

Thursday, 20th April, 1950



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME IV, 1950

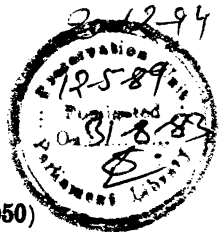
(1st April, 1950 to 20th April, 1950)

First Session

of the

PARLIAMENT OF INDIA

1950



CORRIGENDA

to

the Parliamentary Debates (Part II—Other than Questions and Answers), 1st Session, 1950,—
In Volume IV,—

1. No. 3, dated the 4th April, 1950,—
Page 2507, line 19 from bottom for "tribal and other backward areas" read "scheduled castes".
2. No. 4, dated the 5th April, 1950,—
Page 2561, line one under clause 182, for "—ssion" read "submission".
3. No. 6, dated the 8th April, 1950,—
(i) Page 2647, line 11 from bottom for "so" read "to".
(ii) Page 2648, line 9 after "far" read "so".
(iii) Page 2670, line 11 from bottom for "coutry" read "country".
4. No. 7, dated the 10th April, 1950,—
Page 2710, line 13 from bottom for "its" read "to", and in last line for last word "we read "were".
5. No. 9, dated the 12th April, 1950,—
(i) Page 2810, line 6 from bottom for "act" read "Act".
(ii) Page 2822, for existing line 19 from bottom read "into effect on 19th October, 1949 certain actions had been taken under the old".

. No. 10, dated the 14th April, 1950,—
Page 2832, for existing line 19 from bottom read "(Occupancy or tenancy right not to be extinguished)".

7. No. 11, dated the 15th April, 1950,—
(i) Page 2896, line 24 after "not" insert "go".
(ii) Page 2900, line 7 for "express" read "expenses".

8. No. 12, dated the 17th April, 1950,—
(i) Page 2922, line 12 for "Shri Hussain Iman" read "Shri Hussain Imam".
(ii) Page 2923, line 4 for "all the said" read "all is said".

(iii) صفحہ ۲۹۲۶ لائن ۴ میں -دسزور، کی جگہ ددھزارے پڑھیں -

(iv) Page 2930, between lines 10 and 11 from bottom insert "[MR. DEPUTY-SPEAKER in the Chair]".

(v) Page 2934, line 1 for "49, 5000" read "49, 500".

9. No. 14, dated the 19th April, 1950,—
(i) Page 3020, line 9 from bottom for "re-established" read "re-establish".
(ii) Page 3022, line 19 for "away" read "way".
(iii) Page 3024, line 12 for "members" read "numbers".
(iv) Page 3025, line 18 for "placed" read "displaced".
(v) Page 3026, line 19 from bottom for "by 375" read "be 375".
(vi) Page 3029, line 28 for "by" read "ly".
(vii) Page 3031, line 12 after "Notified" insert "Area".

(viii) पृष्ठ ३०३९, पंक्ति १२ में "जातना" के स्थान पर "जानता" पढ़ें और पंक्ति २२ में "जिस को की कि" के स्थान पर "जिस को कि" पढ़ें ।

(ix) Page 3044, line 20 for "Mr. Speaker" read "Mr. Deputy-Speaker".

10. No. 15, dated the 20th April, 1950.—

- (i) Page 3059, line 16 for "Article any" read "Article 327".
 - (ii) Page 3084, line 11 from bottom for "effected" read "effete".
 - (iii) Page 3087, line 26 against "9. Tripura" for "6" read "2".
 - (iv) Page 3104, line 8 for "Formaula" read "Formula".
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PARLIAMENTARY DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Thursday, 20th April, 1950

The House met at Half Past Two of the Clock in the Afternoon.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(No Questions: Part I not published)

REPRESENTATION OF THE PEOPLE BILL—*concl'd.*

Mr. Speaker: The House was proceeding yesterday with the consideration of the following motion:

"That the Bill to provide for the allocation of seats in, and the delimitation of constituencies for the purpose of elections to, the House of the People and the Legislatures of States, the qualifications of voters at such elections, the preparation of electoral rolls, and matters connected therewith, be taken into consideration."

Sardar B. S. Man (Punjab): Sir, in view of the anxiety shown by the Chief Whip I will take part when the clauses come up.

Shri Syamnandan Sahaya (Bihar): Perhaps it is the function of the Minister-in-charge to place before you the salutary effect of the proposal which you made yesterday and which bore fruit this morning. As he is not yet here I am glad to be able to report to you that agreement was reached on most of the contentious points that were placed before the Committee.

An Hon. Member: Except one very important one.

Mr. Speaker: Let him proceed.

Shri Syamnandan Sahaya: Well, as a matter of fact there shall be differences as long as the world lasts. But there were suggestions made with regard to delimitation of constituencies, whether constituencies should be singular or plural. Of course that matter, the hon. Minister, stated, will be taken up in another Bill which he proposes to bring forward. But I suppose the matter will be agitated once again and I hope if possible the Law Minister will be able to state before this House what is really the purpose of proceeding for delimiting the constituencies in this Bill then.

Now that the Law Minister is here I hope he will place before you the facts as transpired this morning and then we may proceed to consider the Bill clause by clause.

The Minister of Law (Dr. Ambedkar): I am sorry, Sir, that I was late. At your suggestion there was a meeting held this morning under the chairmanship of the Deputy-Speaker of such Members of the House as were interested in this Bill and I am glad to say that we have unanimously accepted certain amendments to this Bill which I propose to move with your permission. I hope that there will be no further controversy or debate on the subject.

Shri Tyagi (Uttar Pradesh): I have not been accommodated. I agree with the amendments, but my points have not been accommodated and my amendment has not been accepted. Therefore it was not 'unanimous'.

Mr. Speaker: Whatever the reasons, the conclusion seems to be unanimous. I shall put the consideration motion to the House and then we can take the Bill clause by clause. I must congratulate the Members on the very happy end that has been brought about. The question is:

"That the Bill to provide for the allocation of seats in, and the delimitation of constituencies for the purpose of elections to, the House of the People and the Legislatures of States, the qualifications of voters at such elections, the preparation of electoral rolls, and matters connected therewith, be taken into consideration."

The motion was adopted.

Mr. Speaker: We may now proceed with the Bill clause by clause.

Dr. Ambedkar: There is an amendment to clause 13 and I would therefore like that clause to be held over because the amendment is being typed.

Mr. Speaker: All right, I take it generally that the previous amendments tabled by hon. Members are all scrapped.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): Yes, in view of this.

Some Hon. Members: No.

Mr. Speaker: I was thinking of putting the clauses collectively in cases where there are no amendments.

Shri Syamnandan Sahaya: As the amendment to clause 13 is being typed it is better to put clause by clause.

Mr. Speaker: I was thinking of putting clauses 7 to 12 together, unless Members wanted to move any amendment to any of those clauses.

Shri A. P. Jain (Uttar Pradesh): There are amendments to clauses 6 and 9.

Dr. Tek Chand (Punjab): Unfortunately we have not seen the wording of the amendments in respect of what we decided in the morning. There was only a general talk. And with regard to some of the clauses, for instance with regard to clause 6, there is still a great deal of controversy and there is no unanimity.

Dr. Ambedkar: There is no controversy.

Mr. Speaker: I do not at all want to exclude any amendment tabled. I was trying to clarify the position so that if there are no amendments I shall take those clauses together.

Dr. Tek Chand: What are the new amendments? Let us see them. Nobody has seen them. Without seeing them how can we pass them?

Dr. Ambedkar: I will read them.

Mr. Speaker: Has the hon. Member, Dr. Tek Chand, any amendments to move?

Dr. Tek Chand: We have sent an amendment to clause 6.

Clauses 2 to 5

Mr. Speaker: Is any hon. Member desirous of moving any amendment to any of the clauses 2 to 5?

Some Hon. Members: None.

Clauses 2 to 5 were added to the Bill.

Clause 6

(Delimitation of Parliamentary Constituencies)

Shri A. P. Jain: I beg to move:

Add the proviso:

"Provided that except in case of a constituency wherein reservation for scheduled classes is provided, every other constituency shall be a single member constituency."

Mr. Speaker: I take it that this is not an 'agreed' amendment.

Shri A. P. Jain: No, Sir.

The Minister of State for Transport and Railways (Shri Santhanam): May I know whether he has added Scheduled Tribes also or it is only Scheduled Castes?

Shri A. P. Jain: Only Scheduled Castes. The Scheduled Tribes are living in particular areas and therefore it need not cover Scheduled Tribes. *(Interruption).*

Mr. Speaker: Order, order. Let every Member address the Chair. That is the rule.

Shri A. P. Jain: I would draw the attention of the House to Article any of the Constitution. The article runs as follows:

"Subject to the provisions of this Constitution, Parliament may from time to time by law make provision with respect to all matters relating to, or in connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the due constitution of such House or Houses."

The point which emerges from this is that the delimitation must be done by law. We have to see whether the process of delimitation provided by Dr. Ambedkar in the present Bill is being done by law. Sub-section (2) of clause 6 says: "As soon as may be after the commencement of this Act, the President shall, after consulting the Election Commission, by order, determine" among other things, "the extent of each constituency and the number of seats allotted to each constituency". Now this power under the present Bill has been delegated to the President, who will delimit the constituencies after consulting the Election Commissioner? I submit, Sir, that this is not the delimitation of constituencies by law. Dr. Ambedkar has said that he is giving an amendment to clause 13. I was present in the meeting when that amendment was discussed and I would be in order in referring to the content of that amendment. He proposes that at the time of the delimitation of the constituencies for each province a committee appointed by the Speaker shall be attached to the Election Commissioner and after these constituencies have been framed, the whole list of the constituencies shall be placed before the House and that list will become final only when it has been approved by the House. That is the gist of the amendment which Dr. Ambedkar proposes to put before the House. Let us see whether even under the scheme the delimitation of constituencies will be made by law. I submit, Sir, that there is a particular procedure laid down for making laws. Now that procedure will be followed in this particular case. When the list of the constituencies prepared by the executive authority, that is by the President, is placed before the House, at best the approval of the House can take the shape of a resolution and not the shape of statute. I am afraid, Sir, that the new provision which Dr. Ambedkar proposes to lay down will not fulfil the conditions laid down in article 327 of the Constitution, namely, that the constituencies must be delimited by law.

Sir, there is another objection apart from this constitutional objection. The main objects of this Bill are two, that is, it provides for the delimitation of constituencies and for the preparation of electoral rolls. Now, Sir, the delimitation

[Shri A. P. Jain]

of constituencies is a very important thing upon which the constitution of this House depends. Supposing there is a single member constituency, there is a two member constituency, there is a three member constituency and there is a four member constituency, different consequences follow. This Bill, Sir, excels in its vagueness. We are being called upon to vote for provisions which perhaps even the hon. Dr. Ambedkar, the mover of the Bill does not know. During his preliminary speech, while introducing the Bill, he did not tell us what kind of constituency he had in mind. Will they be single member constituencies? Will they be multiple member constituencies? Will it be a mixture of both single member constituencies and multiple member constituencies. Once the constituencies are delimited the method of voting, the procedure which has to be followed in voting is to a certain extent determined. For instance, if there is a multiple member constituency, the question arises: Will there be cumulative voting? Will there be distributive voting? Will one vote be given to each voter, even when the number of candidates to be elected may be more than one? What method are we going to follow? In fact this goes to the very root of the election and we do not know anything whatsoever, as to what the hon. the Law Minister or Government have in mind.

Sir, according to the prevailing democratic practice in the advanced countries of the world, the single member constituency is considered to be the best form of constituencies which endows the members with the greatest representative character. Now in the Constitution, we have provided that certain seats will be reserved for the scheduled classes. Naturally therefore, in certain cases we shall have to provide multiple member constituencies and the object of the amendment which I have moved is that except in cases where it becomes necessary to have a multiple member constituency to provide reservation for the scheduled classes, in all the other cases the constituencies should be single member constituencies. In fact, Sir, during the debates on the Constitution, all along we have been under the impression that we are going to have single member constituencies which will give us a proper form of democracy and it is to achieve that end that I have moved this amendment and I hope that the Law Minister will see his way to accept it.

Mr. Speaker: Amendment moved:

Add the proviso:

"Provided that except in case of a constituency wherein reservation for scheduled classes is provided, every other constituency shall be a single member constituency."

Shri J. R. Kapoor (Uttar Pradesh): I beg to move:

After sub-clause (1), insert:

- "(1A)(a) Except to the extent that it may be necessary to reserve seats to the scheduled castes and scheduled tribes, there shall be only single member constituencies; (b) seats for the scheduled castes and scheduled tribes shall be reserved in two member constituencies."

For part (a) of sub-clause (2), substitute:

- "(a) the number of single member constituencies and two member constituencies into which each State to which more than one seat is allotted in the First Schedule shall be divided."

This is my amendment very much on the same lines as my hon. Friend, Mr. A. P. Jain's; it only includes the case of scheduled tribes also and that, I think, is also necessary. I have only one word to say in addition to what has been already said by my hon. Friend, Mr. Jain. The simple question is as to who is the authority which shall decide the question as to whether the constituencies shall be single member constituencies or double member or three member or four member constituencies. It may be, Sir, the contention of my hon. friend, Dr. Ambedkar that so far as.....

