

Tuesday, 4th January, 1949

Volume VII

4-11-1948

to

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**CONSTITUENT ASSEMBLY
DEBATES
OFFICIAL REPORT**

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CONSTITUENT ASSEMBLY OF INDIA

Tuesday, the 4th January 1949

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Ten of the Clock, Mr. Vice-President (Dr. H. C. Mookherjee) in the Chair.

DRAFT CONSTITUTION—(*Contd.*)

Article 67—(*Contd.*)

Mr. Vice-President (Dr. H. C. Mookherjee): Before we begin the business of the House, I have to inform honourable Members that yesterday information was received that members of the R.S.S. would somehow secure entrance into the lobbies and galleries in order to create disturbance. Fortunately, this was prevented. May I request honourable Members to issue visitors' cards for those only who are personally known to them in order that we may proceed with our business without any interruption?

We shall now take up discussion of article 67. The first amendment on the list is amendment No. 1411. This is disallowed as being verbal.

Then we have amendments Nos. 1412, 1413 first part, 1414 first part and 1415 first part. These are identical. Amendments 1415 standing in the name of Kazi Syed Karimuddin is allowed to be moved.

Kazi Syed Karimuddin (C. P. Berar : Muslim): Mr. Vice-President, Sir, I move:

“That in sub-clause (a) of clause (5) of article 67, the following words be deleted:—

‘Subject to the provisions of articles 292 and 293 of this Constitution’;

and the following words be added at the end :—

‘in accordance with the system of proportional representation with multi-member constituencies by means of cumulative vote’.”

Sir, the present electoral system, of single member constituency according to me, is very defective. The one pervading evil of democracy is the tyranny of the majority that succeeds in carrying elections. To break off that point is to arrest danger. The common system of representation perpetuates the danger and the only remedy is proportional representation. That system is also profoundly democratic for it increases the influence of thousands of those who would have no voice in the Government and it brings men more near an equality by so contriving that no vote shall be wasted and that every voter shall contribute to bring into Parliament a member of his own choice and opinion. Sir, another objection to the present electoral system is that the system does not even guarantee the rule of majority. We have innumerable instances of this type in England and America. The Conservative majority of 1924 was unreal because it polled 48 per cent of votes and it was supposed to be the majority party in the country. Then in America, Presidents Hayes and Harrison became Presidents in 1876 and 1888 when they secured votes less than the votes secured by their adversaries. In so far as this is concerned, the present electoral system is really perverse. This system may even deprive the minorities of their just share of

[Kazi Syed Karimuddin]

representation as to render them important. An instance of this has happened in the Irish election. The most ardent defenders of the system would hardly deny the right of the minority to some representation and it is worthy of note that one of the reasons advanced by Gladstone was that such a system tended to secure representation for minorities. This is found to be wrong in Ireland; yet as prophesied in the debates of 1885, the minorities in the South and West of Ireland have since that date been permanently disfranchised. In the eight Parliaments of 1885 to 1911 they had been without representation. Therefore my submission is that the present system as it stands does not guarantee a majority rule as people commonly suppose and does not guarantee a representation to minorities, not necessarily religious, even the political minorities. Today we are faced with an electoral system in which there is no guarantee except the reservation of seats that has been embodied in articles 292 and 293. By my amendment I plead that if proportional representation is guaranteed the reservation of seats even on religious grounds must go. It has been accepted on all hands that communalism must be uprooted from the soil of this country. We have had evil effects of it and the Dominion Parliament is already committed to this stand because a Resolution has been already passed that no communal party may be allowed to function in the country. Therefore separatism, communalism and isolationism must disappear from the body politics of India but we cannot ignore the existing conditions in the country. We find that there is a movement for the establishment of a Hindu Raj. We find that there is an R.S.S. organisation also in the country. In view of this we have to proceed cautiously and gradually, and therefore we have to find out a way that communalism must go and the minorities must be represented in the legislatures.

Now there are two methods before us. One is the reservation of seats as has been provided in the Constitution, *i.e.* under article 292. The other is proportional representation. There are very serious defects about the provision of reservation of seats because it is based on religious grounds. It defeats the very objects for which it is adopted because the chosen representatives of the community for which reservation is given cannot be secured. Then as I had already said in the general discussions, that even a false convert for the purposes of election will defeat a choice representative and the minorities will be engaging lawyers who would argue the cases against their own clients; but it is wrong to say that it is communal because it is the majority that would elect the representatives of the minorities mainly and not the minority communities.

The system which I regard as the best is the system of proportional representation. It is not based on religious grounds and it applies to all minorities, political, religious or communal. There are three objections to this system, which are generally argued and debated. The first is that there would be very large constituencies and it would be very difficult to manage the voters. The second objection is the instability of the Government and the third is the establishment of Coalition Governments. Now in regard to the first objection, I think it is not tenable at all. In a large constituency if the party system works, then there is no question of the candidate coming in contact with the voters. The party machinery would work successfully. It is wrong to suppose that there will be instability of Government because the majority is bound to secure majority in the House and the majority is bound to form a Government. Then about the Coalition Government, in my opinion, where there is heterogeneous population, it is very necessary that we should have Coalition Governments. It will not be a bad thing that various representative elements should have to be consulted in forming a Ministry. The country is passing through transition and Communism is knocking at our door. It is very necessary that

the opposition whether it is communal or it is a political will have to be accommodated. We are about to transfer the Government of this country from the middle classes to those whom I might describe as the wage-earning class. This is an immense change which is realised by very few people in the country. The Congressmen are of opinion that they are bound to sweep the polls and therefore they support the Draft Constitution which establishes a majority rule, making no effective provisions for the benefit of either communal or political minorities in the country. They are wrong and they would be found to be wrong. No organization in the world has reconciled the conflicting claims of labour and capital, tenant and landlord and it is impossible to keep them under one banner. Look around us, communism is spreading with alarming speed and once it catches the imagination of the working classes, its potentiality is very grave. Suppose the working classes take a fancy for socialist dogmas or communist dogmas, they being in majority, are bound to capture power in absence of any provision to protect political or communal minorities. In order to provide against such contingencies the system of proportional representation is the only method. Secondly without any sacrifice of democratic principles, it can afford protection to communal minorities also. Without any spirit of communalism representatives of political and communal minorities can be elected. In the absence of this, the country can be plunged into communism.

