Dr. Ambedkar: So the remedy is there.

Shri Raj Bahadur : But Dr. Ambedkar is not at all clear.

Mr. Deputy Speaker: That has to be decided only by the President. That point may be disputed also in a court of law. If the Prince is not disqualified under the Constitution how can he be disqualified by this law ? Is it not a Fundamental Right, even if he does not come under article 102 ?

***Mr. Deputy Speaker:** The hon. Member evidently means that under clause (*e*), "if he is so disqualified by or under any law made by Parliament". It is open to Parliament to make a law.

Dr. Ambedkar: He must show some justification.

Shri Raj Bahadur: The justification is that he would overpower the common man. The justification is that in the U.K. the Lords were not allowed to contest seats in the House of Commons, because they would try to perpetuate vested interests and interfere with the rights of the common man. Similarly if you allow these people whose position is analogus to that of the Lords in U.K. they will interfere with the affairs of the common man and will side with reaction and prove impediments to the progress of the country.

*** Shri Alagesan :** .....But I should like to utter a warning here about the conception of independence by the Election Commission. This independence is meant to hold the scales even between various political parties that compete for power. The Commission has to see that one political party does not get any undue advantage over another. The independence of the Election Commission does not mean that it should cause inconvenience to all parties impartially. Here I should like to refer to the work of delimitation of constituencies for Parliament as well as the State Legislatures.

---

*P.D. Vol. 11, Part II, 10th May 1951, p. 8482.

******Ibid.,* p. 8485.

Dr. Ambedkar : I should have thought that that was quite outside the scope of this Bill. That matter will be debated when the President's Order will be placed before the House.

Mr. Deputy Speaker: I do not think it is the hon. Member's desire to go into the details of the delimitation question. The President's Order is yet to issue and will be placed before the House, when it can be discussed. But if in a general manner the hon. Member wants to show that because large powers are given to the Election Commission greater care must be taken by that Commission, then he would be quite in order.

Shri Alagesan: I think I can make a reference as to how the Election Commission has proceeded with its work so far.

Dr. Deshmukh : The hon. Member wants to show how the Election Commission has worked so far. He is quite in order.

Dr. Ambedkar: That may be debated when we take up the actual Order of the President delimiting constituencies.

***Shri P. Y. Deshpande :** ..... The fact is that everybody has the right to vote and stand as a candidate. What power is left in us now, without changing the Constitution, to limit that right of any person to offer himself as a candidate for election ? He may be a Raja or an ex-Raja. If the people want him, let them elect him. Having given this right to every one, why should we now fight shy of that ? The Rajas of even black-marketeers, whatever men there are in society, if the people choose them, that would be their verdict; right or wrong, evil or good. If you want to limit that verdict, then change the Constitution first and then you can limit it.

Pandit Thakur Das Bhargava : The Constitution empowers this House to prescribe qualifications.

Shri P. Y. Deshpande: You have not done that, so far.

Dr. Ambedkar: We are now doing that.

---

*P. D., Vol. 11, Part II, 10th May 1951, p. 8491.

Mr. Deputy Speaker: Why should persons who have undergone imprisonment for more than two years be disqualified ?

Shri P. Y. Deshpande: That is true. I would even allow a criminal to stand as a candidate. I appreciate the case of the criminal. But, if you take a fundamental stand that every adult has the right to vote and stand as a candidate for the elections, if that is your concept of democracy, then, if the criminal has the courage to stand, the people will defeat him if they do not want a criminal. If a Raja wants to stand and if the people do not want him, the people will defeat him. The right to defeat these persons is vested in the people.

---

* **Shri Ghule:** .....I think, elections, big and small have been held in this country but it is difficult to make any distinction between the meetings held for the propagation of political doctrines and those for the personal canvassing of the candidate.

Dr. Ambedkar: I might inform the hon. Member that there is absolutely nothing new in clause 124, which has been bodily copied from the existing rules, which he will find in the Corrupt Practices and Election Practices Order, First Schedule, Part III. It has been there since 1919.

Shri Ghule : Quite right, I was just thinking that as this clause connotes a wide conception, it should have been included in the previous Act, and as you say, it was included. In spite of this law, Congressmen and other Members fought the previous elections while propagating the political doctrines to which they subscribed and at the same time canvassed votes in the constituencies from which they stood, but I have not come across any such instance in which the tribunals in India have declared any of the elections invalid on this ground. Therefore, as I was saying that I was not disturbed in the least to read the note of dissent of Shri Goenka but after having listened to the speech of Hon. Dr. Ambedkar I feel

*P. D., Vol. 11, Part II, 11th May 1951, p. 8534.

perturbed. As Hon. Dr. Ambedkar has said that this law was in force previously as well and in spite of it Congressmen, Socialists and Communists etc. in our country propagated their political doctrines and at the same time canvassed votes for their respective candidates as well, then what emergency has arisen today ? It will be better if Hon. Dr. Ambedkar clarifies the position during his reply to the Debate.