Dr. Ambedkar: I have not made any contention yet.

Shri J. B. Kapoor: I am only presuming it in view of what happened at the meeting. Of course, we cannot remove from the tablet of our memories what happened in the meeting and therefore, if I am presuming, it is not an imaginary presumption but a presumption, which is going to be actually the fact after a couple of minutes when the hon. Dr. Ambedkar will reply. It may be contended by him—perhaps he may not raise that contention now after having heard what I am going to say—that neither he nor Government has come to any conclusion as to whether the constituencies should be single-member or two-member or three-member constituencies. It may be so. We do not want to thrust upon him or the Government our viewpoint at this stage. If they have got an open mind on the subject, we do not mind that. But, the simple question that arises is who should have the authority of ultimate decision on this subject: the hon. Law Minister, or Government or President or Parliament itself? My contention is that according to the Constitution it is Parliament which must have the authority to decide this question whenever it may suit Parliament or whenever it may suit Government to bring this question before Parliament for decision. Therefore, it should not be laid down at this stage definitely that not Parliament, but the President and he too, immediately after the passing of this Act, shall—the word shall is very significant—determine. The words are:

“As soon as may be after the commencement of this Act, the President shall, after consulting the Election Commission, by order, determine

(c) the number of seats allotted to each constituency.”

So that, today, we are deliberately divesting ourselves of the right of coming to any decision on this subject and here and now we are authorising that the President, immediately after this Act is passed, shall, in consultation with the Election Commission, prescribe the number of seats that may be allotted to each constituency. If it is not possible to arrive at a decision today, let the question remain an open question. Let this question not be left absolutely in the hands of the President who may act as he likes in consultation with the Election Commission. Even if the amendment which has been moved by my hon. friend Mr. Jain, or which has been moved by me in a slightly modified form is not acceptable at this stage, I would suggest that this clause (c) may be deleted. The deletion of para. (a) of sub-clause (2) of clause 6 would only mean that we are not deciding anything on this aspect of the question now. If it is not deleted, we are certainly taking a definite decision to this effect that hereafter Parliament shall have no hand in this matter and that we shall be content with whatever way the President might choose to deal with the matter, of course, in consultation with the Election Commission. The manner in which the constituencies should be delimited is a fundamental question. In fact, the constitution of this Parliament and also the constitution of the State Legislatures, which we shall consider when we come to clause 9 which raises a similar question, rest on this point. It is a very vital question. It is not a question of mere formality; but it is a very important and fundamental thing. I, therefore, submit that we should not divest ourselves of the right and opportunity of deciding this question as we like even at some subsequent stage. I submit that if neither of the two amendments is acceptable, at least parts (c) and (d) may be deleted.

Shri Santhanam: May I point out, Sir, that this would amount to shelving the whole Bill? This Bill is intended for the purpose of delimitation of constituencies.

Mr. Speaker: Let me have a look at the amendment, first.

Shri Buragohain (Assam): May I submit before the hon. Minister replies.....

Dr. Ambedkar: I do not want any suggestions.

Mr. Speaker: The better course will be to know the reactions of the Law Minister.

Shri Buragohain: Sir, the case of the Tribals of Assam stands on a different footing. I have to.....

Mr. Speaker: The better course will be to hear the hon. Minister first. Do the hon. Members want me to place this amendment at this stage, or shall I place it later? All right, I shall place it later.

Dr. Ambedkar: I regret very much that I cannot accept either of the amendments moved by Mr. Jain or by Mr. J. R. Kapoor. But, I do want to remove any kind of suspicion that there might be in the mind of Mr. Jain or Mr. Kapoor or of any other Member of Parliament. It seems to me that they are under a misapprehension that by clause 6 Parliament is going to be completely deprived of this right to determine what should be the nature of the constituency: whether it should be single-member constituency or plural member constituency; what should be the method of voting, whether it should be distributive voting or one man one vote or cumulative voting or any other system. I have not the slightest intention to deprive Parliament of its right to have its determination upon that subject. In fact, as I said in my opening speech yesterday and according to the statement made yesterday by the Prime Minister, this Bill is not a complete Bill itself. This Bill is to be followed by another Bill which may be either called Conduct of Elections Bill or the Electoral Bill. In that Bill, matters relating to the constituencies, qualifications and disqualifications of candidates and matters relating to the voting system will be dealt with and it will be undoubtedly within the competence of Parliament to come to a decision when that Bill is placed before the House, as to what sort of system of constituency and voting they approve of. Therefore, there is no desire at all to oust the jurisdiction of Parliament at all. On the other hand, as my hon. friends will remember, I myself am anxious that at every stage in the delimitation of constituencies, Parliament should be associated. As they know, I am making a provision in clause 13 that not only will the order of delimitation be placed before Parliament as an information, but also I am going to move an amendment that Parliament should have the right to make suggestions and modifications as it likes provided it wishes to do so within a stated period of ten days or so. In addition to that, there is also going to be an amendment empowering the Speaker to appoint Committees of this House to be associated with the work of delimiting constituencies, the members to be drawn from that particular area. Having regard to the statement which I have made, I think it is clear that I have not the slightest desire to oust the jurisdiction of Parliament. I am providing for placing the Order of delimitation on the Table of the House with the right of the House to make any changes they may like and in addition there is a further provision that the Speaker will have the right to appoint Committees to be associated with the work of delimitation. I do not think that any Member can have any doubt that we have the fullest desire to have Parliament's decision on this matter. The only thing is that this Bill happens to come first when, as a matter of fact, that Bill might have come first. The point is that clause 6 of this Bill which provides for delimitation will certainly not come into operation until that other Bill has been passed. It is obviously so, because, we are now, as you know, amending section 21 providing for a supplementary electoral roll which itself will take a pretty long time and give us sufficient opportunity to place that Bill before Parliament.

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

Dr. Ambedkar: It should not be deleted.

Pandit Thakur Das Bhargava (Punjab): Sir, according to Dr. Ambedkar there will be another Bill which will deal with certain other cognate matters. This Bill particularly deals with the delimitation of constituencies 3 P.M. and electoral rolls. In regard to delimitation of constituencies, I do not think there is anything more fundamental than whether the constituencies will be single member constituencies or plural member constituencies. In my opinion, this Bill is the proper and appropriate place for it. Now if by one section of the Bill we authorise the President that he should consult the Election Commissioner and then fix the extent of the constituency as also the fact that the seats in the particular constituency shall also be fixed, I do not know how in the other Bill we will be able to deal with the same matter. If we do not deal with it in this, then the question might remain open. From the assurance given by Dr. Ambedkar I certainly do not doubt that he does not want to take away the power of the Parliament but I do not see the advisability of giving the power to the President by one Bill and take it away by another Bill. This is a very small provision which forms the subject matter of the amendment of Mr. Jain that there shall be single member constituencies. If Government has not decided then let them take away (b) and (c) and provide them in the other Bill which will be coming soon and nothing will be lost. If the House is in favour of single member constituency, we should say so in this Bill. After some time our decision in this matter will not change. But in matters of this importance, we do not want to authorise the President or anybody. According to Article 326 it is the Parliament that should decide this finally. I do not think we will be justified in giving away this power. My submission is either we should accept the amendment or the other alternative is that (b) and (c) of clause 2 and 9(a) may not be enacted to-day. They may be left over and Dr. Ambedkar may bring up the subject matter of this amendment in the other Bill he proposes to bring. At present we should not pass clauses 6 and 9. This will be the best solution.

Shri T. T. Krishnamachari (Madras): On one point there is some confusion in the House. Reading Article 327 my friends Pandit Bhargava and Mr. A. P. Jain said that clause 6 of this particular Bill runs counter to Article 327. I am afraid that is entirely a wrong reading of the article. The Article says:

"Subject to the provisions of this Constitution, Parliament may from time to time by law make provision with respect to all matters relating to"

It does not mean Parliament should not enact a law in terms of clause 6 of the Bill. Therefore any insistence on a reading of Article 327 and thereby holding that clause 6 is *ultra vires* of the Constitution or that we are enacting something which is not proper or that we are delegating the authority of Parliament which we are not entitled to is completely wrong.

On the merits of the question I am inclined to agree with Mr. Jain and Mr. Bhargava. Dr. Ambedkar does not deny the admissibility of the provision of this nature. This he says might be put in a supplementary Bill. That is an argument sought to be met by my friends that if you are going to make a provision like this later why not now. On the contrary if you are going to bring a separate Bill, why not put this provision there. I agree with Dr. Ambedkar in regard to the necessity for putting some provision regarding delimitation of constituencies otherwise half of the work that we contemplate will remain unfinished. Therefore I would like my friend, the Law Minister to consider putting in some provision if not on exactly the same terms as that suggested by Mr. Jain, in any other manner that he likes that the House is definitely committed to the principle of single member constituencies, subject only to those instances where reservation has to be made for scheduled castes and if in a single member constituency such a reservation is made, we will be disenfranchising the people of other communities who will not be able to return a candidate of their own. Therefore it is logical for Mr. Jain to say that where you make a reservation

[Shri T. T. Krishnamachari]

for future action by all means put this provision covered by clause 6 in the other Bill. But I think it is very necessary that in leaving this question to the Delimitation Commission who will be really the operating factor, we will have to give them some idea, as to how to proceed. On the other hand I would also like to sound a note of warning. The whole construction of part 15 of the Constitution which has been evolved after considerable amount of deliberation and argument and discussion has been to take away all traces of political influence from the question of delimitation of constituencies. Originally the power has been shifted from the States on to the Parliament because it was felt that the party in power in the States might have some particular ideas of their own and constituencies may be delimited in such a manner that certain interests might be more or less denied representation and that argument logically can be extended to Parliament as well and I think it is perfectly right that Parliament composed as it is either to-day or tomorrow by political parties should divest itself of the ultimate say in the matter like this and leave it to an independent body like the Election Commission and the President, who are expected to be fair and impartial. So the idea of a continuing process of interference by Parliament must be given up even if it were by a self-denying Ordinance so that the *bona fides* of Members of the political parties such as we are should remain completely unquestioned.

There is, I believe, a sort of confusion of ideas. While the insistence on the single member constituency except in regard to scheduled classes is perfectly correct the other arguments they have brought forward merely confuse the issue. I would like Dr. Ambedkar to consider this and I think a mere assurance might serve the purpose. I have no doubt that Dr. Ambedkar could not do anything without Parliament's concurrence and Parliament can stop the process of work of the Delimitation Commission at any stage. After all this Bill is a creature of Parliament and Parliament can always amend it. But at the same time I wonder if my hon. friend Dr. Ambedkar who agrees with the principles of the amendment of Mr. Jain could not admit a similar amendment here and now. Later on if he feels that that is unduly tying the hands of the Commission, and certain flexibility is needed, the amending Bill might be used as a means for amending this particular provision. I humbly suggest that this particular aspect might be considered by Dr. Ambedkar and if he thinks that some time should be given for considering it, we might pass over to the next clause in the Bill.

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

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

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

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

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

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

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

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

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

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

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

Shri Santhanam: Clauses 6, 7, 8, 9 and 11 go together. Therefore action is either taken under these clauses or not. Action taken under these clauses is action taken. Parliament may attempt to modify that or not but when once the whole scheme is propounded, the idea that the Parliament can amend, scrap or substitute it, I think, is not reasonable. It may make minor modifications. But if a fundamental principle is involved the Parliament should accept the principle and pass these sections. If we adopt them, we should do so with the full knowledge that full discretion is going to be given to the President or the Committee

[Shri Santhanam]

which may be appointed for the purpose. The proposal is that to clause 13 some amendment is going to be made. So far as clause 6 is concerned it says: "The President after consulting the Election Commission....." I want to emphasise the point made by Mr. T. T. Krishnamachari. The whole scheme of the Constitution is that when once the Parliament has laid down the principles it should be left to the Election Commission to do every thing—to delimit the constituencies, to prepare the electoral rolls, to conduct the elections, etc. The idea that without laying down the fundamental principles the Parliament through a committee or in some other way can interfere with the entire process of electioneering is, I think, fundamentally inconsistent with the structure of the Constitution. I wish that Dr. Ambedkar and the whole House should remember this fundamental principle and enact laws on the basis of that principle.

Shri Buragohain: Sir, what I want to tell the House, when this question of plural member constituencies is discussed in connection with the seats reserved for the scheduled classes, is that the case of the scheduled tribes in the autonomous districts of Assam stand altogether on a different footing. We cannot provide for plural member constituencies in these areas. In these areas exception has to be made as seats are reserved not for communities but for areas. Where seats are reserved for autonomous districts or tribal areas there should be single member constituencies and not plural member constituencies. That is a very important point to be borne in mind. Article 330 of the Constitution specifically provides for (1) the reservation of seats for the scheduled castes (2) scheduled tribes except the scheduled tribes in the autonomous districts of Assam and (3) Scheduled tribes in the autonomous districts of Assam. I would like the hon. Minister and also the Election Commission to bear this in mind. It is a very important point, and is likely to be overlooked, that the tribal areas stand on an altogether different footing. When reservation is made in the case of the scheduled tribes and scheduled castes, there should not be any plural member constituencies for the scheduled tribes in the autonomous districts of Assam.