Shri L. Krishnaswami Bharathi (Madras : General) : Sir, may I request the honourable Member to read slowly?

Kazi Syed Karimuddin : I am not reading. I am only referring to my notes. You can come here and see it for yourself.

Mr. Vice-President : Mr. Karimuddin, I suggest you speak more slowly.

Kazi Syed Karimuddin : Sir, in the general election and according to the present electoral system if the pendulum swings in favour of communism, all schemes of development will be lost and if it swings in favour of communalism, the secular nature of the State will be lost; and if the minorities are neglected, whether they are political, or communal, and crushed and kept out of Parliamentary activities, it will be a good fodder for the communists and they will sit in their lap. Therefore, it is part of wisdom to persuade the opposition to take of the ways of constitutionalism and the only way to do it is the introduction of the system of proportional representation. I prophesy that if this is not done, it will lead to chaos. That does not mean that I oppose the continuance of the present regime. I want the Congress to live longer because they have given peace, tranquility and a secular State to all the communities in India but this cannot be guaranteed unless the system of proportional representation is introduced.

Now, Sir, the first part of my amendment says that there should be abolition of the provision of reservation of seats in case the proportional representation is granted; otherwise not. Sir, in fact when I spoke about the abolition of reservation of seats and adoption of proportional representation, there was an incorrect idea that I was pleading for the abolition of reservation of seats unconditionally. I had stated and I state even today that if proportional representation is introduced, there should be no provision regarding the reservation of seats. Once you accept that there are minorities and also that some recognition has to be given to them, then my submission is that the House should be pleased to introduce the system of proportional representation.

Mr. Vice-President : Then amendment No. 1412 which stands in the name of Mr. Mohd. Tahir. Do you want it to be put to vote Mr. Tahir?

Mr. Mohd. Tahir (Bihar : Muslim): No, I do not want to move it.

Mr. Vice-President : Well in that case the amendments to that amendment, that are Nos. 19 and 20, standing in the name of Pandit Thakur Dass Bhargava fall through. But do you want to move them, Mr. Bhargava? I find that they relate to not only amendment No. 1412, but to other amendments also.

Pandit Thakur Dass Bhargava (East Punjab : General) : Sir, though I do not want to move those amendments, with your permission, I would like to make a statement about them.

Mr. Vice-President : You can do so in the course of the general discussion. I shall bear that in mind. So I score them out. Then we come to amendment No. 1413, standing in the name of Pandit Lakshmi Kanta Maitra.

Pandit Lakshmi Kanta Maitra (West Bengal : General): I am not moving it Sir.

(Amendment No. 1414, first part was not moved).

Mr. Vice-President : Then we come to the second part of No. 1414, second part of 1415 and No. 1421. These are of similar import and may, therefore, be considered together. Amendment No. 1415 may be moved. It stands in the name of Kazi Syed Karimuddin; I am referring to the second part of No. 1415.

Kazi Syed Karimuddin : Sir, I have moved both parts of No. 1415.

Mr. Vice-President : All right. I am sorry I did not follow. Then No. 1414 falls through, as Mr. Lari is absent. Then we come to amendment No. 1416 and amendment No. 1417, amendment No. 1416 stands in the name of Prof. K. T. Shah.

Prof. K. T. Shah (Bihar : General) : Mr. Vice-President, Sir I beg to move :

“That in sub-clause (a) of clause (5) of article 67, for the words ‘not more than five hundred representatives of the people of the territories of the States directly chosen by the voters’ the words ‘such members as shall, in the aggregate, secure one representative for every 500,000 of the population in all the constituent parts of the Union, whether States or territories directly administered by the Centre. All members of the People’s House shall be chosen directly by the votes of adult citizens. The votes shall be cast in a secret ballot and voting shall be on the basis of Proportional Representation with Single Transferable Vote’ be substituted.”

Sir, by this amendment, I seek to make, three changes.

The first is to avoid a maximum number of representatives being fixed by the constitution for the People’s House of Representatives. It is, I think, not in accord with the correct principle of popular representation that it must be the people’s voice which must be the final authority in the governance of a country calling itself a democracy. Under such a principle the Constitution should not fix permanently the maximum number of representatives for the popular chamber.

We have observed the tendency, during the last three or four census, towards a steady increase of the population of our country at every decennium. The last census shows an increase of as much as 15 per cent in ten years. If, now, you fix the absolute maximum number, it would happen that you might change the number of persons represented by each representative in an undesirable direction. That is to say, the representative character of each representative would become lesser and lesser, as he would be representing larger and larger numbers.

I feel, Sir, that if you make representation of very large numbers of voters to be concentrated on a single member, So to say, you may not have a correct

verdict of the people on a multiplicity of issues that are usually placed before the electorate at a general election.

A general election—and that is presumably contemplated here—is always an occasion when a number of issues come before the voters, in which the people, that is, the voters are likely to be confused, because of the varying, and often conflicting, pulls of the different issues on which they are asked to give each a single vote. This being the unavoidable case at each such election, I think it may be as well to fix no maximum number of representatives for the representation of the people. Instead we should allow the number to shape itself according to the varying population.

It is true that if your census is a decennial affair, it may not give you the correct guide for every election in the interval between two censuses assuming that elections come at least once in five years, if not more frequently. Even so, since we have agreed to take the last preceding census as the basis, and that census is now more than eight years old—apart altogether from the originally doubtful character of that census taken during the war,—the next general election may itself be not correctly representing all people, especially if you fix a maximum number of representatives to start with. In other later general elections, the five-year interval would not make so great a variation. That variation may be about 5 per cent or 6 per cent or $7\frac{1}{2}$ per cent. This only means that representatives would number so many more on that amount of change, it may not be impossible for a proper electoral machinery to cope with.