*** Shri Venkataraman :** ..... There is another thing which I do not understand. In clause 3 of the Bill it is laid down that a candidate to the Council of States should be a resident of the State concerned, but a candidate to the House of the People need be resident only in any Parliamentary Constituency in the country. I fail to see any reason for this distinction between the two. If there is any I hope the Hon. Minister of Law will clarify the position and tell us the reason why this distinction has been laid down, Clause 3 says**:**

> "A person shall not be qualified to be chosen as a representative ..... in the council of States unless he is an elector for a Parliamentary Constituency in that State..."

Shri Syamanandan Sahaya (Bihar)**:** Because it is the Council of the States.

Dr. Ambedkar: Yes, that is the reason. And the other is the House of the People.

Shri Venkataraman: But a person belonging to a particular State may be resident in another place and he should not be disqualified from standing as a candidate because he is not resident in that State. Take, Sir, your own case. You have become a resident in Delhi and so you will not be able to stand for election in your own State, since you are not enrolled in that constituency.

Mr. Deputy Speaker: If I am not in touch with my constituency, why should I stand as their candidate ?

Shri Venkataraman: Sir, as I said, this point has to be considered.

---

*P.D., Vol. 11, Part II, 11th May 1951, pp. 8574-75.

***Shri Venkataraman:** .....A party cannot go and do propaganda saying, "Vote for Congress, vote for Liberal Party or vote for Labour Party", without stating who is standing as a candidate of the party concerned. But the moment that information is given it becomes an illegal practice. Even if there is a precedent the time has come when it should be changed.

Prof. Ranga (Madras)**:** What is the position in England ?

Dr. Ambedkar: It is the same as in the Bill—there is no departure.

Shri Venkataraman: Again in sub-clause (*3*) of clause 124 you have said that the issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and address of the printer and publisher thereof, will become an illegal practice. The easiest thing for an opponent to do is to issue a circular on behalf of his opponent, without the name of the printing press and this man would be disqualified.

Mr. Deputy Speaker: Unless the candidate is a party to it he will not be disqualified.

***Prof. Ranga:** ..... So far as the Chairmanship of the Tribunal is concerned I would like to suggest that to think of making a district judge the Chairman is really not reasonable. No one enjoying a lower status than that of a High Court Judge should ever be appointed as the Chairman of the Tribunal.

Dr. Ambedkar: You cannot get so many High Court Judges.

Prof. Ranga: You do not have so many Tribunals either.

Dr. Ambedkar: You do not know how many petitions there will be.

---

*P. D., Vol. 11, Part II, 11th May 1951, p. 8578.

***Ibid.,* p. 8611.

Prof. Ranga: Then, there should be a maximum limit for election expenses. I do not think it is advisable to leave it to be prescribed later on by rules. And in making these rules I hope that it is only the Union Government which will be entrusted with this responsibility and not the State Governments. Even in this connection I do suggest for the consideration of the Law Minister that this power might be left with the President to be exercised on the advice of his Election Commissioner.

***R. K. Chaudhari :** ..... Take for instance, the provision regarding conveyance. If this rule had been applied severely before all the elections that had taken place hitherto in India would have been nullified. But today we turn our back and strive our utmost to fill gaps and impose severe penalties on wrong-dores at election time.

Mr. Deputy Speaker: Shri Rohini Kumar Chaudhari.

An hon. Member: This is *zabardasti.*

Dr. Ambedkar: You want women to be disqualified ?

Shri R. K. Chaudhari: The first point that I wish to speak about is about disqualifications as laid down in clause 7. More than one speaker before me have spoken on it and I would only add a few arguments for the complete deletion of sub-clause (*d*) of clause 7.

****Mr. Deputy Speaker:** I wish to give hon. Members ten minutes only, and I intend to call upon the Hon. Minister at five minutes to one.

Dr. Ambedkar: The arrangement as I understood in the morning was that I should reply on Monday morning.

Dr. Deshmukh : .....These are points which are accepted by most of the Members of this House and I hope on account

---

*P. D., Vol. 11, Part II, 12th May 1951, p. 8632.

***Ibid.*, pp. 8639-40.

of the substantial degree of unanimity they will all be accepted by the Hon. Dr. Ambedkar.