Sardar B. S. Man: Sir, the explanation which has been given by the Law Minister about the amendment to clause 13 will go a long way to removing certain confusion which existed in my mind. There is yet another fear in my mind, which I would like to be clarified. In fact the clarification of that point will go a long way in preventing the waste of time and expense which is already going on in different States. Under Delimitation of Constituencies there is the word "determine". What is the significance of the word "determine". In the saving clause we are told that certain acts which were done previous to the commencement of the Act will be validated. I hope it relates to the preparation of electoral rolls and not to the delimitation of constituencies. In P.E.P.S.U. they have already appointed a Delimitation Committee, which has already gone a long way in framing the constituencies, so much so that they have already declared the results for the basis of the elections. I wonder whether the work done by this Delimitation Committee in a State will be accepted by the Commission and considered as "determination" by the Delimitation Committee. I want that such work, particularly about the delimitation of constituencies, as has been done prior to this Act, except for the electoral rolls, should not be held valid and not held good so far as this House is concerned.

Pandit Kunzru (Uttar Pradesh): Sir, the issues that have been raised by the amendments of my hon. friend Mr. Jain and my hon. friend Mr. Kapoor are entirely new. We discussed the Bill at considerable length yesterday, but no one in the course of the remarks made by him suggested an amendment of this kind.

Shri A. P. Jain: Many of us had not the opportunity of doing it.

Pandit Kunzru: My hon. friend Mr. Jain says that the House had not the opportunity of putting forward such an amendment. This Bill has been before us for a week and hon. Members who have given notice of numerous amendments to this Bill and to other Bills in the course of this week cannot plead that they could not put forward an amendment like this for want of time.

An Hon. Member: We thought it would go to Select Committee.

Shri M. P. Mishra (Bihar): Sir, there is an amendment of mine in the list circulated.

Pandit Kunzru: The hon. Member who interrupted me did not speak yesterday and my remarks were limited to the speeches of those Members who took part in yesterday's debate. The question that we are now being asked to discuss is one of great importance. I think it will require much more careful consideration than the House can give to it at this time. We suggested yesterday that the Representation of People Bill should have been referred to a Select Committee. I personally found myself in sympathy with this demand, but for the very same reason for which a Select Committee was suggested. I consider it highly inadvisable that so important a question should be considered and decided at this stage. It deals with a matter of great importance. On the manner in which constituencies are delimited will depend the representative character of Parliament. Whatever decision we may come to in the end, it is obviously necessary that we should examine it as closely as possible in order to see that no injustice is done to any class or interest. We cannot obviously do this in the course of a few minutes today. My hon. friend Dr. Ambedkar has assured the House that he will bring forward another Bill before the House dealing with all these matters of detail that will have to be decided before the elections are held. I think this pledge should be regarded as sufficient by every Member of this House. Nothing will be done either in connection with the character of the constituencies or any other important matter without Parliament having an opportunity not merely of expressing its opinion fully but of deciding it as it considers proper. Apart from this, the amendment of which my hon. friend Dr. Ambedkar has given notice of also gives us the power of modifying any order that the President may pass under clauses 6, 9 and 11 as we choose. We have therefore a double safeguard: the amendment now before the House and the assurance just given by Dr. Ambedkar. I hope, therefore, that the House will not deal hastily with a matter of such importance as the character of the constituencies to be delimited by the Election Commission. This matter was considered in the Constituent Assembly once or twice. Now as we have appointed an Election Commission which will have an opportunity of considering this and other allied questions more carefully than any single Member of this House can, I think we should wait till this body, after considering the advantages and disadvantages of course suggested, is in a position to offer us its considered opinion. On these grounds, Sir, I hope that both Mr. Jain and Mr. Kapoor would consider it desirable to withdraw their amendments.

Mr. Speaker: I have not placed them before the House.

Is it necessary to have any further discussion now? We have taken nearly one hour.

Shri Syamnandan Sahaya: Sir, I want to say a few words. I will take only two minutes. The hon. Law Minister said that in the amendment to clause 13 he was providing for a committee which will be appointed by the Speaker.

Mr. Speaker: He has given notice of that amendment.

Shri Syamnandan Sahaya: I have gone through the lists of amendments. I do not find it there.

Mr. Speaker: He has given notice of that amendment.

Shri M. A. Ayyangar (Madras): Sir, your advice given yesterday was taken by the House, and there was no need, after what has transpired this morning, for referring this matter to Select Committee at all. We sat together and came to agreed solution on almost all points. The Bill deals with three issues: (1) enrolment of voters for the Parliament as well as for the State Legislatures. (2) The number of seats for Parliament from the various States and also the number of seats for the State Assemblies and Councils. With respect to both these points, a number of Members wanted some change; that has also been agreed to without any difficulty. The hon. Law Minister was prepared to accommodate all and addressed himself to the various viewpoints and almost all, if not all, who wanted a change have been satisfied.

The third and only thing that remains is the delimitation of constituencies. Delimitation is a matter of vital importance. Unless a principle is adopted by Parliament it may not be possible to delimit constituencies at all. On the basis of a single-member constituency, a particular group of villages may have to go into a particular constituency. If it is a two-member constituency, possibly it has to be doubled. If it is a three-member constituency then it has to be tripled and so on. That is the difficulty. It is but right that from one end of the country to the other there must be one principle adopted because each State should not decide as it likes. Therefore, until that principle is decided and accepted by Parliament, it is impossible for the President to come to a conclusion or the Election Commission to delimit the constituencies. This portion has naturally to stand over.

The other alternative is this. My hon. friend Pandit Thakur Das Bhargava wants that sub-clauses (b) and (c) of clause 6 be omitted now and a fresh Bill may deal with that matter. That is one aspect. The hon. the Law Minister says that we may continue as provided here, but that he will see to it with respect to both (b) and (c) that what ought to be done—whether the power of the President should be taken away to act by himself or whether we should give a direction as to the principle that is to be adopted in respect of individual constituencies—will be incorporated in a Bill to be brought forward by him. If the matter is going to be brought forward in that manner, then there is no harm in giving up (b) and (c) today. If, on the other hand, the hon. the Law Minister feels that he ought to consult his colleagues in the Government, we can act on his assurance. But one thing we must know. What is the kind of vote that we shall have? Whether it is cumulative or distributive is not the only thing. Cumulative or distributive is there, but in addition we ought to know whether it would be single member constituency or plural member constituency. This is of equal importance. If the hon. the Law Minister's assurance stands that he will consider the question of both single and plural constituencies as also cumulative and distributive votes and bring a Bill, we may be satisfied with that. Until then, the President would not be advised to go on with this matter so far as delimitation is concerned. The rest of the work may go on. We shall see what ought to be done with regard to delimitation later on.

So far as the Committees are concerned, they are entitled to give advice to the President and you will appoint the Committees. But that advice cannot go to the root of the matter. That can only be done by an Act of Parliament. Parliament may choose either of these two principles.

The hon. the Law Minister may also consider whether he can give up (b) and (c). If he wants to stick to them the House should consider whether it ought not to accept his assurance. Sir, I may say that in a very friendly spirit and in a family atmosphere we sat this morning and practically all the Members have come to agreed conclusions, and let that spirit continue.

Dr. Ambedkar: I stand by the assurance that I have given that there will be a Bill. It will deal with both the aspects: (1) the nature of the constituencies—whether they are to be single-member or plural-member; and (2) what should

be the system of voting. As I said, we shall also deal with the candidate, his qualifications and disqualifications. I have no desire in any way to take away the power of Parliament and if I may say so with all respect, I disagree with my hon. friend Mr. Santhanam who said that this was a matter entirely to be relegated to the Election Commission. The Election Commission is there merely to control and supervise the elections, but the delimitation of constituencies is a matter for Parliament.

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

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

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

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

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

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

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

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

For existing clause, substitute:

"13. *Procedure for making orders under sections 6, 9 and 11.*—(1) As soon as may be after the commencement of this Act, there shall be set up by the Speaker—

(a) in respect of each Part A State and Part B State other than Jammu and Kashmir an Advisory Committee consisting of not less than three, and not more than seven, Members of Parliament representing that State; and

(b) in respect of each Part C State other than Bilaspur, Coorg and the Andaman and Nicobar Islands, an Advisory Committee consisting of the Member or Members of Parliament representing that State.

(2) The Election Commission shall, in consultation with the Advisory Committee so set up in respect of each State, formulate proposals as to the delimitation of constituencies in that State under sections 6, 9 and 11 or such of these sections as may be applicable and submit proposals to the President for making the orders under the said sections.

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

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

Mr. Speaker: Amendment moved:

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

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

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

Dr. Deshmukh (Madhya Pradesh): Sir, when the hon. the Law Minister moved to delete the words "Election Commission", I felt very happy. But unfortunately they are coming in again by way of amendment to clause 13. I am in a very co-operative mood today and am prepared to take the most sympathetic view of the whole situation, but I would urge that the Election Commission should be absolutely kept apart from the work of the delimitation of constituencies. This is a body which has come into existence as a result of the Constitution and its functions have been determined by Article 324 of the Constitution. So, there should be some amendment to say that the President shall bring into being such bodies as may be necessary for the delimitation of constituencies. That will be much happier than to suggest at this stage what the hon. the Law Minister has done, without our having even the amendments before us. We are passing the Representation of the Peoples Bill without having the text of such important reaching and far amendments before us. I think that our fight for a Select Committee was more than justified yesterday and today there is deterioration, instead of improvement in the whole situation. All that I would urge is that the Election Commission, according to the letter and spirit of the Constitution, ought to be kept away from delimitation of constituencies, and I would beg of Dr. Ambedkar to bring in an amendment to say that the President may determine in such manner as he likes and bring into being a body or bodies which will deal with the delimitation of constituencies. That body should submit its report to the President, who will then place it before Parliament for the final say. I have given notice of a long amendment which shows that at least I have given ample thought to this matter. I have also suggested a definite procedure by which this can be done. The main idea is that the Election Commission should be the last body which should have anything directly to do with the delimitation of constituencies.

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

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

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

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

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

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

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

Mr. Speaker: The question is:

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

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clauses 7 and 8

Clauses 7 and 8 were added to the Bill.

Clause 9

(Delimitation of Assembly Constituencies.)

Amendment made:

"Omit 'after consulting the Election Commission'."

—[*Dr. Ambedkar*]

Shri Tyagi: I beg to move:

Add the proviso:

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

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

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

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

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

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

Shri Tyagi: My own feeling is that for the last thirty years nobody has dared to encroach upon the rights and privileges of the rural areas. But on account of the manner in which the administration of the country is conducted, I am afraid the time is not far off when the villages might rise up against the urban interests to safeguard their own interests. Up till now even the British Parliament has never permitted the Government to deprive the villages of the political rights they have been enjoying. Up till now they had their own constituencies. In the Uttar Pradesh as against the 34 constituencies for the urban areas, the rural areas had 109 constituencies in the Legislative Assembly. In spite of having such a predominant majority the rural areas never conducted themselves in a clanish, communal or territorial manner. They have sent many a member from the urban areas. It is probably because of that that the villages have suffered. Sir, it is a well known fact that the needs and requirements of the rural areas are different from the needs and requirements of the urban areas. It is therefore but natural that they should have separate constituencies to voice their grievances and claims before the legislatures.

I do not want to take more time of the House. I only wish to point out that the rights so far enjoyed by the villages should not be taken away. I only wish to submit that the sleeping giant of people's voice in the villages should not be teased. I only wish to point out that if this demand of the villages is not fulfilled the villages will rise up. With these words, Sir, I move.

Mr. Speaker: Amendment moved:

Add the proviso:

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

Shri M. A. Ayyangar: Sir, I feel that after the assurances that have been given by the hon. the Law Minister it is unnecessary to pursue this matter any further. Having regard to adult suffrage, the danger is that urban areas will be drawn into the rural areas and all of us will have to be at the mercy of the rural leader like Mr. Tyagi and none of us will be safe hereafter.

Shri Tyagi: I wish so.

Shri M. A. Ayyangar: I may tell my hon. friend Mr. Tyagi that is almost so. The electoral roll should be prepared for each unit, whether a municipality, town or corporation or a revenue village. After delimitation of constituencies takes place the number of villages or towns according to population of 7½ lakhs or 75,000 and so on will be assembled for the purpose of making the constituency. If there is a municipal town with a population of 25,000 the villages round about it will be added to get 75,000 or 50,000, whatever the population required for one unit. It will be a territorial constituency. Unless the municipalities are tacked on to rural areas they may not have the number required. Does Mr. Tyagi want to deny representation to the people who belong to the towns?

Shri Tyagi: How have they been doing it so far?