Taking that to be the case, I would suggest that a limit of 500,000 population be fixed as being entitled to be represented. This would be much more likely to reflect the real opinion of the people, even on a number of issues, than if you fix the total number of representatives at 500 as is contemplated under this clause. The number would, no doubt, increase, if the population tends to increase. It is therefore, possible that the maximum for the coming two decades may reach the figure of, say 600, or even more. Even with that number, I do not think that, for a country of the size and population of the Union of India, it is too large a number of representatives.

Anybody interested primarily in expediting things, and in governing the country according to a few people's will naturally not like large numbers of deliberation, and the larger the time taken in passing laws or resolutions, representatives. The larger the number the greater, of course, is the chance, of deliberation, and the larger the time taken in passing laws or resolutions. The scrutiny of government's executive actions would also be from a greater variety of angles by interpellations and the like. Those, therefore, in favour of expediting public business may not quite like this suggestion.

Those, on the other hand, who think more of the people and their wishes, would not, and should not, find in this, in my opinion, a hindrance or handicap to good government. The possibility of varying or increasing number of representatives should not, by itself, be regarded as an objection. In fact, even in the clause as it stands, the very idea that you think it necessary to fix the maximum number of representatives indicates that, even in this scheme, there is a possibility of variation in number; and as such, my amendment is, by itself, not to be condemned.

My second point is in relation to the scheme of voting. There are, in later clauses, some other amendments which I have tabled, and which when they come up, I will discuss. I will, therefore, not take up the time of the House at this moment.

As regards the scheme of voting, I only insist that voting should be by secret ballot, by adult citizens; and that it should be by means of a scheme of Proportional Representation under the device of the single transferable vote. I do not propose to descant at length, upon the theoretical grounds in favour

[Prof. K. T. Shah]

of Proportional Representation or against it, as the previous speaker has placed a fairly exhaustive case before you. I would only like to add, lest I should be misunderstood, that the principle of Proportional Representation is not intended so much to perpetuate communal minorities, as to reflect the various shades of political opinion which after all, should be reflected in your Legislature, if you desire to be really a demarcatic government. The French system for instance, strictly speaking, is not based on Proportional Representation; and yet, different shades of political opinion are reflected in the French Assembly. Even so French Governments in the third Republic had an average life, it is said, of perhaps not more than eleven months. On that count, however, the principle is not necessarily to be condemned, as the public opinion of all shades gets a chance of expression and there is in it, if not greater stability, at least greater reflection of popular will than would be the case in a system of absolute vote that is apparently contemplated here.

The possibility of securing varying shades of political opinion will give a chance not only for minorities to be only reflected in the Legislature of the country but also for them to assert themselves, and to convert themselves into a majority, which perhaps, those who might confuse Proportional Representation as synonymous with the possibility of communal representation would do well to consider. On these grounds, Sir, I commend this motion to the House.

Shri H. V. Kamath (C.P. Berar : General) : Mr. Vice-President, I move, Sir :

“That in sub-clause (a) of clause (5) of article 67, for the words ‘representatives of the people of the territories of the States directly chosen by the voters’, the words ‘members directly elected by the voters in the States’ be substituted.”

The clause as it appears in the Draft Constitution reads thus :

“(5) (a) Subject to the provisions of articles 292 and 293 of this Constitution, the House of the People shall consist of not more than five hundred representatives of the people of the territories of the States directly chosen by the voters.”

If my amendment is accepted by the House, the clause will read thus:

“Subject to the provisions of articles 292 and 293 of this Constitution, the House of the People shall consist of not more than five hundred members directly elected by the voters in the States.”

The House will see that my amendment makes for brevity, clarity and precision and further, seeks to eliminate the convolutions of language which mar the construction of the clause as it stands at present. I do hope that Dr. Ambedkar and the House will not have any difficulty in or objection to accepting it. I will only say one word more. If my amendment is accepted by the House, certain consequential changes will follow in sub-clause (2) of clause (5) and in the proviso thereto. In the sub-clause as well as in the proviso, the words “representatives of the States” will have to be altered to ‘members’ in conformity with the amendment which has been moved to sub-clause (a) of clause (5). I commend this amendment to the acceptance of the House.

Mr. Vice-President : Amendments Nos. 1418, 1419 and 1420 are of similar import. I allow Prof. Ranga to move amendment No. 1419.

(Amendments Nos. 1418 to 1423 were not moved.)

Prof. K. T. Shah : Mr. Vice-President, I beg to move:

“That the following be added after the words ‘the States’ in sub-clause (b) of clause (5) of article 67 :—

‘and Territories directly governed by the Centre’.”

Sir, the existing clause provides only for those States which are mentioned in the Schedule attached. The Schedule does not mention considerable territories, with considerable population in them, which are directly administered by the Centre. Lest their claim to representation be overlooked altogether and they be denied representative institutions in themselves, and go without representation at the Centre also. I think it is but proper and necessary specifically to include them in this clause.

It has been alleged, and I have heard it said on very high authority, that the people of some of these territories, of a given area now administered directly by the Centre, are so backward, so lacking in education and the country so undeveloped, as not to deserve representative institutions at all. The remark I am referring to was made at the Jaipur sessions of the Congress with special reference to Cutch.

I was, I confess, surprised to hear such a sweeping condemnation being enunciated by such high authorities in respect of a territory such as Cutch, which is being directly administered by the Centre. Sir quite a good proportion of the business enterprise and industrial activity of the city of Bombay has come from the Cutch people settled there. It is true that those Cutch people have more or less become permanent citizens of Bombay, though they retain their connection with the State of Cutch and may, under the changed conditions of today well make substantial contribution to the rapid advancement of the area and its inhabitants today. But that is no reason to calumniate the whole province or State as lacking in education, development, enterprise or understanding of the resources, or the possibilities of the State.

