

Shri A. P. Jain : As the final list.

Dr. Ambedkar : It is very difficult really to give any precise date, but we hope that it will be ready sometime in January next or February.

Seth Govind Das : By what time is the election budget expected to be ready ? Will it be placed before the Parliament ?

Dr. Ambedkar : I could not follow.

Mr. Speaker : Whether it would be possible to have the estimate of the election expenditure prepared by the time the next Budget is presented and whether that estimate will be placed before Parliament.

Dr. Ambedkar : It will be part of the Appropriation Act.

Seth Govind Das : By what time is it expected to be ready ?

Mr. Speaker : Order, order.

Prof. Ranga : Are Government placing before themselves as well as the State Governments any target date by which these lists should be prepared, scrutinised and finalised ?

Dr. Ambedkar : Yes.

Prof. Ranga : What is that date ?

Dr. Ambedkar : I am not informed about it, but as I said we hope that the final electoral rolls will be ready somewhere about the early part of next year.

Shrimati Durgabai : May I know whether matters connected with the elections such as those of delimitation of constituencies and the question of bilingual areas also would fall within the scope of this Election Commissioner's work ?

Dr. Ambedkar : Bilingual areas ?

Shrimati Durgabai : Delimitation of constituencies ?

Dr. Ambedkar : Certainly, they will be dealt with. But I may say that I am proposing to introduce a Bill in this Session to be called the "Representation of the People Bill", which will make provision for the exercise of the powers which are vested in the Election Commissioner, so that he can proceed with the matter.

Shri A. P. Jain : May I know, according to the programme at the moment under contemplation of Government, how much time will it take for the final elections to be held after the electoral rolls have been completed ?

Dr. Ambedkar : I do not like to speculate.

(12)

***INCOME-TAX APPELLATE TRIBUNALS**

1106. Lala Raj Kanwar : Will the Minister of Law be pleased to lay on the Table a statement showing :

(a) The number of Income-Tax Appellate Tribunals functioning in the country and the personnel of each such Tribunal ?

(b) How many cases have been instituted and disposed of by these Tribunals during each of the last three years ?

(c) What is the number of cases now pending before each of these Tribunals ?

The Minister of Law (Dr. Ambedkar) : A statement is placed on the Table. (See Appendix V, Annexure No. 55). (not produced hered)

Lala Raj Kanwar : What steps do Government propose to take to expedite disposal of the pending cases ?

Dr. Ambedkar : I think the disposal is more or less satisfactory. If it is not satisfactory, Government will institute more Tribunals.

Shri T. T. Krishnamachari : May I ask if the salary to be paid for the Members of the Tribunal has been reduced or re-graded recently ?

Dr. Ambedkar : I require notice.

Shrimati Durgabai : May I know how appointments to these Tribunals are made ?

Dr. Ambedkar : They are made by the Public Service Commission.

(13)

*** SCHEDULED CASTE EMPLOYEES IN
MINISTRY OF LAW**

123. Prof. Yashwant Rai: Will the Minister of Law be pleased to state :

(a) the number of persons belonging to the Scheduled Castes in each of the following categories in the Ministry of Law :

(i) Gazetted Officer (ii) Superintendents and Assistants and (iii) Senior Grade and Junior Grade clerks and Stenographers ;

(b) whether the number is not as reserved for scheduled castes ; and

(c) what special steps Government propose to take to fill in the reserved quota in the spirit of Articles 335 of the Constitution of India ?

The Minister of Law (Dr. Ambedkar) : (a) The number of persons belonging to the Scheduled Castes in the Ministry of Law is as follows :

Gazetted Officers	...	...	...	Nil
Superintendents	...	...	...	Nil
Assistants	...	...	...	2
Senior Grade Clerks	...	...	...	Nil
Junior Grade Clerks	...	...	...	3
Stenographers	...	...	...	1

(b) The number is not up to the percentage reserved for the Scheduled Castes in the categories to which the reservation, rules apply.

(c) Attention is invited to paragraph 5 and the second and third sub-paragraphs of paragraph 7 of section II of the Review of the Activities of the Home Ministry for the year 1949.

(14)

***ADVISORY COMMITTEE ON HINDU CODE BILL**

1352. Shrimati Ammu Swaminadhan: Will the Minister of Law be pleased to state whether any representatives of women's Organisations have been taken or are proposed to be taken on the non-official Advisory Committee to advise on the Hindu Code Bill ?