Dr. Ambedkar: Sir, as you were pleased to remark when the discussion of my motion started, that as there was hardly any principle running throughout this Bill and that each clause stood on its own merits, the proper thing would be to devote more attention to each clause as and when it comes before the House, and I do not think that I need take much time in discussing the points which have been raised in the course of this debate. I know that many Members, if they at all feel very serious about the comments that they have made, will undoubtedly take care either to express their point of view when the clause is put before the House and if they have any difficulty I certainly would deal with that matter in order to remove the difficulty, or they will take the course of moving proper amendments to get their point of view discussed in the House and by carrying conviction to the House.

That being so, it is not necessary for me to deal at great length with the various points that have arisen. I therefore, propose to be somewhat brief and to touch upon only those points which may not arise again in the course of the debate.

Mr. Deputy Speaker : Is the Hon. Minister likely to take some time ?

Dr. Ambedkar: Yes, Sir.

Mr. Deputy Speaker: Then the House stands adjourned till 8-30 A.M. on Monday.

The House then adjourned till Half Past Eight of the clock on Monday, the 14th May 1951.

REPRESENTATION OF THE PEOPLE (No. 2) BILL—*contd.*

*** Mr. Speaker:** The House will now proceed with the further consideration of the motion moved by Dr. B. R. Ambedkar on the 9th May regarding the Representation of the People (No. 2) Bill.

---

* P. D. Vol. 11, Part II, 14th May 1951, pp. 8650-57.

The Minister of Law (Dr. Ambedkar): On Saturday last when I entered upon the reply to the general debate on my motion, I said that although a great many points were raised by those who spoke on my motion there were some which were actually covered by amendments and that it was, therefore, unnecessary in the course of the reply to deal with those points because I felt that a better reply could be given when the motions are moved, and I said that I would therefore, confine myself to such points as were made in the course of the debate which were not covered by any amendment. On going over the amendments I found that there are only three points which are of some substance which were made at which I do not find having been made the subject of any specific amendment. It is therefore to these points that I propose to confine myself.

The first such point was made by Babu Ramnarayan Singh and also by my friend, Prof. Ranga. Both of them complained that according to their experience and information the Ministers of the Governments in various Provinces and States were taking very active part in the election campaign and that they were exercising their authority and their influence in order to serve their own political interests or the interests of the party to which they belonged, and that this kind of a misuse of authority and influence was calculated to result in unfair practice against those who did not belong to their persuasion. The suggestion that they made was that there ought to be a provision in this law calling upon Ministers to resign their offices some time before the actual election commenced. It seems to me that this suggestion has not been examined properly either by my friend Babu Ramnarayan Singh, or by Prof. Ranga, because I have no doubt about it that if they do examine the feasibility of giving effect to such a proposal they will find that it would be more or less imposible to give effect to it. In this connection I would like to point out the provision contained in our Constitution. The Constitution makes the President the head of the State. At the same time the Constitution lays down that the President shall not act except on the advice of what is termed the council of Ministers. Therefore, if the President is to act, it is absolutely essential, according to the Constitution, that there

must be in existence at all times a council of Ministers to advise him. We have not got any such provision as contained in section 93 of the Government of India Act, 1935 where under certain circumstances and in certain contingencies the head of the province, namely the Governor, was permitted to act on his own authority without the advice of the Council of Ministers. We have not got any such provision at all. In fact, the whole of the Government will have to be suspended for the period of three months if this suggestion is to be given effect to. Therefore, from the point of view of the Constitution itself the suggestion made is quite impracticable.

Both the Members, Babu Ramnarayan Singh as well as Prof. Ranga, also referred to the conduct of the civil servants who, they thought, either under the positive directions of the Ministers under whom they are serving or because of their desire to flatter and help and to win the goodwill of the Ministers under whom they are serving, were engaged in political activities in which they ought not to engage. I am very sorry to hear of that. If the fact as alleged by either one of them is true, it undoubtedly indicates a great deal of demoralization in the civil servants. It is all the more regrettable because we have taken ample pains in the Constitution and the rules that have been framed thereunder, to give the civil servants the utmost security in the matter of the tenure of their posts in the promotion to which they are entitled to and all the other privileges as to salaries etc. All that was done with the definite intention of giving the civil servants the security which it is necessary for them to have in order to be independent in the matter of administration. if, notwithstanding the security that has been given to them, the civil servants are not standing up to the best of their traditions, all that I can say is this that there has been a great demoralization. But I do not know what remedy one could adopt. As the Bible says. "If the Salt has lost its Savour wherewithal shall it be salted ?" If the civil servants have lost their salt. I do not know how they could be salted. I think we must depend upon the general improvement in the mind of our people as a whole that there are certain moral principles to which we must adhere in the course of our public life.