This, Sir, is, in my opinion, very unfair to a whole people who have made their contribution to the country's general awakening and advance. To deny the people there, on such grounds, representation either in the State itself, or in the Centre as part of the Union, is highly retrograde say the least.

The possibility therefore, of other similar territories being also ignored and going unrepresented has become so vivid in my mind, that I have felt it necessary to table this amendment and specifically to include them in this clause with the words that I have suggested being added. I commend this to the House.

Mr. Vice-President : The first part of amendment No 1425 and amendment No. 1426 standing in the name of Mr. Kamath are identical. I propose that amendment No. 1425 may be moved, the first as well as the second part. Mr. Kamath, do you want your amendment No. 1426 to be put to vote?

Shri H. V. Kamath : I see that Dr. Ambedkar has stolen a march over me, and so I do not propose to move my amendment.

Mr. Vice-President : Dr. Ambedkar.

The Honourable Dr. B. R. Ambedkar (Bombay : General) : I am not moving it.

Mr. Vice-President : Then we come to amendment No. 1427 standing in the name of Prof. K. T. Shah.

Prof. K. T. Shah : Amendments Nos. 1428 and 1429 also stand in my name. Can I move all these together?

Mr. Vice-President : You can move them one after the other. After moving all the three amendments, you can make one speech covering all of them.

Prof. K. T. Shah : Mr. Vice-President, Sir, I move :

“That in sub-clause (b) of clause (5) of article 67, the words ‘divided, grouped or’ be deleted.”

“That in sub-clause (b) of clause (5) of article 67, after the word ‘constituencies’, the following be added:—

‘so that each State being constituent part of the Union, or Territory governed directly by the Centre is a single constituency by itself if its population is not less than a million; or grouped with such adjoining States or Territories as together have a population of not less than a million.’ ”

“That in sub-clause (b) of clause (5) of article 67, after the word ‘constituencies’ a full-stop be added; the word ‘and’ following immediately be deleted; and the word ‘the’ be printed with a capital ‘T’.”

Sir, the purpose of these amendments is consequential upon what I have already moved; that is to say, we should form constituencies in such a manner that each constituency has at least the representative possibility of two seats not less than a million, population, therefore, is the limit which I would suggest should be the unit in the device of Proportional Representation by which representation is to be secured.

Proportional Representation, Sir, would not be feasible or even possible for single member constituencies. At any rate it will not yield the same results as are expected by those who believe in the principle. It is but right therefore, and proper that you should have multi-member constituencies; and the minimum must not be less than two.

It is on that basis, and this understanding of the principle we have already adopted in the Constitution of this very assembly, that I have suggested a unit of a million population. I have also suggested, in a previous amendment, the minimum population requiring representation to be 500,000. These two together, I think, would provide every constituency with not less than two representatives.

Most of the States will be able, each by itself, to provide such constituencies. There will, of course, be some States which will be much larger; and as such the working of Proportional Representation would in them fit in very successfully. All States as well as territories governed from the Centre would by this means receive their full measure of representation. It would enrich the representative character of the Union Legislature; it would provide expression for all shades of opinion, it would help to place before the Union Legislature; all aspects of the problems that come before it for legislation or otherwise for disposal.

As I have stated already, I think it is but right and proper that we should have constituencies arranged or grouped in such a manner, formed in such units, as would secure the fullest possible representation on a Proportional Representation basis for every constituent part of the Union which may also enable every shade of political opinion to be represented. Sir, I commend this to the House.

(Amendment No. 1430 was not moved.)

Shri H. V. Kamath : May I make a submission, Mr. Vice-President? I thought that Dr. Ambedkar was moving his amendment No. 1425 and so I said that my amendment would not be moved. It appears that Dr. Ambedkar is not moving his amendment. His amendment consists of two parts and he has not separated the two. Therefore, will you kindly permit me to move my amendment No. 1426?

Mr. Vice-President : All right.

Shri H. V. Kamath : Mr. Vice-President, I move Sir:

“That in sub-clause (b) of clause (5) of article 67, the words ‘of India’ be deleted.”

Sub-clause (b) of clause (5) as it appears in the Draft Constitution reads as follows:—

“For the purpose of sub-clause (a), the States of India shall be divided, etc.”

Now, obviously the words ‘of India’ are redundant and superfluous, and in my judgment they should be deleted because the States in the Draft Constitution always mean the States of India. Therefore, Sir, I move that the words ‘of India’ should be deleted in this sub-clause, and if this is accepted, the sub-clause will read as follows:—

“For the purpose of sub-clause (a), the States shall be divided, etc.”

This is quite clear. There is no need for me to expatiate upon this point. I commend his amendment to the House for its acceptance.

Prof. K. T. Shah : Mr. Vice-President, Sir, I move:

“That the proviso to sub-clause (b) of clause (5) of article 67 be deleted.”

This, is consequential, Sir, from the previous amendments that I have moved. In as much as I do not desire that a maximum figure should be fixed for representatives in the House of the People, it follows that such maximum or proportion being fixed as between the two Chambers would also be out of place. If my previous amendments are accepted, then this would follow as a matter of course. I, therefore, do not think it necessary to take any further time of the House. I commend the amendment for the acceptance of the House.

Mr. Vice-President : Amendment No. 1432 is verbal and is therefore disallowed.

Amendment No. 1433 both alternatives and amendment No. 1437 are of similar import. Amendment No. 1437 may be moved. It stands in the name of Prof. Shibban Lal Saksena.

(The amendments were not moved.)

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, with your permission and the permission of the House I wish to move amendment No. 1434 in a slightly altered form. There will be some verbal changes in accordance with a similar amendment which has already been accepted by the House.

I beg to move:

“That in sub-clause (c) of clause (5) of article 67, for the words ‘last preceding census’, the words ‘last preceding census of which the relevant figures have been published’ be substituted.”