The Minister of Law (Dr. Ambedkar): I take it that the reference is to the informal Conference proposed to be held for the ascertainment of representative public opinion both in and outside Parliament, on the Hindu Code Bill, in accordance with the announcement made by the Hon. the Prime Minister on the floor of the House on 19th December 1949 during the discussion on the Bill. It is the intention of Government to make the Conference as representative in character, as possible and the Conference will certainly include representatives of women's organisations.

Shrimati Ammu Swaminadhan : In view of the fact that the Hindu Code affects the women of the country more than the men (Laughter), Sir, I would like to ask for your protection in this matter. Every time that any question of women's rights comes up in that House, there is general laughter, as if it is a joke. I do not mean it as a joke. I would like the Hon. the Law Minister to tell us whether in view of the fact that the Hindu Code really affects women very largely and there are several women's organisations in India, they have been asked to send representatives to this Advisory Committee that is going to be called very soon.

Dr. Ambedkar : That is what the answer says.

Shrimati Ammu Swaminadhan : May I ask him for the names of the women's organisations from which he has invited representatives to come to this Advisory Committee ?

Dr. Ambedkar : I am afraid I do not carry the names in my head but my intention was really to call women's organisations which were, so far as our information went, not very favourable to the Code.

Shrimati Ammu Swaminadhan : May I ask when this Conference is going to be held ?

Dr. Ambedkar : I believe on the 14th of this month.

Shri Deshbandhu Gupta : May I know whether, such Members of the House have also been invited, as are opposed to the Code ?

Dr. Ambedkar : The Conference is divided into three parts. There are members who represent the Select Committee and members who represent the House. There are others who neither represent the House for the Committee ; they are outsiders.

Shri B. Das : May I know whether the Hon. the Law Minister will advise the Government to hold a special Session of this House to pass the Hindu Code Bill ?

Dr. Ambedkar : It is not necessary to anticipate it....

Mr. Speaker : Order, order. I will not allow that question.

Shri Deshbandhu Gupta : May, I know whether the Hon. Minister has received representations from several quarters suggesting that the conference should be postponed for a few days in view of the Kumbha Mela to enable those who may be going there at the time to attend ?

Dr. Ambedkar : I have not received any representations but I have seen some statements in the newspapers.

Shri M. A. Ayyangar : May I ask the Hon. Minister as to what principle he adopted in choosing Members from the Select Committee ? Did he try to eschew those people who said anything against the Code ?

Dr. Ambedkar : I do not think I had any predilection in my mind one way or the others.

Shri M. A. Ayyangar : May I know how many of those whom he selected from the Select Committee are in favour of the Bill, how many against it, and how many doubtful ?

Dr. Ambedkar : I think some were in favour, some were doubtful and some were opposed to it.

(15)

***SALARY AND ALLOWANCES OF THE
MEMBERS OF PARLIAMENT**

726. Maulvi Wajed Ali : Will the Minister of Law be pleased to state whether in view of Article 106 of the Constitution, Government propose to bring forward a Bill to provide for the salary and allowances of the Members of Parliament in the near future ?

The Minister of Law (Dr. Ambedkar): No, Sir. In view of the latter half of the Article referred to by the Hon. Member, Government do not see any need for bringing forward a Bill to provide for the salary and allowances of Members of Parliament. The existing position appears to be satisfactory.

Maulvi Wajed Ali: Is it not a fact that the article does not specify anything about the present Parliament ? My question is also about the future House of the people which the Hon. Minister contemplate in his proposed Bill.

Dr. Ambedkar : I have not seen any formal expression from this House that the present practice is unsatisfactory.

Shri Brajeshwar Prasad: Is there any proposal before the Government to substitute I class railway pass for the present railway travelling allowance ?

Dr. Ambedkar : It is a suggestion which may be considered.

(16)

****GENERAL ELECTIONS**

5. Shri Kamath : Will the Minister of Law be pleased to state:

(a) the progress so far made in respect of the preparation of electoral rolls and delimitation of constituencies in each of the Part A, Part B and Part C States ; and

(b) the firm date for the holding of general elections under the new Constitution ?

* P. D., Vol. 1, Part II, 15th April 1950, p. 1557.

**P. D., Vol. 6, Part II, 15th November 1950, p. 12.

The Minister of Law (Dr. Ambedkar): (a) A statement is laid on the Table (See Appendix I, Annexure No. 4).