I hope such an elevation of the moral sentiments will some day come. But if my friend insists that rather than wait for the improvement in the morals of the people we should apply some legal remedy, there again I find that it is not quite so easy. The only remedy that one can think of is to make a law whereby we could make the conduct of a civil servant which is partial to any particular party or which is not strictly in conformity with the rules of administration, penal and subject it to some kind of rigorous sentence. It seems to me that one point in this connection has to be borne in mind and that is a civil servant could not be made liable to prosecution at the will and whim of anybody who feels himselfs wronged by the conduct of such a civil servant. It would be necessary to provide some kind of a previous sanction in order that a prosecution may be lodged against the civil servant. Whose previous sanction shall be required ? Obviously the previous sanction must be the sanction of the Government or of the President.

Prof. Ranga (Madrass)**:** Why not of the Election Commissioner ?

Dr. Ambedkar: Of the Election Commissioner ? Well, I have no idea and I do not want to say anything about the Election Commissioner because the officer, technically is supposed to be under me and I do not wish to say anything which would in any way derogate or depreciate from the authority of that particular officer. But let us admit that some kind of a sanction will be required before a prosecution is launched. Now I wonder whether the Government of the day, whom a particular administrator has helped, would be ready and willing to give its sanction. Therefore, if any such law was made, it would only be a paper law and would not have any effect in practice. It seems to me, therefore, that this is a matter which must be left to public morality and the sanctions of public morality.

The second point to which I wish to refer is a point raised by Mr. Venkataraman. He suggested that in this Bill voting is regarded as a right. His contention was that it should be regarded as a duty, that a citizen of this country should not

merely have the right to vote, but he must have the duty to vote and that he ought to be visited with some kind of a publishment. The sentiment of course is very laudable and no doubt the principle has been accepted in some of the countries such as Australia, Belgium etc. But let us examine the position a little more carefully. If this obligation is to be a real obligation, where in a country like India, according to Mr. Venkataraman himself and according to many others who have experience of elections, there is a general apathy regarding voting, the punishment must be somewhat serious. It could not be five rupees ; it could not be ten rupees. It shall have to be something like one hundred rupees. Now, I wonder whether anybody in this House, however enthusiastic he may be with regard to the point that every citizen ought to exercise his duty, would be prepared to support a punishment so condign, as the one represented by a fine of rupees one hundred. I doubt very much if many Members will come forward to support it. If the punishment is not rigorous enough, then again the law will be of no value at all.

Secondly, in a matter of this sort we will have to grant many exemptions. A voter may be on that day ill. If he is not ill, but finds subsequently that it is brought up before the court, it would not be very difficult to go to a medical man and obtain a certificate by paying eight annas, as most of us in criminal courts do in obtaining postponement of the cases. If he is not his wife may be ill, or she may have been delivered on the same day. All these things would arise and we may have to give a lot of exemption so that the law ultimately may remain to be a bare skeleton.

Shri Bharati (Madras)**:** What about the Australian Constitution ?

Dr. Ambedkar: In Australia almost everybody votes. I think the people who bring themselves within the ambit of this law are very few.

Shri Sidhva (Madhya Pradesh)**:** What is the panalty there ?

Dr. Ambedkar: Five pounds.

My own view is this. I cannot say that I have much of experience of voting. But such experience as I have has given me this idea that the lowest class of people in this country and the highest are politically most conscious. In my experience in my province, the Scheduled Castes, who stand last in the scale of social order, vote to the extent of 80 per cent. I have never found any election in which they have voted less than that. I also feel—and I think I am sure in my statement—that the *Brahmins* in my province vote about 80 per cent. The reason is obvious.

One community is a depressed community. It is conscious of the fact that its moral and material elevation depends upon the place it occupies in the legislatures of this country. Consequently they never waste their time, their energy in anything else, however profitable they may be except to go to the poll and vote on the day when the poll is called. My experience with regard to the *Brahmins* is also the same and my analysis is also the same. They today stand almost on the precipice. Everybody wants to push them out from all the places that they have occupied. Consequently they also know that unless they have a certain amount of solidarity among themselves, that unless each one of them goes to the poll they shall not be able to exercise the influence which they must exercise in order to secure themselves from a harsh pushing out immediately and to secure at least a transition from one stage to another.

Shri Kamath (Madhya Pradesh)**:** Not all *Brahmins*.

Dr. Ambedkar: The class which is apathetic and which does not care to vote is the middle class. Their existence does not seem to depend so much upon the Governmental activity. They have their granaries, if not full, half full and they know that without resort to any kind of Government help they can carry from season to season and from year to year. They therefore do not care about it. That is my experience. Therefore, what we need do at the present moment is to tell those Members who represent the middle class that there is a duty cast upon them, to see that this class becomes politically conscious and to call them to the election so that

they may participate in the same way as those at the top and those at the bottom do. I do not think that any legal remedy is necessary.