This is the form in which another similar amendment was found to be acceptable to the honourable Member, Dr. Ambedkar. This matter has already been discussed in the House and the principle has already been accepted in another context, namely, that if we have to depend upon a census, it must be a census of which the figures are available. We cannot depend upon a census for which figures are not yet available. If we are to hold an election, almost immediately after a census is held the figures will not be available. It takes about a year to make the figures available. We have to do a lot of things depending upon census figures before an election. In these circumstances one has to depend upon the previous census of which figures are available. This matter was well discussed in the House and the principle was accepted and this amendment is practically consequential upon the acceptance of that motion.

Shri L. Krishnaswami Bharathi : Sir, I beg to move:

“That with reference to amendment No. 1434 of the List of Amendments, in sub-clause (5) of Article 67, for the words ‘members to be elected at any time for’, the words ‘representatives allotted to’ be substituted.”

Clause (c) reads as follows:

“The ratio between the number of Members to be elected at any time for each territorial constituency and the population of that constituency as ascertained at the last preceding census shall, so far as practicable, be the same throughout India.”

As per clause (b), there shall not be less than one representative for every 750,000 of the population and not more than one representative for every 500,000 of the population. That latitude being given, it is just possible that they may not be uniformity of representation throughout India. The object of this clause is to secure a uniform scale of representation throughout India, whatever it may be, and in order to secure this uniformity this clause is introduced. But the wording “members to be elected at any time for each territorial constituency” does not bring out the sense fully and hence my amendment that for the words “members to be elected at any time for”, the words “representatives allotted to” be substituted. If my amendment is accepted the clause would read:

“The ratio between the number of representatives allotted to each territorial constituency and the population of that constituency as ascertained at the last preceding census shall, so far as practicable, be the same throughout India.”

It is in order to bring out the sense more clearly that this amendment is moved.

(Amendment Nos. 1435 and 1436 were not moved.)

Mr. Vice-President : No. 1438 is disallowed as being formal.

(Amendments Nos. 1439, 1440, 1441 and 1442 were not moved.)

Amendment No. 1443 is disallowed as being verbal.

(Amendments Nos. 1444 and 1445 were not moved.)

Mr. Naziruddin Ahmad : Sir, I beg to move:

“That clause (7) of Article 67 be omitted.”

This clause deals with territories other than States. The objection to this clause is that it gives the right to Parliament to determine the representation of areas other than the States. With regard to these territories, I submit, as I submitted in connection with another similar amendment, that if any area is governed by any authority, that authority should decide its representation. That principle should be fixed in the Constitution. It should be left to an appropriate authority in the area to whom representation is given. There would be some authority functioning in those areas and it is for that authority to fix their own representation and not for Parliament. It may be a referendum or the like. In fact, it deprives certain areas of the right of self-determination.

Mr. Vice-President : Amendment No. 1447 Prof. K. T. Shah.

Prof. K. T. Shah : Mr. Vice-President, Sir, I beg to move:

“That in clause (7) of article 67, for the word ‘may’ the word ‘shall’, for the word ‘territories’ the words ‘the territories’ and for the words ‘other than States’ the words ‘directly governed by the Centre on the same basis as in the case of States which are constituent parts of the Union’ be substituted respectively.”

The amendment clause would read:—

“Parliament shall, by law, provide for the representation, in the House of the People, of the territories directly governed by the Centre on the same basis as in the case of States which are constituent parts of the Union.”

That would put all those territories on a par as between themselves.

I have already mentioned, Sir, that there are considerable chunks governed directly by the Centre; and perhaps there may be more hereafter, if new territories desire to form part of the Union. And if even for a while these are to be directly governed by the Centre, it is but right and fair that they should be also receiving some representation.

I would, therefore, make it compulsory by the Constitution that they too be provided with adequate representation. Their representation should be on the same basis as that for other States already forming part of the Union, i.e., one representative for every 500,000 population. There should be no talk about any territory being more developed, and therefore better fitted to be represented, while others are called less developed and backward and therefore not fitted to be properly represented either in their own land or in the Union as part of the Union. This kind of talk might suit the alien power which ruled in the land up till 18 months ago; and for that power the entire country was deemed for a long time to be unfit for representative institutions. Had those ideas prevailed, we should not be shaping this Constitution for a free-India today. It is of the essence of such institutions and of the task of working them, that people learn to use them by using them. No amount of teaching their use will make people learn to use them as the actual responsibility of using them. Accordingly, I feel that this flows directly from the previous amendments which I have moved and should, as such, be accepted.

Sir, I commend it to the House.

Mr. Vice-President : Then we come to amendments Nos. 1448 and 1449 which are disallowed as they are merely verbal.

Amendment No. 1450 standing in the name of Pandit Lakshmi Kanta Maitra may be moved.

Pandit Lakshmi Kanta Maitra : Mr. Vice-President, Sir, I beg to move:

“That in clause (8) of article 67, after the word ‘readjusted’ the words ‘on the basis of population’ be added.”

Clause (8) of article 67 provides that upon the completion of each census the representation of the several States in the Council of States and of the several territorial constituencies in the House of the People shall, subject to the provisions of article 289 of this Constitution, be readjusted by such authority in such a manner, with effect from such date, as Parliament by law may determine. My amendment is that this readjustment should be made on the basis of population. The amendment is self-explanatory and I need not labour the point. I commend the amendment for the acceptance of the House.

Mr. Vice-President : There is an amendment to this amendment, No. 43 of List II, standing in the name of Mr. L. K. Bharathi.

Shri L. Krishnaswami Bharathi : I am moving it, Sir, I beg to move:

“That with reference to amendment No. 1450 of the List of Amendments, after clause (8) of article 67, the following new proviso be inserted:—

‘Provided that such readjustment shall not affect representation to the House of the People until the dissolution of the then existing House.’”