(b) This question has been dealt with yesterday in the Presidents opening address.

Shri Kamath : Is it a fact, Sir, that in the President's Order issued some time in October the total population of Scheduled tribes in Part A and Part B States of the Indian Union has been given as 179 lakhs or so while according to the Census of 1941 the total population of Scheduled tribes in those States is about 248 lakhs ?

Dr. Ambedkar : This question should be addressed to the hon. the Home Member.

Dr. Deshmukh : May I know if the Hon. Minister of Law is aware that according to the present arrangement, considerable hardship would be caused to a Scheduled Caste candidate and whether he is intending to take any steps by which this double constituency which is likely to fall to the share of the Scheduled Caste and the Scheduled Tribes candidates would be reduced to a single constituency.

Dr. Ambedkar : That is a matter which undoubtedly will be dealt with by the House when the Order dealing with constituencies will be placed before the House.

Prof. Ranga: Is it absolutely incumbent according to the Constitution to have the elections for the Parliament—the House of the People and also for the State Legislatures—simultaneously ?

Dr. Ambedkar : That would be a matter which would be dealt with on the basis of convenience by the Election Commissioner.

Sardar B. S. Man: May I know for the purposes of delimitation of constituencies whether the results of Census which is shortly to be taken in 51 will be taken into consideration or the present figures of 1941 will be considered ?

Dr. Ambedkar : I think under the Constitution, the provision is that the election is to take place within three years from the date of the provisional Parliament. The old Census may be taken, subject to the fact that in certain Provinces like the Punjab and West Bengal the population may be estimated by the President on the basis of the voting strength.

Shri Kesava Rao : May I know whether the Government has received any representations from the minority communities for having plural Member constituencies for them ?

Dr. Ambedkar : May I know what complaints have been received by the Election Commission, but I may say that I have received various representations relating to that matter.

Dr. Deshmukh : May I know if the complaints of castes which have been omitted from the President's Order for the first time are going to be considered by Government ?

Dr. Ambedkar : It cannot be considered now. The provision in the Constitution is that whereas the Order is made by the President enumerating the various castes and tribes, the Government is excluded from any further action. The matter is left for Parliament to be dealt with.

Shri Tyagi: When does the Hon. Minister propose to introduce the People's Representation Bill in its final shape and place the electoral rules before this House ?

Dr. Ambedkar : The Bill certainly I am placing before the House during the course of this session, but I do not know what my hon. Friend means by "rules".

Shri Tyagi: I mean rules of election.

Dr. Ambedkar : Well, I do not know whether the rules of election would be framed unless and until we pass this Act.

Shri R. K. Chaudhari: Is it a fact, Sir, that the population as determined by the hon. the President has been open to very serious objection on the ground that the determined population has been less in some instances than the census of 1941 and as it was determined on the number of voters as on the voting list which has been found to be defective, is there any likelihood of the revision of the determined population ?

Dr. Ambedkar : That question ought to be addressed to the Hon. the Home Minister.

Shri Chandrika Ram : May I know how many States have been able to delimit the constituencies for Scheduled Castes and Scheduled Tribes ?

Dr. Ambedkar : I do not think the delimitation of constituencies for the Scheduled Castes is a matter which is dealt with separately from the delimitation of the general constituency.

Shri Kamath : In view of the fact that the date of the General Elections has now been postponed from April-May to November-December, 1951, will there be any change in the qualifying date and qualifying period for the voters ?

Dr. Ambedkar : Unless the Act that has already been passed is amended, we could make no change.

Mr. Speaker: I think we will go to the next question.

(17)

*GENERAL ELECTIONS

134. Shri Deshbandhu Gupta: (a) Will the Minister of Law be pleased to state whether Government have finally fixed the month for the next General elections and if so, what is the month ?

(b) Will the elections be held simultaneously for the Parliament and Legislature of States ?

(c) What opinions have been expressed by each State Government on the subject ?

(d) What is the total number of voters for the House of the People, the Council of States and States Legislatures respectively enrolled and when will the electoral rolls be finally published ?

(e) What is the estimated expenditure which will be incurred on the elections ?

(f) How many officers will be employed for the purpose and for what period ?

The Minister of Law (Dr. Ambedkar): (a) This part of the question has been dealt with in the President's opening address on the 14th November, 1950.