Then I come to the last point raised by my hon. friend Mr. Sonavane. It is really no argument that he presented. He wanted to know certain facts. He wanted to know what was the system of voting that was going to be. He was under the impression that there was going to be some kind of marking on the ballot paper as used to be in former times. My friend will know that under the single-member constituency system, with one-man-one-vote, crossing is absolutely unnecessary. Voting now becomes very much like buying a post card, writing the address of the addressee on it and dropping it in the postal box on the road. All that the voter has got to do is to go to the ballot clerk and to obtain the ballot paper which is a blank thing. He will know beforehand that there is a particular kind of coloured ballot box assigned to a particular candidate with a symbol chosen by him, out of the many that are improvised by the Election Commissioner and if he is properly informed beforehand he can take the paper and drop it inside without any necessity for marking. That is going to be the system.

Shri Sonavane (Bombay)**:** What about the colour and symbol ?

Dr. Ambedkar: It is a matter of convenience.

Shri Sidhva: Separate box for each candidate ?

Dr. Ambedkar: Yes, certainly. Otherwise how would it happen ?

There are, Mr. Speaker, the points which I thought I ought to touch upon because they were not covered by any particular amendment. I do not think that there is any other point of a similar sort which requires any explanation at the outset.

With these words, Sir, I commend my motion to the House.

Shri Kamath: May I ask one question ? Though the Law Minister said that he is not in favour of imposing a penalty or fine upon electors who.....

Mr. Speaker: I am afraid he is asking for some explanation and going into the merits.

Shri Kamath: I am asking for information.

Mr. Speaker: It is coming of course, in the form of asking for information ; in substance it comes to an argument again.

The question is:

> "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."

The motion was adopted.

Mr. Speaker: We will now take the Bill clause by clause. We shall take up clause 2.

Dr. Ambedkar: May I suggest. Sir, that clause 2 is the definition clause and might be taken up last?

Mr. Speaker: All right. Then we shall begin with clause 3 and the consideration of clause 2 will be postponed. I shall call the amendments one by one and hon. Members wishing to move them will please indicate that they want to move them. In case I miss any, my attention may be invited.

***Mr. Speaker:** All right. Let him move his first amendment.

Shri Naziruddin Ahmad: I beg to move.

> In sub-clause (*1*) of clause 3, for the words "A person shall not be qualified" substitute the words "No person shall be qualified".

This is only a verbal amendment.

Dr. Ambedkar: Is each one to be disposed of, Sir ?

Mr. Speaker: Yes.

---

*P,D., Vol. 14, Part II, 14th May 1951, pp. 8657-58.

Dr. Ambedkar: As the author of the amendment himself has said it is a purely verbal amendment. But I would like to add one more point. That is that the form that has been adopted in the Bill is the form which has been adopted in the Constitution. We would like to follow the form used in the Constitution consistently in all the Bills which relate to this matter. I therefore cannmot accept the amendment.

Shri Naziruddin Ahmad: I do not wish to press it.

Mr. Speaker: Then I am not putting it to the House.

Shri Naziruddin Ahmad: I beg to move.

In sub-clause (*1*) of clause 3 for the words "Parliamentary Constituency" substitute the words "House of the People Constituency".

***Shri Naziruddin Ahmad:** ..... There are a number of amendments and if this is accepted or rejected, it would dispose of a large number of similar amendments. As the expression appears frequently in this Bill, I think it is better not to encourage any confusion of thought.

Dr. Ambedkar: I cannot accept this amendment. In the first place there is no difference in substance. The effect remains the same. All that we are trying to do is to keep up the uniform phraseology which is used in this Act as well as . in the Representation of the People Act already passed. If my hon. friend were to see the definition in sub-clause (*f*) of clause 2 he will see that 'Parliamentary constituency' is defined to mean "a constituency provided by section 6 or by order made thereunder for the purpose of election to the House of the People." Therefore, there is really no difference at all. Secondly, I would like to draw his attention to the interpretation clause, clause 2, sub-clause 1(*a*) where it is stated: "each of the expressions defined in section 2 of the expressions defined in section 2 or sub-section (2) of section 27 of the Representation of the People Act, 1950 (XLIII of 1950), but not defined in this Act, shall have the same meaning as in that Act." Therefore, this is quite unnecessary.

---

*P.D., Vol. 14, Part II, 11th May 1951, pp. 8659-60.

Mr. Deputy Speaker: The question is:

> In sub-clause (*1*) of clause 3, for the words "parliamentary constituency" substitute the words "House of the People constituency".

The motion was negatived.