Sir, sub-clause (8) of article 67 reads as follows:

“Upon the completion of each census the representation of the several States in the Council of the States and of the several territorial constituencies in the House of the People shall, subject to the provisions of article 289 of this Constitution, be readjusted by such authority, in such manner and with effect from such date as Parliament may, by law, determine.”

[Shri L. Krishnaswami Bharathi]

The object of this sub-clause is, that after the elections to the Legislature—either the Council of States or the House of the People, as the case may be—census may happen to be taken and new figures may be available; and we have of course to adjust the number of seats in accordance with the census figures available then. But it may not be quite possible to provide representation in accordance with the figures available thereafter, but it has got to be done only at the subsequent elections. So, in order to obviate this difficulty, whenever there is some census taken and figure available, in terms of which we have got to adjust, it has to be adjusted only later on at the subsequent election and should not have anything to do with the existing Council of States or the House of the People. A similar provision is found in article 149, sub-clause (4). It is an omission here and I have sought to bring it here so that it may be in line with the scheme as found in article 149. I hope this amendment will be accepted by the House.

Mr. Vice-President : Amendment No. 1451 standing in the name of Shri Nandlal comes next. The honourable Member is not in the House.

Amendment No. 1452 standing in the name of Mr. Mahboob Ali Baig may be moved.

Mr. Mahboob Ali Baig Sahib (Madras : Muslim) : Mr. Vice-President, Sir, I beg to move :

“That article 67, the following new clause (10) be added:—

‘(10) The election to the House of the People shall be in accordance with the system of proportional representation by means of a single transferable vote.’”

Sir, I am only proposing the extension of the principle which we accepted yesterday in the matter of election to the Council of States. I am very much gratified to find, Sir, that yesterday the House recognised the principle underlying this method of election and I need not repeat all the arguments that I adduced yesterday in support of this system and to establish the fact that this system of election is more democratic and more scientific. But by the speeches of some honourable Members of this House, especially my honourable Friend. Pandit Kunzru, an impression was created on this House that in that particular case, namely, in the case of the Council of States, the electorate therefore are the Members of the legislature, who were elected on a joint electorate and not on communal electorate. Therefore, there was no danger, if this system is adopted for the election of Council of States and of any council, of any communal party coming in. That was the reason, he said, he was supporting it. Thereby he meant, if I may be permitted to say inferentially, that if the method of election would enable communal parties to be returned to the legislature, he would not support it. My submission is that there is no scope for any communal body as such being returned by this method, and if it could be returned, it would be returned in the same way as anybody holding different views from the majority party could be returned. If there is no objection to a section of people holding views different from the majority they could get into the legislatures by this method. I do not see any reason why any communal body should have the right to be returned. The reason why Pandit Kunzru supported this method for the Council of States, he said, was that people holding different views must be enabled to be returned, although they may be holding the view which was not held by the majority. That was the reason why he said that proportional representation method is good, because it enabled people, who held different views from the majority, to enter the legislature.

Therefore, Sir, my submission is that if there is any defect in this system of election, according to me, it is this Parliamentary democratic system, it is the political party system that is responsible and not the method as such. On a former occasion, I said that because of this party system, this Parliamentary democracy where one party is returned and it tries to dominate another and

make it impossible for the minority party to be returned and all repression and suppression takes place, it is for that reason, Sir, I said this form of Government based upon Parliamentary democracy is not desirable. Whatever it is, Sir, my submission is this method of election, this method of proportional representation by single transferable vote will enable peoples and parties in the country, who hold views different from the majority party, to be represented in the legislatures. What is true in the case of election to the Council of States is equally true in the case of election to the House of the People. Why should it be different, I ask, if this method would enable a party or section of persons, who hold different views from those views held by the majority, if this method enables those persons to be represented there and thereby they form what is called 'an Opposition Block'? Can you think of any parliamentary democracy where there is no opposition? Unless there is opposition, Sir, the danger of its turning itself into a Fascist body is there. An opposition can come into existence only if persons holding different views from the majority are enabled to be returned to the legislature. So, Sir, by this method and by this method alone, I submit there can be a strong opposition in a parliamentary democracy. So, my submission is, in the first place, on principle, there is nothing wrong in it and as I said, it is more scientific and democratic, and I submit, that it will enable sections having different views from the majority party to be returned and thus form an opposition to the party in power. Otherwise, it will degenerate the party in power into a fascist body. Therefore, Sir, I commend this method even in the case of election to the House of the People.

Sir, I do not move the other alternative amendment.

Mr. Vice-President : The article—clauses (5) up to the end—is now open for general discussion.

Pandit Thakur Dass Bhargava (East Punjab : General): Mr. Vice-President, Sir, clause (5) of article 67 speaks of the fixation of 500 representatives to the House of the People and also says that these representatives shall be directly chosen by the electors and clause (b) speaks of territorial constituencies. I sent in amendments, in regard to these two sub-sections and the purport of the amendments was that a reference to article 292 be deleted, as also that the territorial constituencies should be of contiguous areas and there should be no special constituencies or reserved constituencies. As a matter of fact, this clause (5) only speaks of one method of the choice of the voters and does not say in what particular way these electors will have the right to choose the representatives. An amendment was sought to be moved by Mr. Karimuddin to the effect that the representation should be by way of proportional representation by the use of cumulative voting, which to my mind clearly means a reversion to separate electorates. I propose that these two clauses and the question of the reservation of seats under article 292 and other articles which relate to elections may be fully discussed at the time when we are on those articles and not separately here. Because, if we choose to make modifications in article 292 or 293 as they stand, the right of proper occasion to amend or adopt them will be when we will be considering these articles. Therefore, my humble submission is that in regard to clause (5) we may take it that unless articles 292 and 293 are disposed of, we shall not be debarred from moving amendments there and modifying them as we choose. I therefore propose that discussion about reservation of seats, delimitation of constituencies and the method of delimiting them be postponed to the time when we consider articles 292 and 293.