(b) Elections are proposed to be held simultaneously for the House of the People, Constituencies in a State and the

* P. D., Vol. 6, Part I, 20th November 1950, p. 138.

Legislative Assembly constituencies, if any, of that State. Elections to the State Legislative Councils will also be held about the same time, but it may not be exactly at the same time.

(c) The States are all in favour of holding the elections to the House of the People and the State Legislative Assemblies simultaneously.

(d) The electorate for the House of the People and the Legislative Assemblies of the States are the same. A statement is laid on the Table giving the total number of voters for the House of the People so far enumerated. (*See Appendix I, Annexure No. 29*).

Figures in respect of supplementary voters are still awaited from Uttar Pradesh, West Bengal, Bhopal, Bilaspur, Coorg and Himachal Pradesh, the electorate for the seats allotted to Part A States and Part B States (except Jammu and Kashmir) in the Council of States is 3,055. The method of election to fill the seats in the Council of States allotted to Part C States is to be determined by Parliament and it is proposed to introduce during the current session a Bill to amend the Representation of the People Act, 1950 for this purpose. The electoral rolls for the Legislative Councils in Part A States and in Mysore are still under preparation and it is not possible to give any idea as to that electorate. Electoral rolls will be finally published as soon as constituencies have been delimited and claims and objections to the preliminary rolls have been disposed of. This is expected to be late in January, or early in February, next.

(e) On a rough estimate, the total expenditure that has so far been incurred, and may hereafter be incurred by the Government of India in connection with the elections may be about 520 lakhs; and the total expenditure for all the State Governments may be about 490 lakhs.

(f) If the hon. Member is referring to officers who will be employed for the actual conduct of elections, it is not possible at present to estimate their number or the period for which they will have to be employed for the purpose.

Shri Deshbandhu Gupta: May I know whether complaints have been received from various States as to omissions or incorrect entries—a large number of them—in the electoral rolls, and if so what steps have been taken by Government to remove these defects ?

Dr. Ambedkar : Well, really speaking, that is a matter which must be within the cognizance of the Election Commissioner, and I am sure if any irregularities have been reported to the Election Commissioner, he will exercise his powers to set them right.

Shri Deshbandhu Gupta: Has it come to the notice of the Election Commissioner or the Government that in the State of Delhi itself as many as 40,000 women are required to file objections to get themselves enrolled as voters for the simple reason that they have been enrolled as “Mrs. so-and-so” or “Miss so-and-so”?

Dr. Ambedkar : It is possible.

Shri Deshbandhu Gupta: Sir, in view of the fact that the elections have now been postponed, will Government consider the desirability of getting such incorrect entries corrected of its own accord, rather than require the objectors to file objections ?

Dr. Ambedkar : I shall convey the suggestion to the

Mr. Speaker : Order, order. It is a suggestion for action.

Shri Syamnandan Sahaya : In view of the fact that the Constitution lays down that there is to be adult franchise, will Government please state whether they shall take into consideration the results of the next census in the matter of drawing up the electoral rolls ?

Dr. Ambedkar : It is not necessary, as it is provided in the Constitution that if the elections take place within three years of the inauguration of the Constitution, the population of 1941 census may be taken into account, or in certain other cases the population may be determined by the President by order.

Mr. Deshmukh : Is the Hon. Minister aware that in some States the price proposed for the voters' list is exorbitant and may I know whether Government would issue any orders to the effect that these lists should not be so very costly ?

Dr. Ambedkar: I have heard that this matter has been agitated in some of the local Assemblies, and I hear some State Governments have already reduced the price of the electoral rolls.

Shri T. N. Singh: May I know whether the word “simultaneously” used by the Hon. Minister in his reply means that all the elections will be held on one day in all the different States or whether it will be spread over three or four days ?

Dr. Ambedkar: It should take place on the same day for expenditure to be economised.

Shri R. Velayudhan: May I know if, any final date has been fixed for the Delimitation Committees to submit their reports ?

Mr. Ambedkar: I think the date was at one time fixed, as it was the intention of the Election Commission to submit the Election Constituency Order to the President and place it before this House in this Session. But in view of the fact that the date of the election has been postponed, probably he desires to have more time in order to enable him to prepare the constituencies more in consonance with the facts of the case.

Shri K. Vaidya: Sir, should not the elections take place in April in the case of States where there is no legislature at all ?