***Shri Naziruddin Ahmad :** I believe that the Constitution has laid down that parliament may lay down the qualifications as well as the disqualifications. I suppose the Constitution likes that these articles should be taken advantage of. If Mr. Bhattacharya's argument is going to be carried to its logical conclusion it will set at nought two, or rather four, articles of the Constitution relating to the Central and State Legislatures. I therefore submit that Mr. Bhattacharya has displayed more enthusiasm than wisdom in this respect.

Dr. Ambedkar: When the Resolution was moved by Prof. K. T. Shah some time ago in this House I pointed out to him that his Resolution was very vague, that he had not set out any category of people whom he regarded as specially qualified for standing as candidates to Parliament or to the State Legislatures. We have now from Prof. K. T. Shah distinct categories of people whom he regards as suitable candidates for election to parliament. That is undoubtedly an improvement, because we have got now concrete proposals to consider on their own merits. One thing is quite clear and that is that these are disqualifications for candidature. It means that if the amendment is accepted only a certain category of people who fall in one of the seven categories mentioned here will alone be entitled to stand as a candidate. I hope my friend. Sardar Hukam Singh realizes that although it is not possible to say what will be the total number of people who will become eligible for standing as a candidate if this amendment was accepted, there can be no doubt about it that the number of people who will become eligible for standing as candidates as compared to the vast number of the voters would' be very small. In fact the effect of this amendment would be to create a sort of monopoly for certain people, who by adventitious

*P.D., Vol. 11, Part II, 14th May 1951, pp. 8687-90.

circumstances happen to belong to the categories mentioned in this amendment. I have no doubt in my mind that such a monopoly would be a vicious thing to introduce into the political life of this country. I should also like to state that I am not at all satisfied that merely because a person has intelligence or merely because he has experience, he is the only person necessarily fitted to fill a seat in Parliament. As I stated in the course of the debate, I attach far greater importance to character than to intelligence or experience and the amendment certainly does not ensure that the people who would be elected under the provisions of the Constitution would be of better character. The motive, if I understand correctly, of the Mover of that amendment is to improve the efficiency of parliament generally. I take it that is so. Now, let us examine each of the categories from that point of view. Take the first namely, one year membership of a legislative chamber. I am unable to understand what one year's experience of the membership of a legislature to a person who has no education who is not even literate, can mean in terms of efficiency ? Take the second category; elected member of any local self-governing body like the muncipality or the district local board. Here again the same question arises. I have not got much experience of a municipal corporation or a council. I happen not to have the experience but I have some knowledge of the district local boards and all that I remember is this, that the members of the district local board are generally most anxious to hold a meeting on the *bazar* day so that they can come there, take their travelling allowance, buy their weekly or monthly purchase in the *bazar* and go back. (*Interruption*) I do not know; there may be others and I know that case also, (*some hon. Members:* Not now.) That is my experience. Now in the village *panchayat* I again fail to understand what efficiency can there be in a member who is a villager, who happens to be a member of a village *panchayat.* What are their functions ? What resources have they ? What technical knowledge of administration do they possess ? Take a public servant who has been in service for five years undoubtedly must have certain experience, certain knowledge of all administrative processes, (*interruption*). A public servant, I take it is of a high character. I do not know

if it means a *chowkidar* also. With regard to this category. I am afraid the same observations must apply but if my hon. friend means by 'public servant' an I.C.S. officer or a higher Civil servant, I think there is a possibility of this danger arising. Most public servants are in possession of certain official secrets which they come to know during the course of their administration. I am not at all prepared to disbelieve the possibility that it may be open for a civil servant after he retires and becomes a member of the legislature to use the secret knowledge which he may possess. Take the next case; a teacher of any school, college or university for one year. Take a primary school in the village. What is his knowledge ? What is his information ?

Sardar Hukam Singh: Are these persons debarred from standing ?

Dr. Ambedkar: That is my main argument. I am coming to that. Therefore, I cannot see much in that. Take the next category, volunteer in a recognised association for social service. Will my hon. friend Sardar Hukam Singh permit for instance, the Mahabir Dal to be a body the membership of which would qualify one to stand ? May I mention the R.S.S. and the Akali Dal ? Some of them are very dangerous associations. It may be that one Government may recognize them and another Government may not recognize them, all these posibilities are there.

Shrimati Durgabai (Madras)**:** Can they be excluded ?

Dr. Ambedkar: I am coming to that. What I was trying to submit to the House was that none of the categories which have been set out in this amendment are of such a character as to give anybody the impression that the membership of the particular body to which they belong is such as to make them more efficient members of parliament. I am sorry I give a very positive answer to that question. Now the other thing that I wish to say is this : Is there anything in the Constitution or in the present Bill which can prevent an elector from electing any one of the people mentioned here ? Suppose, for instance, there are two candidates, one who is just a voter and is not disqualified under our disqualifications and as

against him there is a candidate who has been a member of a legislative chamber for one year. Is there anything under which we are required to suppose that the electorate will not give preference to the second man and no the first ? Take each one of these ; they are free to stand aid if the electorate thinks that there is something in them more valuable from the point of view of giving greater efficiency to Parliament, I do not quite understand why the electors will not give preference to these people as against a mere voter who is a citizen and no more. It seems to me, therefore that on these grounds, this amendment is unnecessary and I oppose it.