In regard to the rest, I also wanted to propose an amendment to clause (6) that illiteracy should also be regarded as one of the grounds for not giving a vote on the basis of adult suffrage. If a person is illiterate, he should not be granted the right to vote. As a matter of fact, my idea in moving this amendment was not to deprive any persons of their right of voting, because I am very much in favour of adult suffrage. I wanted that as the elections are not coming on before another two years or one year, by that time, every elector should educate

[Pandit Thakur Dass Bhargava]

himself and could at least know how to read and write, as in my opinion reading and writing can be acquired by any person in three months. It will give a great fillip to the drive for adult education and to the electors to make an attempt to know how to read and write, if we condition the exercise of the right of voting to literacy. When I consider, Sir, the number of electors which will come on the electoral roll if we allow the basis to be adult suffrage, I am astounded by the magnitude of the problem. According to calculations, I understand that there will be something like twelve crores of voters. In a population of thirty crores, it is not a wrong estimate to think that the number of voters may be twelve crores. If there are 500 representatives, it means that each constituency will consist of at least 240,000 voters, if there are single members constituencies. If there are multi-member constituencies, then if a constituency is formed for the purpose of electing four members, there will be something like 960,000 voters. At the present time in ordinary elections for the Central Legislative Assembly, we had from 8,000 to 40,000 voters. With this increase of numbers, I shudder to think how we will be able to arrange for the elections. It will require not one or two days as at present for the elections; it will require, I think, about a month. The number of booths will be very large. I think the magnitude of the problem is such that it must give serious cause for doubt whether we would be able to hold these elections in the manner in which we want them to be held. How will this large electorate be educated? How will you approach these electors so that the elections might be good. When I consider that there is a proposal to have multiple constituencies, and reserved constituencies, the situation becomes all the worse. So far as I think, at present, a person belonging to the Depressed classes, etc., is known only in his Taluka; he is not known over several districts. If the Constituency is spread over several districts, I do not know how the elections would be real. The electors will never have occasion to know who the person elected is. Therefore, to obviate this difficulty, I would suggest, for the first ten years, just limit this right of voting to literate people. We will be doing a thing which will be really useful. Otherwise, in my humble opinion, these elections will be a great farce. Therefore, my submission is that if the House is so advised, we should have the provision of literacy put in clause (6).

Similarly, I have to make one point more; that is about sub-clause (c) of clause (5). The words in the article are "as ascertained at the last preceding census". The population as ascertained at the last preceding census will, in many cases, be absolutely wrong. In East Punjab lakhs of people have come from West Punjab and gone away from East Punjab. Similarly in West Bengal, people are still coming in from East Bengal. In regard to Delhi, there has also been a large influx of population. The last preceding census will not give the correct figures and if we consider the present position, the figures will be quite incomparable with the real figures in which the population is to be found in these places. Therefore we shall have to have recourse to some other expedient, and the expedient which has been suggested is in article 313. I doubt very much if we would be able to arrive at the real figures from the number of electors. The right figures about the population from the number of electors will be at best a conjecture and it will not be in accordance with the true principles set out in clauses (5) to (8). Therefore, my humble submission is that with regard to East Punjab and West Bengal, unless a census is taken, we will not be correct in our figures. This will entail a good length of time. If the elections are coming in 1952 or 1951, then the position can be solved; otherwise, you will have to take a census before these provisions can be given effect to, or the words "as ascertained at the last preceding census will have no meaning for us. If these words are taken in their literal sense and no adaptation

is made, it would mean for such of the Muslims, about 50 lakhs as have left East Punjab, you will reserve about fifty seats in the local legislature whereas the population of the Muslims at present is said to be about two lakhs. These are real difficulties which have to be solved. Unless we solve these difficulties, my own apprehension is that there will be no real elections.

In regard to article 292, I have to submit one more word. In clause (5), the reference to article 292 is certainly not wanted, because article 292 deals with direct elections, in regard to constituencies and in regard to reserved constituencies also. The present position is that they are proposed to be chosen by direct elections. The reference to article 292 is absolutely unnecessary. Even if it is kept, I would, with your permission, repeat this that I take it that the reference to article 292 does not bind the House and we would be able to modify article 292. I do not want to conceal my feelings from this House that I want that there should be no reservation of constituencies for any communities, i.e., no reservation of seats for any community. I only want that so far as the Scheduled castes are concerned, there may be reservation of representation, which we can do on the lines suggested in article 293. We do not want any reservation of seats because if you consider the whole question, and if you consider the multiple constituencies, the entire elections will be absolutely unreal. Our difficulty is that we have not realised how these constituencies will be formed. When the matter comes to the House in a concrete form, I am perfectly sure that the House will not even touch the reservation of seats with a pair of tongs.

With these remarks, Sir, I support article 67.

Shri Deshbandhu Gupta (Delhi): *[Mr. Vice-President, I want to draw the attention of the House specially to parts (b) and (c) clause (5) of article No. 67. My learned Friend, Pandit Thakur Dass Bhargava, has also drawn the attention of the House and has pointed out that if we are relying on the last census figures for fixing the number of representatives then it would affect adversely, specially in the case of East Punjab, West Bengal and Delhi. I want to point out that so far as East Punjab is concerned only a little less of the population which has gone away from East Punjab to the Pakistan, has come from Pakistan to East Punjab, and therefore the population of East Punjab has not swollen much. But as regards Delhi, it is an admitted fact, that its population has greatly swollen by the influx of refugees more than in any other town. According to the last census, Delhi's population was about 9 lakhs, but at present it is estimated to be about 19 lakhs. Therefore it would be very unfair for the Delhi province should the number of representatives be fixed according to the last census.]

Mr. Vice-President, that is why I want Dr. Ambedkar and others to keep this fact in view. I hope that in regard to Delhi and other cities, whose population has swollen apart from the natural causes, due to the partition of the country, this fact would be borne in mind when seats are allotted to them. I think that in clause (c) if for the words 'actual population' the words 'actual number of voters' are inserted, then there would be ground for any objection from anybody. Therefore, I want this fact to be borne in mind, and as has been provided by article 313 of the adaptation clause or under it, or in any other form, an assurance to this effect should be given; otherwise grave injustice would be done to Delhi and other towns, which have absorbed our refugee, uprooted brethren from Western Pakistan, who would be denied their due representation in the House.]