Shri M. A. Ayyangar: What they have been doing so far was that if there are five towns or five cities in U.P. all of them were clubbed together to send one representative. Hereafter you will make the city man run to the village and try to placate the villagers or urbanize them and get their votes. Therefore the danger is not this way. This matter is left open. It will be considered in the delimitation of constituencies. The point is not appropriate and relevant here. With the assurance of the hon. Minister I hope my friend will not press it to a vote in this House.

Mr. Speaker: I am putting it to the vote of the House. The question is:

Add the proviso:

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

The motion was negatived.

Clause, as amended, was added to the Bill.

Clause 10

Clause 10 was added to the Bill.

Clause 11

(Delimitation of council constituencies)

Amendment made:

"Omit 'after consulting the Election Commission'."

—[Dr. Ambedkar]

Clause, as amended, was added to the Bill.

Clause 12

(Power to alter or amend orders)

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

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

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

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

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

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

Dr. Ambedkar: After that the order is placed before Parliament. The recommendation is made by the Advisory Committee to the President. The President may make an order. After that the order is placed before Parliament. There is an interregnum. During the period if the President thinks that probably he has made an error he should have the power to alter or amend the order.

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

Clause was added to the Bill.

Clause 13

(Orders to be laid before Parliament)

Dr. Ambedkar: I beg to move:

For existing clause, substitute:

"13. Procedure for making orders under sections 6, 9 and 11.—(1) As soon as may be after the commencement of this Act, there shall be set up by the Speaker—

(a) in respect of each Part A State and Part B State other than Jammu and Kashmir, an Advisory Committee consisting of not less than three, and not more than seven, Members of Parliament representing that State; and

(b) in respect of each Part C State other than Bilaspur, Coorg and the Andaman and Nicobar Islands, an Advisory Committee consisting of the Member or Members of Parliament representing that State.

(2) The Election Commission shall, in consultation with the Advisory Committee so set up in respect of each State, formulate proposals as to the delimitation of constituencies in that State under sections 6, 9 and 11 or such of these sections as may be applicable and submit proposals to the President for making the Orders under the said sections.

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

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

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

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

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

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

Dr. Ambedkar: I am prepared to accept it.

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

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

Shri A. C. Guha (West Bengal): Suppose the paper is laid before the House two or three days before the House closes.

Mr. Speaker: Perhaps the hon. Member is ignorant of the practice and the rule. If it is done three days before, the closing of the session that is not 'laying' before the House for 20 days. They must allow for a complete period of twenty days when the House is in session. And there is a further procedure also that, it has to be laid on a motion or a specific mention made in the House that such and such paper is placed on the Table of the House, so that the House is aware that such and such orders are placed before the House. Somebody may move that amendment.

Amendment to proposed amendment made:

In the proposed amendment, in sub-clause (3) after "may make", insert "on a motion made".

—[*Shri Syamnandan Sahaya*]

Shri Kamath: Sir, as regards sub-clause (2) of clause 13 as presented by Dr. Ambedkar to the House, I feel that it runs somewhat counter to the provision in the Constitution. Article 324 of the Constitution vests in the Election Commission only the power of "superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to Parliament etc. etc." while the essential task of delimitation of constituencies and other matters connected therewith are vested in Parliament under article 327 of the Constitution. Now sub-clause (2) leaves this matter of making proposals even for this matter of delimitation to the election commissioner who can only consult the advisory committees set up by you, Sir, and the proposals go to the President and he makes an order according to these proposals and that comes before the Parliament. This is somewhat reversed. As I read the article in the Constitution, it appears that Parliament has first to formulate the proposals over this matter as to how these constituencies should be delimited under article 327 and then in accordance with the provisions made by this Parliament in this regard the Election Commissioner will consult the committees and make further proposals to the President in pursuance of which the President may make orders and the final proposals may come before Parliament. That is how I read articles 324 and 327 of the Constitution. But here instead of that the Election Commissioner seems to be the last word. Practically at this stage, at the proposal-making stage the Election Commissioner will consult these committees and make the proposals to the President, whereas Parliament is invested with full powers with regard to making proposals and in regard to this essential matter of delimitation of constituencies.

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

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

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

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

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

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

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

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

Syed Nausherah (West Bengal): I have not studied these things and when I make a suggestion for the consideration of the hon. Minister in charge of law, I am only making it for his serious consideration as to whether or not we are following the procedure which is just the reverse of what we should do. It appears to me that the proper course should have been that the Government should have got certain proposals prepared in consultation with whatever authorities they liked and in all probability, the election Commissioner, and then put these proposals before the House for its consideration. That would have been the proper course. Whereas now the procedure adopted is that a Committee of the House will be an adviser to the Election Commissioner who has got nothing to do with the delimitation whatsoever. So I would suggest most respectfully for the consideration of the hon. the Law Minister as to whether or not it would be desirable to place a measure before the House for its consideration, after having a preliminary settlement by the Government in consultation with the State Governments and the Election Commissioner or even other authorities. I say this with a good deal of diffidence because I have not studied the matter carefully and I have not even considered the matter. In fact I was not even present at this morning's meeting.

Dr. Deshmukh: I have two amendments to move to the amendment that has just been moved to clause 13. I beg to move:

In the proposed amendment in sub-clause (1) for "Speaker," substitute "Parliament."

In the alternative my amendment is:

"That there shall be set up by the Parliament in such a way as the Speaker might determine."

Mr. Speaker: What is the difference between saying "shall be set up by the Speaker" and "shall be set up in the manner decided by the Speaker"?

Dr. Deshmukh: There is a difference. I will explain. The first amendment that I propose is not for want of any confidence in the Speaker. This is a very important matter and it is not proper that in a matter like this the Speaker should be brought in as a person who has to nominate out of the parliamentary Members a certain number to constitute delimitation committees.

[Dr. Deshmukh]

This is entangling the Speaker in spheres, which is in my opinion, utterly improper, in the same way as it is improper for the Election Commissioner to be brought in in the delimitation of constituencies. It is highly improper and I do not think it has been done anywhere in the world and nobody in his senses would do such a thing. The Election Commission is some tribunal like the Supreme Court by which elections are intended to be supervised and the doubts and disputes arising out of elections are to be resolved. If you saddle it with the work of delimitation, it is bound to entangle itself into all political, regional and communal matters while it determines the delimitation of constituencies. To make a body of persons who are expected to be judges, as the final and most impartial judges, make recommendations with regard to how the constituencies should be delimited and how elections are to be held is highly improper and in the same way it is highly improper that the Speaker should be given authority to nominate persons and committees for the whole of India for delimitation. I am sure it is neither proper for the Speaker nor for the House to leave it to him. The other alternative suggestion that I made is to add the words "in such manner as he might determine" after the word Speaker, because I want that it should be left to the House to do so or some other machinery in which the Speaker is not directly involved, but which the Speaker has the authority to lay down. That is the reason why I wish that either my first amendment should be accepted or the second, just as you have been determining so far as the Standing Committees are concerned. You might lay down any procedure by which the committees will be elected. But there should be some element of election in so far as these persons are concerned. The Chair should not be saddled with the responsibility of creating a body which is going to determine the constituencies.

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

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

Shri Kamath: May I submit, Sir, I also agree with Dr. Deshmukh that the position and dignity of your office is such that it should in no way be compromised or stultified by dragging it down to this matter of nomination of bodies in connection with elections. Therefore, may I move an amendment to this effect.

"Shall be elected by Parliament in such manner as the Speaker may direct."

Shri A. P. Jain: May I say a few words, Sir? In fact, I would not have reacted in the manner I am doing but for the speech of Dr. Deshmukh. Delimitation of constituencies, to my mind, should be done in a most impartial manner and it must be treated as a sort of a quasi-judicial matter. The fact that the Election Commission is an impartial body is to my mind a great qualification why the Election Commission should be entrusted with the work of the delimitation of constituencies. Similarly, on the same ground . . .

Pandit Balkrishna Sharma: What about the Constitution.....

Mr. Speaker: Order, order. Let him proceed.

Shri A. P. Jain: I say, Sir, that the delimitation of constituencies, should not be treated as a game on the political chess-board. What I mean is this. In appointing the advisory Committee, a very impartial and judicial approach must be made so that the work of delimitation of constituencies may enjoy universal confidence. Nobody except yourself is more suitable to set up a Committee of that kind. We should not leave it to political manipulations or election canvassing. I very strongly support the proposal that these Committees should be set up by you and that the Election Commission should deal with the delimitation of constituencies.

Shri Tyagi: My suggestion is that the consideration of this bill must be considered to be as responsible as that of making of the Constitution. Because . . .

it is, after all, a part of the Constitution and the prejudices of party politics should not be allowed to come into it. My suggestion is that in such matters, it is necessary to take into confidence people who are opposed to the party in power whether they be in the House or outside the House. I think it must be left to the good sense of the Government themselves to appoint the Committee which may be composed of such persons who may bring with them the points of view of the opposite party whether in the House or outside the potential opposite parties. I think it is necessary to inspire the confidence not only of the people who belong to the party in power, but also the opposite party who are going to contest the elections. They are the people who are directly concerned in the delimitation of constituencies. They must have their say to see that the thing is done impartially. I therefore submit that Government should have the right to appoint the Committee and they should see to it that such an impartial Committee is appointed as would inspire the confidence of all the political parties in the country.

Sardar B. S. Man: Sir, the proposed clause 13, paragraph (a) reads as follows:

"(a) in respect of each Part A State and Part B State other than Jammu and Kashmir, an Advisory Committee consisting of not less than three and not more than seven Members of Parliament representing that State; and"

I move that these three words "representing that State" occurring in the last line be deleted. As amended, it will read like this:

"(a) in respect of each Part A State and Part B State other than Jammu and Kashmir, an Advisory Committee consisting of not less than three, and not more than seven Members of Parliament"

be appointed. I am visualising a little difficulty in regard to certain small States which are in Part B, and which at this time, by chance are represented by three Members whereas they may be entitled to send five Members. The choice will be restricted to three Members only. This ignores the vast geographical changes and changes in population that have taken place in the Punjab. In the Punjab and Patiala States, many enclaves hitherto considered for purposes of representation to be a part of the Punjab are now forming part of Patiala States and certain territories have been given over to the Punjab from Patiala States. If the choice is restricted to the representatives of that State only, it rules out those people who have come over from one side to the other, for example from Patiala States to Punjab. Necessarily representation will be of a one-sided opinion.

Secondly, for the purposes of election to this House, many outsiders have been elected for particular constituencies. I am not casting any aspersion. Mr. Jairamdas Doulatram represents the Punjab. Mr. Jairamdas Doulatram will be doing an admirable work probably in regard to some other State and not in regard to the Punjab. If you restrict the choice necessarily to those representatives who have been elected, in the present case, in altogether different circumstances, the purpose of this Bill will be defeated. I therefore consider that these words "representing that State" should be omitted or there should be a little loop-hole so that other people who have very vital interests in other States should have representation.

Pandit Balkrishna Sharma: Sir, I wish to draw the attention of the House regarding one point which was raised by my hon. friend Mr. Kamath. In a way he said that this amendment was more or less *ultra vires* of article 327 of the Constitution. I would like to read to the House article 327 and after that I will try to show that whatever provision we are making today is not *ultra vires* of the Constitution. Article 327 says:

"Subject to the provisions of this Constitution, Parliament may from time to time by law make provision with respect to all matters relating to, or in connection with, election to either House of Parliament or to the House or either House of the Legislature of a State including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the due constitution of such House or Houses."

[Pandit Balkrishna Sharma]

Here, the article 327 gives the right to this House to make any provision in regard to all matters relating to election and to empower any body to carry on the work mentioned in this article. The work of preparation of electoral rolls, delimitation of constituencies and all other matters ancillary thereto may be handed over by a definite law by this Parliament to any body whatsoever. It may be given to the Election Commission. Therefore, if the hon. the Law Minister has, in this Bill before the House, given some powers in regard to delimitation of constituencies to the Election Commission I do not think he has done anything which is *ultra vires* of article 327 of the Constitution.

Mr. Speaker: I do not think we need take the time of the House over that. He has not raised any specific point and a decision in that respect is not necessary. He has merely mentioned the point. He has not raised any point of order. If he is prepared to raise it, I am prepared to overrule it.

Shri Kamath: There is no point of order in it.

Pandit Balkrishna Sharma: If he was not raised any point of order, I am not going to enter into this.

Shri Ethirajulu Naidu (Mysore): I strongly support the amendment moved by my hon. friend Mr. Kamath. The point to be considered is not whether we have confidence in the office of the Speaker or the particular individual that may be occupying that office at the time. Anybody who has experience of elections knows that people will not hesitate to impute motives, and where improper motives exist, they must be exposed. It is not right either to the Speaker or to the country that he should be drawn into such controversial fields. I am very sorry that the view expounded by my hon. friend Mr. Jain does not at all appeal to me. It displays a complete lack of faith in democracy. He thinks that what this Parliament is not capable of doing impartially can be so done by one individual. There he goes against the constitution and is out of court. Therefore I would submit—It is not a reflection on any individual—that no individual however eminent he may be, can be made to be the arbiter in such matters and asked to displace the Parliament which is entrusted with this task of ushering in its own successor. I therefore very strongly support the amendment moved and I would make a personal appeal to you Sir, that as the saying goes, 'Caesar's wife should be above suspicion', you will have to take your decision on matters that come up in Parliament every moment and it is not fair that in a controversial matter like this where parties will fight with one another to the last ditch that the name of the Speaker should be dragged in.