Sardar Sochet Singh (P.E.P.S.U)**:** You have not said anything about the category of those who are able to read and write Hindi.

Dr. Ambedkar: I replied to it last time. I should have thought that that would certainly create complications. This matter was considered at great length when we were framing the Constitution. Why did we make a provision 'after 15 years' and not make Hindi to come into operation as a national language immediately ? Because, we realised that there were various parts of the country where Hindi was not the language of the people and therefore some amount of time must be given to the people to study. After having recognised that principle, suddenly now to derogate from it seems to me to be going contrary to the sprit of the Constitution.

The motion of Prof. K. K. Bhattacharya was negatived.

***Clause 4.**—(*House of the People membership*).

Shri B. K. Das (West Bengal)**:** I beg to move.

In clause 4, after the words "Jammu and Kashmir" insert the words "or to the Andaman and Nicobar islands".

Mr. Deputy Speaker : Amendment moved **:**

In clause 4, after the words "Jammu and Kashmir" insert the words "or to the Andaman and Nicobar Islands".

Dr. Ambedkar: I accept the amendment.

---

*P. D., Vol. 11, Part II, 14th May 1951, pp. 8699-700.

Sardar Hukam Singh: I would request the Hon. Law Minister to consider whether it would not be better to have this amendment in the definition of "election". Sub-clause (d) of clause 2 says : 12 NOON

> " 'election' means an election to fill a seat or seats in either House of Parliament or in the House or either House of the Legislature of a State other than the State of Jammu and Kashmir....."

So far as Jammu and Kashmir are concerned they are there and the Islands of Andaman and Nicobar may also be put in there, so that there will be no necessity of repeating it anywhere else.

***Shri Hussain Imam :** The difficulty does not arise because the man has to be an elector in any State not necessarily in the State in which he is standing. Therefore the choice of the President is open and he can nominate a person who is an elector in any constituency in India.

Mr. Deputy Speaker: That would exclude the residents of the Andamans and Nicobars. They cannot be registered as electors in any other place because of the residential qualification.

The Minister of State for Transport and Railways (Shri Santhanam): Does "chosen" include nomination also?

Mr. Deputy Speaker: Yes, both election and nomination.

Shri Sidhva: Cannot we amend the language ? The Government will certainly know who is who in the Andamans and they would suggest the name for nomination.

Mr. Deputy Speaker: A person should be otherwise qualified to be an elector and should have residential qualification.

Dr. Ambedkar: The simplest method is to accept the amendment. As you have pointed out the obstacle arises from sub-clause (*d*). We have no parliamentary constituency in the Andamans and therefore this would create difficulty in the

*P. D., Vol. 11, Part II, 14th May 1951, pp. 8701-02.

matter of giving representation to the people of the Andamans and Nicobars. Therefore this amendment in my judgement is a necessary one.

Mr. Deputy Speaker: As to the future it can take care of itself. Any amendment can be moved. It is not as if this Act will stand as it is without any amendment before the next elections. We are all the time gaining experience. The question is:

> In clause 4, after the words "Jammu and Kashmir" insert the words "or to the Andaman and Nicobar Islands".

The motion was adopted.

Clause 5—(*Legislative Assembly membership*).

***Dr. Deshmukh:** May I be permitted to move Prof. Shibban Lal's amendment. Sir ?

Shri Santhanam : These amendments of Prof. Saksena are consequential amendments. They were not allowed earlier on clauses 3 and 4.

Dr. Deshmukh : Does not matter. We can give this facility to State Legislature elections although, it is barred so far as the Parliament is concerned.

Dr. Ambedkar: No. no. The electoral roll is the same.

Mr. Deputy Speaker: Yes.

Shri Sonavane : Sir, I also desire to move two amendments to clause 5 notice of which I have given this morning.

Mr. Deputy Speaker : But I have not got a copy of those amendments.

Dr. Ambedkar: Nor have I got a copy.

Mr. Deputy Speaker : Unless the amendment is given to the Hon. Minister and Government is prepared to accept it, I shall not allow it now.

---

*P. D., Vol. 11, Part II, 14th May 1951, pp. 8763-64.