Dr. Ambedkar: If my friend will resume his seat I will give the reply. So far as the House of the People is concerned, the Legislature of the State is not involved, because the election is by the people. Where there are Upper Chambers, there, by the Bill which I am presenting to the House to-day they are making provisions for election in such States where Legislatures do not exist.

Shri Dwivedi: Sir, may I know whether any minimum qualifications are to be fixed for persons standing for elections ?

Dr. Ambedkar: That matter is under debate by a Resolution moved by Prof. K. T. Shah.

Shri Radhelal Vyas: In view of the fact that the general elections have been postponed by one year, will the qualifying date

and the qualifying period also be changed by suitable amendments to the People's Representation Act ?

Mr. Speaker: It is to be the subject of discussion in this House.

Shri Deshbandhu Gupta: Sir, may I know whether, it is correct that some device has been found out to detect impersonation ?

Dr. Ambedkar: Yes, I hear our scientific laboratories are finding out some kind of device.

(18)

*GOVERNMENT AGENTS FOR SUPREME COURT

442. Shri Raj Bahadur: (a) Will the Minister of Law be pleased to state whether any agency or machinery has been set up under the auspices of the Government to act as solicitors or agents for or on behalf of the Central and the State Governments for the Supreme Court of India ?

(b) If so, what were the reasons and necessity for creating such agency or machinery ?

(c) What is the amount of money to be spent by the Government of India and the State Governments respectively on the creation and maintenance of the said agency or machinery ?

(d) How has the creation of such an agency or machinery affected the efficiency or execution of work ?

The Minister of Law (Dr. Ambedkar): (a) Yes.

(b) With the abolition of the jurisdiction for the Privy Council over Indian cases and the establishment of the Supreme Court on the commencement of the new Constitution, the volume of work in connection with cases coming up before the Supreme Court concerning the Central and State Governments increased enormously. Novel and intricate problems of law arose in such cases by reason of the great constitutional changes that had taken place. It was considered that, in order to achieve best results before the highest

* P. D., Vol. 6, Part I, 28th November 1950, p. 410.

tribunal in the land, all matters before the Supreme Court, civil and criminal, in which the Government of India or any of the State Governments were interested, should be handled by a central agency, composed of personnel experience in Federal Court practice and procedure, conversant with Government administration, and familiar with the new Constitution. When the proposal was put to the Governments of Part A and part B States, it was accepted by 10 of them.

(c) The approximate expenditure on the Central Agency is estimated to be Rs. 47,600 for the current financial year and Rs. 87,400 for the next financial year. The expenditure is to be shared between the Government of India and the Governments of the participating States in proportion to the number and nature of the cases handled on behalf of each Government. The amounts payable by the participating Governments for the current year can only be estimated at the end of the year.

(d) Before the Central Agency section was created, the Agency work of the Central Government was done by one of the Government Solicitors in addition to his normal advisory work in the Solicitor's Branch, and each Provincial or State Government made its own arrangements. The setting up of a centralised agency will naturally lead to economy and efficiency, particularly from the point of view of the State Governments. It also secures greater co-ordination between the States *inter se* and the Central Government on various constitutional questions coming up before the Supreme Court.

Shri Raj Bahadur: May I know whether any of the States disapproved or rejected the proposals ?

Dr. Ambedkar : Well, I do not know which States expressly disapproved, but, as I said, ten have agreed; Assam, West Bengal, Madras, Punjab and Uttar Pradesh have not joined the scheme. They might join hereafter.

Shri Raj Bahadur: May I know the number of States which have not given specific acceptance of the proposal ?

Dr. Ambedkar : As I said, evidently those who have not joined the scheme have either expressly said that they do not want to join or have merely postponed their decision—I am unable to say at this stage.

Shri Raj Bahadur: So far as the financial side is concerned, how does the expenditure which is to be incurred now compare with the expenditure which was being incurred up to now ?

Dr. Ambedkar : There is no basis for comparison because such an agency did not exist before.

Shri Raj Bahadur: Why I know whether the opinion of local solicitors and agents was taken or not?

Dr. Ambedkar : There is no necessity. We took the opinion of the Governments.

(19)

***MUSLIM PERSONAL LAWS**

561. Dr. M. M. Das : (a) Will the Minister of Law be pleased to state the States of the Indian Union where the Muslim Personal Laws (Shariat) Application Act of 1937 is not in force ?