Mr. Speaker: Some amendments are suggested. They are not moved till now but I shall place them before the House.

Dr. Deshmukh: I have moved mine. The first might be put.

Shri Deshbandhu Gupta (Delhi): Mr. Kamath's amendment is a complete one and that might be put first.

Mr. Speaker: That is not what Mr. Deshmukh wants. He wants it done by the Parliament itself. The result of putting the other amendment first will be that his amendment will be barred.

Dr. Deshmukh: My amendment may be put.

Mr. Speaker: The question is:

In the proposed amendment, in sub-clause (1), for "Speaker", substitute "Parliament".

The motion was negatived.

Mr. Speaker: The other amendment is the same as Mr. Kamath's. So I will put Mr. Kamath's amendment.

The question is:

In the proposed amendment, in sub-clause (1), for "by the Speaker" substitute "in such manner as the Speaker may direct".

I think the 'Noes' have it.

Shri Kamath: 'Ayes' have it, Sir.

Mr. Speaker: Let the Division bell be rung.

I will now put the amendment to the House.

Shri Kamath: The wording should be "to be elected by Parliament in such manner as the Speaker may direct." I have given a copy of the amendment to the Assistant Secretary, Sir.

Mr. Speaker: The hon. Member seems to be under some confusion. The wording of the amendment is: "There shall be set up by the Speaker....." In place of that what the hon. Member wants now is "elected by Parliament in such manner as the Speaker may direct". This is a new amendment. If he wants to move this amendment in place of his previous amendment, over which a division was challenged, I shall give him an opportunity of withdrawing that amendment. If he then wants to move this new amendment, I shall allow him to do so.

Shri Kamath: I wish to move this amendment.

Mr. Speaker: He should first withdraw the other amendment.

Shri Kamath: I beg for leave to withdraw my amendment.

The Amendment was, by leave, withdrawn.

Shri Kamath: I beg to move:

In the proposed amendment, in sub-clause (1), for "set up by the Speaker" substitute "elected by Parliament in such manner as the Speaker may direct".

Mr. Speaker: Amendment moved:

In the proposed amendment, in sub-clause (1), for "set up by the Speaker" substitute "elected by Parliament in such manner as the Speaker may direct".

The Prime Minister (Shri Jawaharlal Nehru): Sir, I am reluctant to participate in a debate in which I have not been present. Nevertheless.....

Pandit Kunzru: On a point of order, Sir, we are always delighted to hear the hon. Prime Minister but can he or any Member of the House speak at this stage?

Some Hon. Members: This is a new amendment.

Mr. Speaker: The hon. Member is asking the Chair to explain. The first amendment on which a division was challenged has been withdrawn by the hon. Member and this is a new amendment which he has moved.

Shri Jawaharlal Nehru: It was an accident that I came on the scene: otherwise I would not have been here to intervene in the debate.

It seems to me that the point is a very simple one and I am surprised that the hon. Member should not have seen how wrong in principle is his amendment.

Shri Kamath: You may think so but I do not.

Shri Jawaharlal Nehru: It is obvious that the hon. Member and I differ in many matters.

Shri Kamath: I agree entirely.

Shri Jawaharlal Nehru: We have to appoint an Advisory Committee to look into these procedural and other matters in connection with the elections. It is always considered very important that every group, every State and every

[Shri Jawaharlal Nehru]

minority should have a sense of fair play. It is highly important and therefore attempts are always made to prevent a possible majority doing something which may come in the way of a minority. Suppose there is the question of certain constituencies being formed and such like matters. Normally in other Parliaments the Opposition is associated with that matter, so that they may not have an occasion to say that there has been gerrymandering, etc. That there may still be gerrymandering is a different matter. That procedure, I believe, is the British practice and elsewhere too. In a matter of this kind we have to consider not only various groups, majorities and minorities but the States also and it is a little difficult for any election, however well organised, to result in, if I may say so, a just distribution in so far as that is possible. Therefore there is bound to be a feeling that a majority is trying to brush aside a minority's view point. In such a matter, in a matter of law-making, it is right that the majority prevail but in the very process of election if something is done on which the minorities feel aggrieved or a group of a State feels aggrievance it must be allayed. It seems to me obvious that the right person, the impartial person in this House, who without entangling himself in the slightest degree with any political principle or party but simply sees to it that a committee is formed which represents the various important viewpoints in regard to such matters—the only possible person is the Speaker. I do submit that the original clause is the right one and the amendment is fundamentally wrong.

Shri Kamath: Sir, is it open to the House to discuss this?

Mr. Speaker: We have discussed this matter very much.

Shri Kamath: Not this aspect of it, Sir.

Mr. Speaker: This aspect was discussed along with others.

Shri Kamath: The Prime Minister referred to certain points in his speech.

Mr. Speaker: I do not purpose to allow any further discussion. We are nearing 5 o'clock. We must proceed a little faster. The question is:

In the proposed amendment, in sub-clause (1), for "set up by the Speaker" substitute "elected by Parliament in such manner as the Speaker may direct".

The motion was negatived.

Sardar B. S. Man: What about my amendment. Sir? What is the hon. Minister's reaction?

Dr. Ambedkar: I cannot accept it.

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

Mr. Speaker: I shall put the amended amendment to the House. The question is:

For existing clause, substitute:

"13. Procedure for making orders under sections 6, 9 and 11.—(1) As soon as may be after the commencement of this Act, there shall be set up by the Speaker—

(a) in respect of each Part A State and Part B State other than Jammu and Kashmir, an Advisory Committee consisting of not less than three, and not more than seven, Members of Parliament representing that State; and

(b) in respect of each Part C State other than Bilaspur, Coorg and the Andaman and Nicobar Islands, an Advisory Committee consisting of the Member or Members of Parliament representing that State.

(2) The Election Commission shall, in consultation with the Advisory Committee so set up in respect of each State, formulate proposals as to the delimitation of constituencies in that State under sections 6, 9 and 11 or such of these sections as may be applicable and submit proposals to the President for making the Orders under the said sections.

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

The motion was adopted.

Clause, as amended, was added to the Bill.

CLAUSES 14 TO 19

Cluses 14 to 19 were added to the Bill.

Clause 20

(Meaning of 'Ordinary resident')

Dr. Ambedkar: I beg to move:

After sub-clause (3), insert:

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

and renumber the subsequent sub-clauses.

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

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

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

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

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

(ii) for "sub-section (4)", substitute "sub-section (5)".

This amendment is made for the purpose of removing some doubts that were expressed with regard to the application of the term "ordinarily resident" which occurs in clause 20, in its application to certain persons who may have temporarily left their places of ordinary residence and gone to stay somewhere else. It is felt necessary that such a provision ought to be inserted in this clause. This refers to persons who are sent outside India temporarily on official duty and in whose case it may be presumed that they have ceased to reside in the place of their ordinary residence. It is to prevent that kind of presumption being drawn in their case and to retain their right to be registered in the constituency in which they have been ordinarily residing that this provision is made.

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

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

Mr. Speaker: The question is:

After sub-clause (3), insert:

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

and renumber the subsequent sub-clauses.

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

- (i) after "sub-section (3)", insert "or sub-section (4)"; and
- (ii) after "Armed Forces" insert "or but for his holding any such office or being employed in any such post as is referred to in sub-section (4)."

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

- (i) after "sub-section (3)", insert "or sub-section (4)"; and
- (ii) for "sub-section (4)", substitute "sub-section (5)".

The motion was adopted.

Clause, as amended, was added to the Bill.

Clause 21

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

Dr. Ambedkar: I beg to move:

For sub-clause (a), substitute:

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

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

Mr. Speaker: Amendment moved:

For sub-clause (a), substitute:

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

Shri R. K. Chaudhuri (Assam): Sir, it was this question which forms the subject-matter of the present amendment that had troubled us a great deal yesterday, and we congratulate ourselves and the hon. Minister for having agreed to the amendment which he has placed before us today. At the same time I wish to bring to his notice as well as to the notice of the House the peculiar condition in which the displaced persons have been placed in the States of West Bengal and Assam. As we all know, a large number of displaced persons have now come to these two States and even the present amendment will not help them in the least. The question is whether the hon. Minister will bring forward a citizenship Bill by which the cases of these displaced persons can be taken into consideration. We know that within the last three months a large number of displaced persons have come to these two States and a further large number is expected to come in. It will probably be said that a good number of them may feel persuaded to go back to East Bengal from where they had come. I would not make any comment on that. But as many as 16,000 persons out of these newcomers have been rehabilitated or are being rehabilitated. And if a large number is going to be rehabilitated there, it will be rather imprudent on our part to deny them the right of citizenship and the right of franchise.

Therefore, while thanking the hon. Minister for bringing forward this amendment, I would ask him to consider whether a Bill cannot be brought forward before the House in order to meet the claims of those persons who have absorbed themselves into these States and who in every respect will be citizens of those States.

Mr. Speaker: The question is:

For sub-clause (a), substitute:

"(a) in the case of electoral rolls first prepared under this Act, shall be the first day of March, 1960, and the period beginning on the first day of April, 1947 and ending on the thirtyfirst day of December, 1949, respectively; and"

The motion was adopted.

Clause, as amended, was added to the Bill.

Clauses 22 to 26

Clauses 22 to 26 were added to the Bill.

Clause 27

(Preparation of electoral rolls for council constituencies)

Shri Venkataraman (Madras): Sir, the hon. the Law Minister in introducing this Bill said that it is the basic democratic principle that one Member will have one vote in respect of one constituency that has been enunciated in this Bill. In fact, he referred to clause 17 in support of that statement. We now find that clause 27 runs counter to that principle. A teacher who happens to be a graduate and is elected to a municipal council can get himself enrolled in three different constituencies. He will be able to exercise three votes as the clause now stands. Under clause (a), local authorities, he will be enrolled in his capacity as a member of the municipal council. Then he will be enrolled in the graduates' constituency, because he is a graduate. Thirdly, he will be enrolled as a teacher in the teachers' constituency. Thus, he will exercise three votes. In the past, we were accustomed to one person exercising more than one vote: one in the general constituency; one in the university constituency; one in the Chamber of Commerce constituency and so on and so forth. We thought that we had buried the past and that hereafter we shall have only one vote for one seat in respect of one Legislature. I therefore suggest to the hon. Minister to consider whether it is proper to introduce clause 27 as it stands now and whether it would not be advisable to mention, in addition to the clauses already referred to therein, clause 17 also. If we include clause 17, it will come to this, that although a person may be entitled to be enrolled in two or three electoral constituencies, he may be able to exercise an option as to which constituency he would like to get himself enrolled to, because he will be able to get himself enrolled to only one. This is what I have to submit.

Shri Meeran (Madras): I cannot understand, Sir, the objection of my learned friend to one man being included in three functional constituencies. The Constitution definitely provides that these functional interests should be represented in the Legislature. If my hon. friend's objection is sustained, it looks as though in the case of a person who is a graduate and at the same time a teacher he should be denied the privilege of standing in a functional teachers' constituency merely because he is a graduate also. One is the necessary concomitant of the other. If one satisfies the requirements of a graduate constituency as well as a teachers' constituency, I think it is entirely in keeping with the provisions of the Constitution that he should be able to stand for both. If we amend it, it will be tantamount to going against the provisions of the constitution itself. I therefore submit that the objection of my hon. friend cannot prevail.

[MR. DEPUTY-SPEAKER in the Chair]

Shri Rathnaswami (Madras): I support the views expressed by my hon. friend Mr. Venkataraman. As a student of politics, I may submit that according to Jeremy Bentham, one-man-one-vote was recognised in democracies. If the principle now enunciated by the hon. Minister is accepted and one man is given more than one vote, then I am afraid that it may affect the large bulk of our people, especially the scheduled castes and the backward classes. The cumulative voting of these educationally and otherwise advanced peoples would reduce the chances of the backward people who would not be in a position to back candidates of their choice. So much has been said in eulogistic terms of democracy. We are no doubt on the threshold of a new gigantic scheme of democracy. After all, our Constitution should be able to push up the interests of the great multitude of our people, and more particularly those who are in the rural areas and especially the scheduled castes. If the principle of more than one vote is conceded, their interests would be jeopardised. It would be the very negation of the glorious and the great principles of democracy. As a student of history, I find that this principle was conceded only in countries like Poland where an undemocratic system prevailed. Further, this principle would only benefit a particular type of people and raise opposition to the successful functioning of democracy. Therefore, I strongly commend the views of my hon. friend Mr. Venkataraman for the acceptance of the House.

