making any insinuation against the Government that whenever they appoint more Ministers or Deputy Ministers they are appointing them only to disable the House ?

Dr. Ambedkar: I am replying to the Chair. I wanted to drop the thing; it was Mr. Kamath who wanted me to say something.

Mr. Deputy Speaker: I do not think there is any insinuation.

Dr. Ambedkar: I hope my hon. lady friend is not intending to create bad blood between myself and the Ministry.

I come to the next question. The second proposal is that the Princes should be declared to be disqualified for being chosen as Members. The point is made by my hon. friend Mr. Raj Bahadur—I hope he is here—and his friends.

Shri Raj Bahadur (Rajasthan)**:** I am here.

Dr. Ambedkar: Mr. Rama Rao has appended a separate minute of his own. The ground which has been urged by Mr. Raj Bahadur and his friends is that the Princes are holders of Office of profit. It seems to me that if that contention