(b) Is it a fact that Muslims of the Indian Union are governed by the same Personal Laws viz., the Shariat?

(c) Did Government receive any representation from the Muslims of Cooch-Bihar or ascertain their opinion before the Government of West Bengal replaced their existing Personal Laws by Shariat ?

The Minister of Law (Dr. Ambedkar): (a) and (b). The Muslims Personal Law (Shariat) Application Act of 1937 is not in force in Part B States and in the merged territory of Cooch-Bihar in West Bengal. It is in force in the rest of India. So far as Cooch-Bihar is concerned, provision has been made in clause 3 of the Cooch-Bihar (Assimilation of Laws) Bill which is pending before this House, for bringing the Act of 1937 into force in that area. The position in Part B States appears to be that Muslims are in the main governed by

Shariat, but subject to variations introduced by established custom or usage or by local laws.

(c) So far as I am aware, the Government of West Bengal have done nothing to alter the personal law applicable to Muslims in Cooch-Bihar. After the Cooch-Bihar (Assimilation of Laws) Bill is passed by this House and is brought into force, that Government will, in due course and after due consideration, bring the Muslim Personal Law (Shariat) Application Act of 1937 into force in Cooch-Bihar under clause 3(2) of the Bill.

Dr. N. M. Das : May I know whether the Hon. Minister of Law thinks it necessary and advisable to ascertain the opinion of the Cooch-Bihar Muslims about the change that will be introduced by the West Bengal Government ?

Dr. Ambedkar : That matter is left to the West Bengal Government.

Shri Syamnandan Sahaya : Is there any proposal pending the consideration of the Government for bringing before this Parliament a Muslim Code also?

Dr. Ambedkar : No.

Shri Tyagi : Is it the intention of Government to bring a law to regulate the Muslim Law in India also and to effect reforms in respect of the system of polygamy that is prevalent amongst Muslims ?

Mr. Speaker : That question was put and answered.

Shri Tyagi : I want to know whether it is the intention of Government to effect reforms in the previous Muslim Law ?

Mr. Speaker : There is no intention of bringing a Muslim Code. That is what the Minister said and it covers all points.

Shri A. C. Guha : Have Government under contemplation any proposal to bring a uniform civil law for all Communities, according to our Constitution ?

Dr. Ambedkar : I have very much the matter at heart; but I have no time.

(20)

* ENGAGEMENTS OF LAWYERS IN CASES
AGAINST THE UNION

709. Shri Kazmi: Will the Minister of Law be pleased to state :

(a) the procedure for the engagement of legal practitioners in the proceedings in Courts of the cases against the Union of India;

(b) whether the remuneration; and

(c) whether the Attorney General for India, the Advocate General of State or Government Pleader of locality is consulted on such appointments, and if not, what are the reasons therefor ?

The Minister of Law (Dr. Ambedkar): (a) In all Part A States, the legal business of the Central Government is generally undertaken by the State Governments, by mutual agreement, and is conducted by the Legal Remembrancer of the State and other law officers under his control such as the District Government Pleaders. In the Presidency towns of Bombay and Calcutta we have our own Solicitors to attend to this work. Certain departments like the Railway and Income-tax Departments also make their own arrangements for conducting their cases in the courts. The Central Government have appointed all District Government Pleaders in Part A States as Government Pleaders in relation to any suit by or against the Central Government, excluding cases relating to railways. No standing arrangements have yet been made in Part B States, while in Part C States, the Chief Commissioners are authorised to make the necessary arrangements.

(b) Except where special rates are agreed upon, the Government Pleaders conducting the Central Government cases are paid fees at the same rates as are admissible to them for conducting cases on behalf of the State Governments which employ them.

(c) As stated in the reply to part (a) of the question, as a general rule, the District Government Pleaders also act as

* P. D., Vol. 6, Part I, 6th December 1950, p. 694.

Government Pleaders in cases against the Government of India in Part A States and hence the question of consultation in making the appointment of such Pleaders does not arise.

(21)

***SCHEDULED CASTE REPRESENTATIVES**

814. Shri Jangde : Will the Minister of Law be pleased to state whether the number of Scheduled Caste Members to the House of the People from Madhya Pradesh is being determined on the basis of the 1941 census ?