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

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

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

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

Dr. Ambedkar: Now Sir, the point is this. No doubt we have initiated in clause 17 of the Bill a very important principle, namely, that one man shall be registered in one constituency and that he shall have one vote, but it must always be understood that the principle can be made applicable only in the case of constituencies of the same class, that is to say, territorial constituencies. Now, the constituencies which we propose to form under clause 27 of this Bill are different classes of constituencies. They are not constituencies of the same class. A graduate constituency is a constituency of a different class. A teachers' constituency is a constituency of a different class. Similarly, the local authorities' constituency is a different class of constituency. Consequently, there does not seem to be any very great anomaly if the name of a person is included in the electoral rolls of different classes of constituencies. Besides, I am really bound to say this: I cannot understand why Members of Parliament are so much exercised over the constitution of the Upper Chamber.

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

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

Clause was added to the Bill.

Clauses 28 and 29

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

Clauses 28 and 29 were added to the Bill.

New Clause 30

Dr. Ambedkar: I beg to move:

After clause 29, add :

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

- (a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a constituency; or
- (b) to question the legality of any action taken by or under the authority of an Electoral Registration Officer, or of any decision given by any authority appointed under this Act for the revision of any such roll.”

This is a usual clause and was omitted inadvertently.

Mr. Deputy-Speaker: The question is :

After clause 29, add :

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

- (a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a constituency; or
- (b) to question the legality of any action taken by or under the authority of an Electoral Registration Officer, or of any decision given by any authority appointed under this Act for the revision of any such roll.”

The motion was adopted.

New clause 30 was added to the Bill.

Schedules

Dr. Ambedkar: I beg to move:

(i) In the First Schedule,—

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

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

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

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

“108
330
315

[Dr. Ambedkar]

232
375
140
126
430
238
175
99
99
60
160
60
108"

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

"72
24
6
6
24
12."

(iv) For the Fourth Schedule, substitute :

"THE FOURTH SCHEDULE

[See section 27 (2)]

Local Authorities for purposes of elections to Legislative Councils

BIHAR

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

BOMBAY

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

MADRAS

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

PUNJAB

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

UTTAR PRADESH

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

WEST BENGAL

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

MYSORE

1. Municipalities.
2. District Boards."

Mr. Deputy-Speaker: Amendments moved.

(i) In the First Schedule,—

(a) for the entries under the heading "Part C States" substitute :

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

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[Mr. Deputy-Speaker]

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WEST BENGAL

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

MYSORE

1. Municipalities.
2. District Boards."

Shri J. E. Kapoor: Sir, I have an amendment to amendment No. 11 to the First Schedule moved by Dr. Ambedkar. I beg to move:

In the proposed amendment to the Third Schedule for "Madras" and "Uttar Pradesh" substitute "and Madras"

The simple implication of my amendment to the amendment of the hon. Dr. Ambedkar is that Uttar Pradesh may be left untouched so far as this schedule is concerned. I do not know what has prompted my hon. friend Dr. Ambedkar to reduce now the number of seats originally allotted to the Council of Uttar Pradesh from 86 to 72. The seats in the legislative Assembly have now been increased from 344 to 430. Ordinarily, therefore, the Upper House should have one-fourth or 25 per cent. of 430, that is, 107 members. I do not propose, Sir, that the Upper House in the U.P. should consist of 107 members, though it is entitled to have that number. All the same, I do not think it is fair to Uttar Pradesh to reduce the number from 86 to 72, whereas in the case of other States Dr. Ambedkar proposes to raise the number *e.g.*, in the case of Bihar from 68 to 72 and in the case of Bombay from 56 to 72. In the morning, Sir, if my memory is not deceiving me, I think Dr. Ambedkar had agreed to leave the U.P. Council untouched. I see no reason why that number should now be disturbed. I see no reason why that agreed arrangement should now be disturbed. I submit that the strength of the Council of Uttar Pradesh should not now be disturbed at this late stage and for no valid reasons.

Shri Tyagi: Sir, with regard to the Third Schedule the figures in the Third Schedule as originally printed in the Bill were so odd in each case that it was not possible to divide them into fractions of one-twelfth. The Legislative Councils of the States are to be elected from three or four types of constituencies. One-third is to be elected by members of district boards and municipalities, one third is to be elected by the Legislative Assemblies, one-twelfth from out of graduates of three years' standing, one-twelfth from out of teachers of secondary schools and high schools, and so on. So, the total membership of the Council of State was to be divided into fractions of one-twelfth. I therefore suggested to Dr. Ambedkar that he should so arrange the figures that they may be complete multiples of twelve, so that the distribution of various constituencies may be clearly understood by the voters and they may vote. This suggestion of mine was readily accepted because after all it was a good suggestion and it was making matters easy for him. But, Sir, I suffer for the suggestion. Instead of trying to calculate the multiples to come near about the figures already given in the Bill—that is 68 would become 72 for Bihar, 56 would become 60 for Bombay, all being multiples of twelve, by which for Uttar Pradesh it should have been 84 instead of 86—Dr. Ambedkar accepted my suggestion...

An Hon. Member: With a vengeance.

Shri Tyagi: ...but in place of paying fees for my suggestion he has reduced the numbers in my constituency and in many other States too. To have a Council of State of similar strength in every Province, small or big, is not logical. I would still suggest that he may revise it and have that multiple of twelve which is nearest to the figures he had originally suggested. This is one of my amendments.

I will move my second amendment also, in the Fourth Schedule. My other amendment, to which I attach great importance, is amendment No. 15 of Supplementary List No. 2. It runs like this:

"In the Fourth Schedule, under the head 'Uttar Pradesh' add the following new item —
'5. Heads of Statutory Village Panchayats.'"

In the Fourth Schedule the names of such organisations are given the members of which can exercise the votes in electing one-third of the members of the Legislative Councils of the States. There are district board and municipal board members and notified area committees and others are enumerated. But the essential electorate, that of the villagers, has been avoided. I submit that up till now in the U.P. Legislative Council ten seats were reserved for the urban areas and 42 for the rural areas. It was essentially the rural voters who

[Shri Tyagi]

used to return the majority of men to the Legislative Council. A number of 20 or 30 representatives of a district board in an electorate of 200 persons in each district, is no representation. The representation of the district board and the rural areas goes absolutely into insignificance. They do not have any voice whatsoever. When we suggested in the Constituent Assembly the idea that local authorities must also be included in the electoral rolls of the Legislative Councils, I very well remember that the expression 'local authority' was resented. We pressed it because we thought that thereby we shall bring in the villagers, and on that very understanding it was included. But now, it seems, the urban influence has again had its toll. I now forego my previous claim to give the voting right to all the members of the *panchayats*. If he feels that it would be too bulky I withdraw it. But let him give at least one vote to the headman of the *panchayats* of three or four villages, the *sarpanches*.

An Hon. Member: How many *panchayats* are there?

Shri Tyagi: In each district there will be 200 or 300 *panchayats*. I want only the heads of the *panchayats* to be voters. When the members of the district board are included, the heads of the *panchayats* may also be taken so that from each group of villages one man, the head of the *panchayat*, may exercise his vote, a man who has been given third class magisterial powers, who has been recognized by the law of the State to be a man of a gazetted officer's status, so to say. Why not have him? Therefore I suggest that this amendment be accepted. Otherwise the word will go round that villagers and their rights are being disregarded. It will be bad. I again repeat do not ignore this mighty python of mass opinion. I suggest you accept the amendment.

Syed Nausherali: Sir, I would like to say a few words with regard to West Bengal. I do not want to press any amendment though I sent one. All I want to do is to draw the attention of the hon. Minister in charge of the Bill to one fact. Local boards in West Bengal have, if I remember aright, been abolished. If not all, most of these boards have been abolished. There may be a few but in those areas where local boards have been abolished union boards have been established. It may be that if union boards be taken into consideration the constituency will be too bulky. But if in the case of Madras major *panchayats* could be taken in I do not see why similar consideration may not be given to union boards in West Bengal. I believe the conditions prescribed in the case of major *panchayats* will be satisfied in the case of many a union board in West Bengal. Therefore, I would request the hon. Minister to consider, whether local boards notified by the State Government in the official gazette which exercise jurisdiction over an area containing a population of not less than 5,000 and whose income for the financial year immediately preceding the date of the notification was not less than Rs. 10,000 may not be included in the constituency, as in the case of Madras. That is all that I would submit for the consideration of the hon. Minister.

Pandit M. B. Bhargava (Ajmer): Sir, I want to make a few observations in respect of the First Schedule regarding the States in Part C. It is rather unfortunate that while this Bill wants to lay the foundation for the super-structure of the Free India and has made provision for the election of the Indian Parliament of the Free India as also the State Legislatures on adult franchise, the hon. the Law Minister has not found it possible to make any provision for the States in Part C. It was open to the Government under Article 240 of the Constitution to set up in these areas elected bodies on adult franchise so that they may also have some glow of freedom in the Republic of India, but, however, for the time being, it has not been done and the autocratic structure of the Government in these areas will continue as it has been continuing throughout the British rule and continues even now. However, there

is one thing, Sir, which I think it is my duty to express that in respect to the representation in the Parliament of the Part C States as the bill originally came before the House yesterday, particularly in Ajmer, Bhopal, Himachal Pradesh and Tripura, the representation given was only one seat. Sir, I had tabled an amendment for increasing the representation in these areas from 1 to 2. I must congratulate and offer my sincere thanks to the hon. the Law Minister that he had found it possible to accept my suggestion and increase the representation of these areas in the Parliament from 1 to 2. Though, of course, in respect to Delhi he had already tabled yesterday a final amendment raising the representation from 3 to 4, I think that in this respect the hon. the Law Minister has indeed earned the gratitude of my constituency as also of other constituencies. So far as these areas are concerned in the present administrative set-up, it is only the Parliament which can legislate. While expressing this, I express my hope that it will be found possible by the Government to bring in appropriate legislation at an early date under article 240 of the Constitution to set up in these areas certain bodies elected, nominated or partly elected and nominated to function as legislatures and also as Council of Ministers so as to grant minimum of responsible Government. The present set-up in these provinces are more or less an anachronism in the Republican India and I do not think the hon. the Law Minister will tolerate the perpetuation of these out of date institutions any longer.

Pandit Kunzru: I do not think that the Legislative Councils that would come into existence under the Constitution will be able to do anything useful, but so long as they exist, we have to see that their position is not changed arbitrarily. My hon. friend, Dr. Ambedkar moved amendments to the Third Schedule but gave no reasons for the changes suggested by him. It seems to me odd that just for the sake of uniformity, he should reduce the number of members in the Madras Legislative Council from 75 to 72 and in the Uttar Pradesh from 86 to 72 and raised the number in the other two provinces, namely, Bihar and Bombay. What is the principle underlying these changes? I can see none. The population of these countries is not the same, and it does not appear to me reasonable that when their Legislative Assemblies will not have the same size their Legislative Councils should be of a uniform size. If nothing more underlies the change suggested by Dr. Ambedkar, then what is the desire to raise the representation of Bihar and Bombay? Let him raise that representation if he so chooses to and he can do so without reducing the representation of Madras and Uttar Pradesh.

Shri T. T. Krishnamachari: I am afraid that in the amendment to First Schedule moved by Dr. Ambedkar, particularly that portion that relates to Part C. States, though he has drawn the congratulations of my hon. friend from Ajmer, I do feel that I must protest against the amendment in which the representation of the Part C States has been indiscriminately raised, taking advantage of a provision in the Constitution which was really intended for a different purpose altogether. In regard to determination of the representation of Part A, B or C states, article 81 (1) is operative, namely 500,000 is the lower limit and 750,000 is the upper limit so far as the representation to the House of the people is concerned and by an application of this provision most of the States in Part C will not get adequate representation and some of them will not get any seat at all. For instance, Bilaspur and Coorg which have only 13 lakhs and 17 lakhs will be denied representation. It was to cover these cases that Article 82 was put in. Article 82 provides a sort of loop-hole for Parliament to act in respect of Part C States and for other territories included in the territory of India. At the moment that this was introduced, we had something else in mind. We had in view a possibility of some territories coming in and those territories when coming in would like to preserve their identity and that identity could only be preserved by giving them a direct representation in the

[Shri T. T. Krishnamachari]

Central Parliament. Expressly with an idea of providing for these hard cases that might occur that Article 82 has been put in. I remember, Sir, my hon. friend, Mr. Santhanam violently objected to that particular article and thought that it would be abused. I am sorry, at any rate now to say that he is right and I was wrong for the reason that here is a case of a flagrant abuse of an article intended merely to redress some wrong to give representation where representation is altogether denied or in the case of a place like Delhi with a population which is said to be indefinite, which is all the time growing and with its own importance as a capital city that its representation should be on a slightly different scale. What has been done, Sir, is that the representation of Ajmer which has a population of 73 million is raised from 1 to 2. Bhopal with 85 million is raised 1 to 2; Himachal Pradesh which has about 1 million gets an additional seat from 2 to 3; Cutch with just 55 million gets from 1 to 2 seats. Similarly Manipur which has just 54 lakhs is raised from 1 to 2. Tripura which has 5.8 lakhs the number has been raised to two. There has been a slight alteration in regard to Vindhya Pradesh about which I do not quarrel.