***Shri Naziruddin Ahmad:** But if we put Scheduled Castes and Scheduled Tribes together in part (a) there would be duplication in part (b). But part (b) deals only with Scheduled Tribes and therefore for the sake of greater clarity it is necessary to separate the two parts of part (a), namely the Scheduled Tribes and the Scheduled Castes. With regard to part (b) it should remain as it is. In fact, Scheduled Tribes are of two classes ; Scheduled Tribes in ordinary cases and Scheduled Tribes who have something do with the cantonment or the municipality of Shillong. So, in order to keep the Scheduled Tribes of the cantonment area and the Scheduled Tribes in other areas absolutely distinct, I suggest that the Scheduled Castes and Scheduled Tribes must be treated separately.

Mr. Deputy Speaker: There does not appear to be any ambiguity.

Dr. Ambedkar: There is no ambiguity. Because the Constitution contains two separate articles, it does not follow that we must everywhere give two separate clauses.

Mr. Deputy Speaker: Is it necessary to pursue this matter ?

Shri Naziruddin Ahmad: In view of the unfavourable reception it has received at the hands of the Hon. Minister. I do not think any useful purpose would be served by my pursuing it.

Mr. Deputy Speaker: The question is :

"That clause 5 stand part of the Bill."

The motion was adopted

Clause 5 was added to the Bill.

Clause *6*.—(*Legislative Council Membership*) as amended, was added to the Bill

**** Clause 7.**—(*Disqualifications for membership*)

---

*P.D., Vol. 11, Part II, 14th May 1951, pp. 8705-06.

** *Ibid.,* pp. 8706-12.

Dr. Ambedkar: Sir, I would request you to hold over clause 7.

Shri Naziruddin Ahmad: We should have a clear knowledge beforehand as to what clauses would be taken up. In that case we can concentrate our attention on them.

Mr. Deputy Speaker: I shall ask the Hon. Minister to state in the beginning of each day the particular clauses he proposes to hold over...

Dr. Ambedkar: I do not suppose I would be forced to take any clause out of order, except clauses 7 and probably 9. The rest of the clauses I am quite prepared to take in the order in which they are.

Shri Jhunjhunwala (Bihar)**:** When will these be taken up ?

Dr. Ambedkar: I propose to circulate the amendment this evening. If hon. Members would be prepared to take it up tomorrow I shall have no objection. But if they desire to have time, I shall take it up later. At any rate, I do not want to keep it back for a long time. I am prepared to give one day for Members to consider my amendment to clause 7.

Mr. Deputy Speaker: I think it may be taken up conveniently day after tomorrow for the reason that hon. members may have sufficient time to study it. If the amendments are tabled sufficiently in time, the office will circulate them and hon. Members may come prepared with them.

Clause 8 was added to the Bill.

Clause 9.—(*Disqualifications for membership of electoral colleges*)

Dr. Ambedkar: I would like to hold it over.

Mr. Deputy Speaker: Clause 9 is also held over.

Clause 10.—(*Election to the Council of States*)

Shri Naziruddin Ahmad: I beg to move:

In the heading over clause 10, for the word and Roman letter "Chapter I" substitute the word and Roman letter "Chapter V".

The point is that in this Bill, unlike many other Acts, separate Chapter No. has been given in each part. That would lead to inconvenience in the matter of reference, *e.g.,* whenever we refer to a Chapter, we shall have to say, Chapter so and so of Part so and so. In all other Acts, except of course in the Constitution, namely, the Civil Procedure Code, the Criminal Procedure Code, the Transfer of Property Act and in all other Acts, although there are parts, the Chapter Nos. are not separate with regard to each Part. The result is tremendous convenience. When we refer to a Chapter, we need not refer to the Part. That will lead to the avoidance of a lot of mental botheration. I suggest it as a matter of convenience only.

Dr. Ambedkar: I do not agree with that argument. If dividing the Bill into Parts and Chapters we had also given separate numbers to clauses, that would have created a certain amount of difficulty. But in view of the fact that the number of the clauses is continuous I do not think any difficulty such as the one anticipated by my friend can be really apprehended.

Shri Naziruddin Ahmad : But this is the uniform practice in all the Acts.

Dr. Ambedkar: Never mind uniformity. It depends upon how big the matter is. If the matter is so big that it requires to be divided and sub-divided under appropriate heads I do not see what other method one can follow than giving Parts for broader heads and Chapters for smaller heads which come under those Parts and many other smaller heads which come under those Chapters.

Shri Naziruddin Ahmad: The Hon. Minister says that there should be Parts, Chapters and sub-divisions and further sub-divisions. I do not object to that at all. All that I want is that the Chapter numbers from beginning to end should bear a continuous numbering and that is in accordance with the practice of all Acts.

Dr. Ambedkar: That means that the parts must be omitted, otherwise it would have no meaning.