The Minister of Law (Dr. Ambedkar): The number of seats to be reserved for the Scheduled Castes from Madhya Pradesh, or for the matter of that, any Part A State or Part B State, in the House of the People will be determined on the basis of their population as estimated by the Census Commissioner under the provisions of the Constitution (Determination of Populations) Order, 1950, made by the President under article 387 of the Constitution. The population has been estimated by the Census Commissioner as on the 1st March 1950, and has already been notified *vide* Home Ministry's Notification in a *Gazette Extraordinary* dated the 14th September 1950.

(22)

****DELIMITATION OF COMMITTEE REPORTS**

817. Shri Deogirikar: (a) Will the Minister of Law be pleased to state how many States have submitted the Delimitation Committee reports so far ?

(b) Will those Constituencies be accepted as final or will they undergo changes and if so, when and who will make the changes ?

The Minister of Law (Dr. Ambedkar): (a) Proposals for the delimitation of constituencies for the House of the People and the Legislative Assemblies of States have been received

*P. D., Vol. 6, Part I, 11th December 1950, p. 804.

***Ibid.*, p. 805.

by the Election Commission from all States except that West Bengal's proposals for the Legislative Assembly of the State have not yet been received. The Parliamentary Advisory Committee for the following States have sent their reports :

Assam, Bombay, Orissa, Hyderabad, Travancore-Cochin, Saurashtra, Delhi, Vindhya Pradesh, Bhopal, Tripura and Manipur.

(b) The procedure for making the Order delimiting the constituencies is contained in section 13 of the Representation of the People Act, 1950. the Election Commission shall, in consultation with the Delimitation Advisory Committee set up in respect of each State, formulate proposals as to the delimitation of constituencies in that State and submit such proposals to the President for making the Order as to such delimitation. It is open to the Election Commission to amend or vary the proposals of the Delimitation Advisory Committees. The President also can amend or vary the proposals submitted by the Election Commission, and every such Order made by the President shall be subject to such modification as Parliament may make when it is laid before it.

(23)

*GENERAL ELECTIONS

1052. Prof. S. N. Mishra: (a) Will the Minister of Law be pleased to state the approximate expenditure to be incurred by the Government in the next elections ?

(b) How many representations have been made to the Government for holding elections in April-May and how many against it ?

The Minister of Law (Dr. Ambedkar): (a) Attention is invited to my reply given on the 20th November, 1950, to part (e) of starred question No. 134 asked by Shri Deshbandhu Gupta.

(b) According to information available, in all eleven representations have been received, out of which ten are against holding elections in April-May 1951, and one

* P. D., Vol. 6, Part I, 19th December 1950, p. 1034.

against the postponement of the elections to November-December 1951.

Prof. S. N. Mishra : May I know what were the main reasons for postponing the elections to November-December 1951?

Shri Dwivedi: May I know whether Government are going to ban party and religious flags during the elections ?

Dr. Ambedkar : I suppose that everything that is necessary to ensure fair elections will be done.

Shri Joachim Alva: Is Government devising any machinery of propaganda by which elections may be run on proper lines and malpractices may be avoided ?

Dr. Ambedkar : I think that it had better be left to the political parties themselves.

Shri Jainarain Vyas : Will Government impose any levy on the different States to meet the election expenditure ?

Dr. Ambedkar : Yes. There has already been an agreement between the Centre and the various States as to the proportion in which the election expenses would be borne.

Dr. M. M. Das: May I know whether any State Government has sent any deputation and if so, what is the result ?

Dr. Ambedkar : Deputation for what ?

Dr. M. M. Das: For postponing the elections.

Dr. Ambedkar : No. I do not remember to have received any deputation.

Shri R. Velayudhan: Which is the single State which has protested against the postponement of the elections ?

Dr. Ambedkar : I did not say that the representations were from the States. They may have been from individuals and not necessarily from the States. I have not got the name of the particular representative who sent the representation against the postponement of elections.

Shri B. K. P. Sinha : Is it a fact that certain parties which were nervous at the approach of the elections are now passing resolutions to the effect that Government have done a great harm by postponing the elections ?

Dr. Ambedkar : I feel that my hon. Friend knows more than I do.