I think my hon. friend Dr. Ambedkar has in this matter been taking the line of least resistance. He wanted to please everybody and in so doing, he has forgotten that article 82 has been put in for a different purpose altogether, and not to permit him to be over-generous. It has been put in to permit him to provide representation in cases where representation could not otherwise be provided. At this stage, there is no point in opposing a Schedule which is an integral part of the whole, from which a part could not be taken. But, Members should understand that this generous gift to States where the population does not warrant it has been made without any let or hindrance, without any protest as being in violation of the express intention of article 81 (1).

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

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

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

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

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

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

Shri Syamnandan Sahaya: That is Jaspat Roy Kapoor?

Shri Gautam: If he is a Congress-man.

Shri Tyagi: I am an Ex-General Secretary.

Shri Gautam: Dr. Ambedkar has no personal axe of his own to grind. He is not interested in the U.P. At the request of some of us, he has reduced the number. He is neither in favour of 72 nor of 86. It is we who requested him

and he has accepted our request. We are obliged to him for that. Therefore I oppose the amendment moved by Mr. Jaspat Roy Kapoor.

Shri J. B. Kapoor: The hon. Member might have made the request *in camera*.....

Mr. Deputy-Speaker: The hon. Member has no right of reply.

Shri A. C. Guha: Sir, in the Fourth Schedule, for the purpose of election to the Legislative Council in West Bengal, Local Boards have been mentioned. As far as I know, most of the Districts of West Bengal have no Local Boards. I think only one District has Local Boards. Therefore, this serves no purpose. So, in the place of Local Boards, in the Districts where there is no Local Board, the Union Boards should be allowed units for election. A Union Board in Bengal covers a big area sometimes covering 1 or 6 even 20 villages. Though the Upper House may be a decorative body, it should have some representative character at least. I would ask Dr. Ambedkar kindly to accept this, because there is no Local Board in most of the districts of West Bengal. Union Boards may be substituted in their place. I think even now it is not too late. Dr. Ambedkar may kindly consider this question.

Shri Deshbandhu Gupta: Sir, I do not wish to take much of the time of the House; but I have a few points to make. While I am thankful to Dr. Ambedkar and other friends for agreeing to the revision of the Schedule applicable to Part C States and for raising the representation from three to four seats in the case of Delhi and from one to two and from two to three in the case of other Part C States, I wish to point out that my hon. friend Mr. T. T. Krishnamachari is labouring under a misapprehension if he thinks that the intention of article 82 was something different and that undue advantage has been taken of this article to show generosity to some Part C States, which they did not deserve. I would like to invite his attention to the wording of this article.

Shri T. T. Krishnamachari: What is the use of drawing my attention? I have moved that article.

Shri Deshbandhu Gupta: I want the House to realise that in raising the representation of some Part C States the House has not been generous. It is wholly wrong to think in those terms. Article 82 clearly lays down that it is for Parliament to decide 'the basis' of representation and 'the manner' in which that representation was to be given. When this matter was raised before the Constituent Assembly, at that time, and we had insisted for an express provision in the constitution defining the basis and quantum of representation of Delhi and other Part C States it was said, "don't take the time of the Constituent Assembly on such matters, leave to the Parliament and the Parliament will deal with all these aspects of the questions". Now that the matter has come before Parliament, my hon. friend takes objection to the same being considered by Parliament in a spirit of accommodation. Article 240 of the Constitution to which attention has been called by my friend Shri Mukat Behari Lal Bhargava lays an obligation on the Parliament and says that Parliament will, by law, decide the future of these States. But, so far, neither Government nor Parliament have moved one step in that direction. That is one of the main grievances of Part C states. Then comes the question of representation. I want to point out that the representation originally proposed by Dr. Ambedkar was so miserly, if I may say so, that it betrayed a lack of appreciation of the difficulties of the Part C States. He had arbitrarily fixed the representation of Ajmer as one seat, for Vindhya Pradesh two, Bhopal, one, little realising that Vindhya Pradesh had a population of about 85 lakhs. Similarly, in the case of Delhi, only 3 seats were provided. I am being congratulated from different parts of the House that my efforts have succeeded in getting four seats instead of three. While I am thankful to the House for it as even small

[Shri Deshbandhu Gupta]

mercies have to be thanked for, permit me to say that full justice has not been done to Delhi. There are two amendments in my name. One amendment is to clause 3 which seeks to provide a basis of representation. That amendment reads like this.

Mr. Deputy-Speaker: The hon. Member is not moving the amendment, suppose.

Shri Deshbandhu Gupta: No Sir. There is another amendment in my name of the First Schedule, which is No. 41. This amendment was to be read with that amendment so as to make a whole. This amendment read like this.

"Provided that the State of Delhi shall get representation on the basis of one seat for every five lakhs of population and one seat for a fraction of 2,50,000 or more with a minimum of four seats."

This was the basis on which I sought to provide for the representation of Delhi so that hereafter we may not have to come to Parliament time and again and say, 'look here, the population has gone up to 40 lakhs, and therefore, the representation should be increased'. I find the total number of seats has in the Parliament already reached 496 and there is only a margin of four seats left to provide for cases. If, for instance, in the coming census it is found that the population of Delhi is 25 lakhs or 30 lakhs, and the basis for representation is not fixed then, it will mean that Delhi will have to remain content with just four seats whatever its population. This is not doing justice. Permit me Sir also to point out that although the Constitution had laid an obligation on Parliament to enact a law and give Delhi a Constitution based on democratic lines, Parliament has so far failed to discharge that. No one in the House has raised his little finger in protest on the failure to meet this obligation.

Dr. Ambedkar: Is this all necessary?

Mr. Deputy-Speaker: This is the last day of the session.

Shri Deshbandhu Gupta: I alone protested; but no one supported me. On the last day of this session, I wish hon. Members to realise that they have failed in their duty to do justice to Delhi and other Part C States.

Sir, I want to point out that my amendment proposes a fair basis and although Section 82 lays down that the Parliament has not only to fix the number of seats but also to fix the basis on which the seats are to be given, the basis has not been defined. No doubt the number of seats has been raised from 18 to 26 due to the efforts of some friends and perhaps to a mood which rarely comes on my friend Dr. Ambedkar sympathetic to Part C States, and we are thankful to him and the other friends for this but the basis still remains to be provided and I want this House to realize that unless the basis is provided, we will continue to have a grievance against the House and this question will remain open till then. I would therefore request that even at this stage so far as Delhi is concerned the basis as suggested by me may be accepted. In this connection I may point out that when the question of Delhi was discussed in the Constituent Assembly, all sorts of arguments were advanced to establish that Delhi's case was a special one and that it could not be given a democratic administrative set up. Thus Delhi still continues under the old set up. At that time a case for treating Delhi as an exception was made out but today when the question of special representation comes, my friend Mr. T. T. Krishnamachari says that Section 81 applies to all States equally and therefore it is a deviation from it to demand special representation for Part C States. I want him to realise that he cannot have it both ways. If you want to treat Delhi and other Part C States as an exception and deny them a democratic Constitution you should at least be fair and give them some additional representation. It should be realised that Delhi and other Part C States have no other

forum for voicing their grievances. They are a class by themselves. Parts A and B States have two Houses—most of them. In U.P. they have 430 Members for the Lower House and 72 for the Upper House—Their Assembly is almost as big as the Parliament itself. I want the House to realize that there has to be of necessity a different basis, in the case of Delhi and other Part C States.

Shri Santhanam: Are we to understand that as a result of this increase, the hon. Member will give up his claim for a democratic set up for Delhi?

Shri Deshbandhu Gupta: If my friend Mr. Santhanam who is a signatory to the report which advocated a democratic set up for Delhi today having gone to the Treasury Benches, has forgotten all his obligations and desires me to be committed to this . . .

Shri Santhanam: It is the hon. Member who claimed that he must have only one of the alternatives and he has chosen the alternative.

Shri Deshbandhu Gupta: My friend Mr. Santhanam should realize that the Parliament has failed so far to give an autonomous Constitution to Delhi and so long as that state of affairs continues we have every right to demand special representation—it is open to this House to decrease the number if it so chooses if conditions are changing today—we have a claim for special representation. I am not enamoured of claiming special representation for Delhi. Put us in class B States and then say that you can give us only one seat, we will not ask you in that case for more, but so long as the present set up continues, and the Chief Commissioner continue to rule and Delhi gets no voice in the administration, you should at least be fair and give Delhi some special representation in the Parliament. This is only fair. I want Dr. Ambedkar even at this late stage to give an assurance that if the population of Delhi or any other Part C State justifies additional representation on the basis that may be fixed for them now in view of the fact that they have no other forum for expressing their grievances or for passing legislations, applicable to them that fact will be taken into consideration and the number of seats will be accordingly increased. That will give some little satisfaction to them. Unless that assurance comes forward, and a basis of representation different from the basis fixed for Parts A and B States is fixed, I cannot help saying that the House also has not been fair to these States.

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

Mr. Deputy-Speaker: Madras also.

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

[Dr. Ambedkar]

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

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

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

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

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

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

Shri Syamandan Sahaya: He himself is more than happy.

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

Syed Nausherahi: What about the Union Boards?

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

Syed Nausherahi: Both may be there.

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

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

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

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

Mr. Deputy-Speaker: The question is:

(i) In the First Schedule,—

(a) for the entries under the heading "Part C States" substitute;

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

(b) against "Total", for "488" substitute "495".

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

"108
330
315
239
375
140
126
430
238
175
99
99
60
160
60
108"

(iii) In the Third Schedule, in columns 2 to 7, against "Bihar", "Bombay", "Madras" and "Uttar Pradesh", for existing entries, substitute;

"73
24
6
6
24
12."

(iv) For the Fourth Schedule, substitute:

"THE FOURTH SCHEDULE

[See section 27(2)]

Local Authorities for purposes of elections to Legislative Councils

BIHAR

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

[Mr. Deputy-Speaker]

BOMBAY

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

MADRAS

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

PUNJAB

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

UTTAR PRADESH

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

WEST BENGAL

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

MYSORA

1. Municipalities.
2. District Boards."

The motion was adopted.

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

Clause 1

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, be passed."

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

Shri Kamath: Sir, I want to say that this is a parliamentary outrage. It is high-handed that the motion has been put and declared carried in this manner.

Mr. Deputy-Speaker: The hon. Member will kindly see that today is the last day of the session.

Shri Kamath: You did not know what I was going to say. I would not have taken more than half a minute.

DISPLACED PERSONS (CLAIMS) BILL

The Minister of State for Rehabilitation (Shri Mohan Lal Saksena): I beg to move:

"That the Bill to provide for the registration and verification of claims of displaced persons in respect of immovable property in Pakistan, be taken into consideration."

At the far end of the day I would not make any speech but I want to make one explanation. Hon. Members must have seen the Statement of Objects and Reasons. The present scheme of rehabilitation is to make quasi permanent allotment of evacuee property. After that we verify the claims of the persons. This Bill is in pursuance of that scheme.

Mr. Deputy-Speaker: The question is:

"That the Bill to provide for the registration and verification of claims of displaced persons in respect of immovable property in Pakistan, be taken into consideration."

The motion was adopted.

Clause 2

(Definitions)

Amendment made:

For part (a), substitute:

"(a) 'claim' means the assertion of a right to the ownership of, or to any interest in,—

- (i) any immovable property in West Pakistan which is situate within an urban area, or
- (ii) such class of property in any part of West Pakistan other than in any urban area as may be notified by the Central Government in this behalf in the Official Gazette;"

—[*Shri Mohan Lal Saksena*]

Clause, as amended, was added to the Bill.

Clause 3

Clause 3 was added to the Bill.

Clause 4

(Power to appoint Chief Claims Commissioner, etc.)

Amendments made:

In sub-clause (1), after "appoint a Chief Claims Commissioner, and", insert "a Joint or Deputy Chief Claims Commissioner, and".

In sub-clause (2), after "subject to the provisions of this Act", insert "the Joint or Deputy Chief Claims Commissioner".

—[*Shri Mohan Lal Saksena*]

Clause, as amended, was added to the Bill.

Clause 5

(Registration of Claims)

Amendment made:

In sub-clause (2), at the end, add "or an officer designated by the Central Government for this purpose."

—[*Shri B. K. P. Sinha*]

An Hon. Member: What is meant by "designated"?

Shri Mohan Lal Saksena: It means that the claims may be sent to the Central Government or to any officer designated by the Central Government to receive them.

Mr. Deputy-Speaker: The officer is given designation that he is entitled to dispose of the claims.

Clause, as amended, was added to the Bill.

Clause 6

(Jurisdiction of Claims Officers)

Pandit Thakur Das Bhargava (Punjab): I beg to move:

In the proviso to sub-clause (3), at the end, add "but in case such order varies the amount of claim, opportunity must be afforded to the person concerned to be heard in support of or against such variation."

I am moving only the second part of the amendment I had tabled.

Mr. Deputy-Speaker: Amendment moved:

In the proviso to sub-clause (3), at the end, add "but in case such order varies the amount of claim, opportunity must be afforded to the person concerned to be heard in support of or against such variation."

Shri Mohan Lal Saksena: I accept this amendment.

Pandit Kunzru (Uttar Pradesh): I should like to ask my hon. friend, Mr. Mohan Lal Saksena whether it is not possible to lay down any definite grounds on which people aggrieved by the decision of a claims officer may be able to appeal to the Chief Claims Commissioner. I realise that if an appeal were to be allowed as a matter of course, the task of the Chief Claims Commissioner will become unbearably heavy. It is necessary that appeals should be kept down, but at the same time I think it is desirable that on certain specified grounds appeals should be allowed as a matter of right and it should not be left merely to the Chief Claims Commissioner to call for the record of any claim if he thinks that it should be looked into by him.

Shri Mohan Lal Saksena: I may inform the House that the scheme is that the Claims Commissioner will be revising a certain percentage of these claims verified by the claims officers and he may come to the conclusion that a certain claim has to be verified. Such a claim might be referred to the Chief Claims Commissioner. Or, it can also be done on application by the aggrieved person. But we do not want to give the right to appeal as a matter of course—it will always be done if it is brought to the notice of the Chief Claims Commissioner.

Pandit Kunzru: How can it be done?

Shri Mohan Lal Saksena: It can always be done with the powers of the Chief Claims Commissioner. The Chief Claims Commissioner will also be reviewing a certain proportion of these claims which have been verified, either on the report of the Claims Commissioner or on application of the aggrieved person. We do not want to provide for appeals because if we do so then in each and every case there will be an appeal.

Mr. Deputy-Speaker: The question is:

In the proviso to sub-clause (3), at the end, add "but in case such order varies the amount of claim, opportunity must be afforded to the person concerned to be heard in support of or against such variation."

The motion was adopted.

Clause, as amended, was added to the Bill.

Clause 7*(Powers of Claims Officers)***Shri Mohan Lal Saksena:** I beg to move:

(i) In sub-clause (1), for "A Claims Officer", substitute "The Chief Claims Commissioner, a Joint or Deputy Chief Claims Commissioner, or a Claims Commissioner or Claims Officer".

(ii) In sub-clause (3), for "A Claims Officer", substitute "The Chief Claims Commissioner, a Joint or Deputy Chief Claims Commissioner, a Claims Commissioner and a Claims Officer".

These are consequential amendments as we have provided for the Chief, Joint and Deputy Claims Commissioners.

Mr. Deputy-Speaker: The question is:

(i) In sub-clause (1), for "A Claims Officer", substitute "The Chief Claims Commissioner, a Joint or Deputy Chief Claims Commissioner, or a Claims Commissioner or Claims Officer".

(ii) In sub-clause (3), for "A Claims Officer", substitute "The Chief Claims Commissioner, a Joint or Deputy Chief Claims Commissioner, and a Claims Commissioner a Claims Officer".

The motion was adopted.

Clause, as amended, was added to the Bill.

Clause 8

Clause 8 was added to the Bill

Clause 9*(Certain officers to be public officers)**Amendment made:*

After "the Chief Claims Commissioner", insert "Joint or Deputy Chief Claims Commissioner".

—[*Shri Mohan Lal Saksena*]

Clause, as amended, was added to the Bill.

Clauses 10 and 11

Clauses 10 and 11 were added to the Bill.

Clause 12*(Penalty)**Amendment made:***In part (a),—**

(i) after "knows", insert "or has reason to believe"; and

(ii) after "false or", insert "which he".

—[*Pandit Thakur Das Bhargava*]

Clause, as amended, was added to the Bill.

Clauses 13 and 14

Clauses 13 and 14 were added to the Bill.

Clause 15**Shri Mohan Lal Saksena:** I beg to move:

"That clause 15 be omitted."

Shri J. E. Kapoor (Uttar Pradesh): That cannot be moved. The clause may be voted down.

Mr. Deputy-Speaker: The question is:

"That clause 15 stand part of the Bill."

The motion was negatived.

Clause 16**(Delegation of Powers)***Amendment made:*

In sub-clause (2), after "under this Act to", insert "the Joint or Deputy Chief Claims Commissioner or".

—[*Shri Mohan Lal Saksena*]

Clause, as amended, was added to the Bill.

Clause 17**(Power to make rules)***Amendments made:*

In part (d) of sub-clause (2), after "Claims Officers", wherever they occur, insert "Claims Commissioner, or Chief Claims Commissioner".

In part (e) of sub-clause (2), for "Claims Officer", substitute "Claims Officer, Claims Commissioner or the Chief Claims Commissioner".

—[*Shri J. R. Kapoor*]

Clause, as amended, was added to the Bill.

Clause 18

Clause 18 was added to the Bill.

Clause 1**(Short title and extent)**

Shri J. R. Kapoor: I beg to move:

- (i) In the marginal heading, for "Short title and extent", substitute "Short title, extent and duration".
- (ii) After sub-clause (2), add:

"(3) It shall remain in force for a period of one year only."

Ordinarily, it may appear strange that an amendment should be moved limiting the duration to one year, but the object of this amendment is to fix a time-limit within which all claims must be disposed of. We do not wish that it should be left open to Government to proceed in a very slow and easy manner. We have already wasted more than two years. It was I think in the month of June last year that a Conference of the representatives of displaced persons was held and Government gave an assurance that they would take immediate steps to deal with this question. As a matter of fact, as early as October or November 1947 Government had called for the claims. The claims had been submitted too, but absolutely nothing had been done. It may be that the claimants themselves were responsible for this state of affairs, because many a claim was not genuine, but then that is no reason why so much time should have been wasted by Government.

Mr. Deputy-Speaker: Is the amendment going to be accepted?

Shri Mohan Lal Saksena: No, Sir. I had a talk with my friends yesterday evening and I said that I would consult my officers. I have consulted my officers—the Chief Claims Commissioner and the Secretary, who are displaced persons themselves and are, therefore, very much interested—and they tell me that it will not be possible, as they informed the Standing Committee, to do this work within less than two years. The number of claims received is 5,34,700. I have had a talk with my friends and I leave it to the House. If the House wants to put a time-limit one year, it may, but I will have to come again to the House. I do not accept this amendment, because I have consulted my officers and they suggest two years.

Shri J. R. Kapoor: I take it that what the hon. Minister means to say is that while he is not prepared to accept my amendment he is prepared to abide by the verdict of the House. I am very glad to have that statement coming from the hon. Minister. It is really a pity that his Ministry should be dominated to such an extent by the views of the Departmental Heads. Last evening, as he himself admitted, he was agreeable to this amendment, but since somebody has advised him not to accept it, he is not prepared to accept it now. Perhaps the Claims Commissioner may be afraid that he will have to go out of office, if one year is fixed, after merely a year. Whatever may be the motives, they are not for accepting one year. Whether the hon. Minister accepts it or not, our purpose is served when he says that he is prepared to abide by the verdict of the House.

Shri Satish Chandra (Uttar Pradesh): Is the hon. Member making a second speech on his amendment at this late hour?

Shri J. R. Kapoor: I have not finished my first one. For the time being, we may fix one year and if the whole work is not finished within that time, it will be open to the hon. Minister to come to the House with a short amending Bill and we shall certainly give our consent to it, extending the period of this Bill. But for the present, I suggest that we may prescribe a period of one year, so that the officers may know that it is their duty to finish the whole thing in one year.

Pandit Thakur Das Bhargava: What I want to emphasise is that this work must be undertaken and finished as soon as possible and to this the reply of the hon. Minister is that he is willing to do so. I can understand his Ministry's difficulties, because the work is very stupendous—it is not a small piece of work. At least five lakhs claims are there. It will require a large army of officers to look into them. But, at the same time, we must realise that it is very wrong to take so much time on this. We have already wasted three or four years and this matter has been hanging fire. We must try to finish this work as soon as possible. Therefore, I would respectfully beg this House to pass this amendment. If the work is finished, well as good; if it is not, then the hon. Minister himself has been pleased to say that he will come to the House again. He can come again for another six months or whatever period is required. But let us for the present, I respectfully beg the House, pass this amendment.

Shri Mohan Lal Saksena: Sir, I have already explained the position to the hon. Members yesterday. In East Punjab we did the verification of claims and since we had to deal with agricultural property, we had to keep on postponing from time to time. There was no help for it. There were hopes and they were dashed. So we had to extend the time.

Now, my friend Mr. Kapoor says that we should not be dominated by the officers. There is no question of domination. It is a question of practicability. Yesterday I had been told that the number of claims was three lakhs. Today I find that the number is more than five lakhs, and it does not include Sindhi claims. I have informed the House about the difficulties. As I have said, the work cannot be finished before two years. It is not possible. But if the House wants to fix a time-limit, my advice is that it may fix two years. I am in the hands of the House.

Mr. Deputy-Speaker: Let it be two years then. In place of 'one year' we shall substitute 'two years'.

[Mr. Deputy-Speaker]

The marginal notes are not amended by way of amendments; so I shall put only the second amendment.

The question is:

After sub-clause (2), add:

“(3) It shall remain in force for a period of two years only.”

The motion was adopted.

Clause, as amended, was added to the Bill.

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

Shri Mohan Lal Saksena: I beg to move:

“That the Bill, as amended, be passed.”

Mr. Deputy-Speaker: Motion moved:

“That the Bill, as amended, be passed.”

Shri B. K. Chaudhuri (Assam): I only want to congratulate the hon. Minister of State. It is a question of *visi vidi visi*—he brought a Bill, be amended it himself and he got it passed, within about twenty minutes.

लाला अचिन्त राम : माननीय प्रधान जी, इस बिल के मुताल्लिक पहले तो मेरा यह ख्याल था कि मैं आनरेबल मिनिस्टर को यह बिल पेश करने के लिये बधाई देता, लेकिन अब जो अमेंडमेंट (amendment) किया है दो बरस का इससे मैं समझता हूँ कि मेरा खतरा पूरा हो गया, क्योंकि पौने तीन साल पहले ही हो चुके हैं और कुछ नहीं हुआ, दो साल क्लेम्स (claims) में लग जायेंगे, तो इस तरह ६ साल के बाद क्लेम मिलेंगे, जिसका मतलब यह हुआ कि जब कोई लेने वाला ही न रहेगा तब क्लेम मिलेंगे।

I strongly raise my protest against this Bill.

जो अमेंडमेंट रखा गया है, वह बिल्कुल साफ है और मैं समझता हूँ कि इसके रास्ते में जो रुकावटें बताई गई हैं कि हमारे पास रुपया नहीं है, यह काम तभी हो सकता था जब बहुत सारा रुपया हमें मिलता, आनरेबल मिनिस्टर फाईनेन्स मिनिस्टर साहब से बात करके आये होंगे। यह कोई फिक्स्ड क्लेम (fixed claim) नहीं होने वाले हैं। दूसरा सवाल यह उठाया जायगा कि जब तक पाकिस्तान हमारे साथ कोऑपरेट (co-operate) नहीं करता है, तब तक कामयाबी नहीं होगी। मैं समझता हूँ कि यह बात गलत है। अगर पाकिस्तान का कोऑपरेशन (co-operation) मिलता है, वेल एन्ड गुड (well and good) लेकिन अगर पाकिस्तान का कोऑपरेशन (co-operation) नहीं मिलता, तो उसके बावजूद भी पाकिस्तान को इस बात की हमें इजाजत नहीं देनी चाहिये कि पाकिस्तान हमारे मुल्क के अन्दर गड़बड़ी पैदा कर सके। हमारे पास रुपया नहीं है या पाकिस्तान हमारे साथ कोऑपरेट नहीं करता है, ऐसी बातें न कीजिये। इन सब एतराजों के बाद भी आप एलान करिये कि यह सब काम हो सकता है नहीं तो इस बिल को पेश करने की कोई मंशा नहीं है।

(English translation of the above speech)

Lala Achint Ram (Punjab): Previously I had thought of congratulating the hon. Minister for having brought forward this Bill, but now when this amendment fixing the time-limit to two years has been made, I feel my fears have come out true, because a period of 2½ years has already elapsed and nothing has been done and it will take another two years to register the claims. So in this manner, the payment of claims can only be made after the expiry of six years which would mean that the claims would be paid only when there would be no claimants. I strongly protest against this Bill. The amendment which has been made is quite clear and I think that the hon. Minister would have discussed with the hon. Finance Minister the difficulties which have been pointed out in this connection that funds are lacking and that this work can only be done when adequate funds are made available. These are not going to be any fixed claims. Another question that has been raised is that so long as Pakistan does not co-operate with us, we will not succeed. I think this is wrong. If Pakistan co-operates, that is well and good, but if it does not, notwithstanding all this, we should not permit it to create disorder in our country. We have got no money or that Pakistan does not co-operate with us—you should not talk in this manner. Despite all these objections you should declare that all this thing can be done, otherwise there is no object in moving this Bill.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

The House then adjourned sine die.