(24)

***SHORT NOTICE QUESTIONS AND ANSWERS
ELECTORAL ROLLS FOR RURAL AREAS IN DELHI**

Shri J. R. Kamble: Will the Minister of Law be pleased to state :—

(a) Whether the attention of Government has been drawn to the news appearing in the Evening News of the Hindustan Times dated the 20th March 1951 and in the Indian News Chronicle dated the 21st March 1951 that the Chief Commissioner of Delhi has ordered that the electoral rolls for the rural areas of Delhi State for the next general elections will be published only in Urdu ;

(b) Whether the above news item is a correct statement of fact, and if so, what are the reasons for the aforesaid rolls not being published in Hindi which is the official language of the Union ; and

(c) What is the policy of the Government with regard to the language of the electoral rolls for the next general elections in Part 'C' States ?

The Minister of Law (Dr. Ambedkar): (a) and (b) The two news items referred to in the question relate to elections to the District Board of Delhi and have nothing to do with the general elections to Parliament. The electoral rolls for Delhi for the ensuing general elections to the House of the People have in fact been published in three languages, *viz.* English, Hindi and Urdu.

(c) Under Rule 6 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, the language in which the electoral rolls in respect of State are to be prepared is to be decided by the Election Commission. Generally, the rolls have been prepared throughout the country in the regional languages only, but in certain bi-lingual areas in some of the States the Commission has directed the preparation of the rolls in an additional language also.

Shri J. R. Kapoor: Do I take it that the electoral rolls of rural areas of Delhi with regard to the next General Elections are being published also in English ?

Dr. Ambedkar : Which rural area and for what purpose ?

Shri J. R. Kapoor : For the General Elections in the rural areas of Delhi.

Dr. Ambedkar : For the General Elections to Parliament they are printed in the regional language, as I just now said. Where the area is a composite area it is published also in some additional language.

Shri J. R. Kapoor : May, I know whether with regard to the electoral rolls for the next General Election to Parliament the electoral rolls relating to the rural areas of Delhi State are going to be published in English also in addition to Hindi and Urdu ? If so, will the Hon. Minister be pleased to state how many people are there in the rural areas of Delhi State who know English only ?

Dr. Ambedkar : It is not published in English only. It is published in three languages. As I said, the electoral rolls in Delhi for the ensuing General Elections to the House of the People have in fact been published in three languages English, Hindi and Urdu. Any voter may pick up any particular roll with which he is familiar.

Shri J. R. Kapoor: What was the language of the electoral rolls of the Delhi State in the last General Elections ?

Dr. Ambedkar : It must be the regional language and so far as I remember the old rule was also the same as now.

Shri J. R. Kapoor: What was considered to be the regional language at the time of the last General Election in the Delhi Rural Area?

Dr. Ambedkar : I am not quite familiar; probably it might have been Urdu. There is now an improvement.

Shri Hussain Imam : Is it a fact that there are no rural and urban constituencies separately in the State of Delhi ?

Dr. Ambedkar : I am not sure. I have not seen the constituencies as framed by the various committees that were appointed by this House.

Seth Govind Das : What are the languages other than the local languages in which these lists would be published at different places ?

Dr. Ambedkar : I must have notice of it. So far as I remember when I was answering a question by Mr. Anthony similar to the one now put, I think, I said that so far as Bombay was concerned English was also used for the purpose of preparing them. If in the case of some other areas also such as Bangalore in Mysore State, I am not sure at the moment, I am speaking from memory.

(25)

*SCRUTINY OF CENTRAL AND STATE LAWS

Pandit H. B. Bhargava : Will the Minister of Law be pleased to state whether the Government of India have set up or intend to set up a Law Commission or any other suitable machinery for the scrutiny and examination of all the Central and State Laws in the light of the Constitution of India with a view to amend, modify or repeal such provisions of the existing Laws which are inconsistent with Part III and other provisions of the Constitution and if not, why not ?

The Minister of Law (Dr. Ambedkar) : No Sir. In connection with the adaptation of the Central and State Laws under article 372 of the Constitution, in order to bring them into accord with the provisions of the Constitution, Government have taken the view that so far as fundamental rights are concerned, it would not be advisable to omit or modify any provision of a law on account of article 13(1), unless there was a clear inconsistency between such law and any of the provisions of Part III, as, for instance in the case of the Punjab Land Alienation Act, 1900, which has been repealed by adaptation.

Pandit M. B. Bhargava : Has the Government considered the question how far the State Laws and the Central Laws are in conformity with the present Constitution, and does the Government have any intention to apply its mind to this proposition ?

* P. D., Vol. 7, Part I, 7th April 1951, p. 2820.