Shri Prabhudayal Himatsingka (West Bengal : General): Mr. Vice-President, Sir, in connection with clause (5) of article 67, Pandit Thakur Dass Bhargava has tried to explain the difficulties that are likely to be encountered

* [] Translation of Hindustani Speech.

[Shri Prabhudayal Himatsingka]

in having a proper election. The proposal is to have one member for five to seven and a half lakhs of persons and roughly speaking we may expect that there will be about three lakhs voters in each constituency. However if the election is expected to be properly held and in order to avoid the malpractices that are seen in elections on a large scale where a large number of voters are concerned, some device will have to be found whereby the voters may be identified and false voting may be eliminated. Sir, we know from the elections that we have had to run in the past that where a large number of voters are concerned, a very large amount of malpractice is possible on account of the voters not being known to the persons or authority who are there as Polling Officers. So some method of identification should also be devised in connection with such elections.

As regards the different amendments which have been suggested about multiple constituencies and cumulative votes, Pandit Thakur Dass Bhargava has also explained that it will be a very wrong thing to do it because, as it is, the constituency will be very big and if you have multiple seats, the troubles of a candidate can be better imagined than described. If you have multiple constituencies, even the best man cannot expect to be returned without a contest. If there are more than one seat in a constituency, there will be more candidates and everyone of them, whether he is the best man to be selected or not, will have to come by actual contest and there will be, if it is a four seat constituency, about twelve to thirteen lakhs of voters and it is more, it will be similarly more and the trouble that a candidate will have to go through will be enormous.

Therefore, Sir, the various amendments that have been moved in order to have multiple constituencies or plural voting should be opposed and defeated.

With these words, I support the motion as it stands.

Mr. Vice-President : Sardar Bhopinder Singh Man. The time at our disposal is extremely limited. As there are quite a large number of honourable Members who want to speak, I am offering special facilities to those coming from East Punjab because they have very strong feelings on this matter, and I hope the House will see the reason for this special concession given to them. Now, you will kindly confine your remarks to as short a time as possible.

Sardar Bhopinder Singh Man.

Sardar Bhopinder Singh Man (East Punjab : Sikh): *[Mr. Vice-President, while discussing this article, two points have emerged clearly on which we, as a minority, feel strongly. In your last meeting you had decided without any reservation that so far as minorities were concerned, they had been given reservation of seats on principle. While accepting this principle you had given them an option that if they decide to give it up, they could do so gladly. But I feel that while reopening this question, that offer has been withheld; nay the right is being snatched away from them. Where is the occasion, I fail to understand, for being in such a hurry, to make a change so early, and for snatching away a right which had been conferred on us in the last meeting? I can understand this much that after the expiry of ten years, when the minorities feel that the majority has gained their full confidence, then they should give up this right of their own accord.]

Mr. Vice-President : I am afraid that you are speaking on the right of separate representation: that has nothing to do with the clause in hand. I appeal to you to confine your remarks to the subject of the clause under discussion.

That is my final ruling.

* [] Translation of Hindustani Speech.

Sardar Bhopinder Singh Man : *[Mr. Vice-President, I would like that at the time of forming these constituencies, particular care should be taken to make them plural constituencies. The right which you have conferred on the minorities can be preserved only if you make the constituencies in such a way that they should be able to represent themselves. It is necessary, because the minorities have not gained full confidence of the majority up till now. There is yet another point. Pandit Bhargava is trying to have the constituencies so shaped that the rural should be amalgamated with the urban constituencies. But the standard of literacy in the rural areas is so low that while competing with the urban areas, they can never succeed. Besides the old dispute between the producers and the consumers still exists. Whatever we produce, we sell them in 'Mandies' and when 25,000 votes shall be pitted against us, to my mind, the people of the rural areas shall never be able to send their representatives while contesting with the people of urban areas and the stockists. What will be the result under such circumstances? The result will be that the producers whose standard of literacy is low and who live in far-off small hamlets, would not be able to send their representatives through elections. Another result will be that the 'Mandies' would become centre of activities for ever and the villages would be cut off from the political current of the country. The twenty or twenty five thousand voters of mandies will always try to suppress the villagers politically. We in the Punjab feel that so long as there is fundamental difference between the producers and the consumers, they should have separate constituencies. Therefore, what we want is that the delimiting Committee should not be influenced by Pandit Bhargava's speech and this difference should be kept intact, namely, the rural constituencies should be kept separate from the urban constituencies.]

There is yet another point. In East Punjab a large population is fluid. Some have migrated to Delhi and a part of it is going back out of Delhi. Then again it is not known what population has stayed in the Punjab and how much has migrated. In these circumstances, it is unavoidable that a census should be taken in East Punjab. To my mind, without an accurate census, confusion might prevail. Therefore, I am of the opinion that arrangements should be made for taking of a census immediately, and the rural and the urban constituencies should be formed separately and they should be plural.]

Sardar Hukam Singh (East Punjab : Sikh): Mr. Vice-President, Sir, we have provided that reservation be made for minorities under the present Constitution, reservation of seats, I mean. Certainly there are two methods only by which we can safeguard the interests of minorities. Up to now, the minorities have enjoyed separate electorates and some weightage as well. That has gone, because we have decided that on principle and basically that is a wrong method and no minority should have any weightage or any separate electorate. There are, as I said, only two methods, one recommended by the Minorities Committee, that there should be reservation of seats and that is also provided in the Draft Constitution under Articles 292 to 299. I agree with Pandit Thakur Dass Bhargava when he said that it would be better if both these clauses were taken together, and the discussion of this part of article 67 taken up at the time when article 292 was also being discussed. The amendments that are now before the House, by Mr. Karimuddin and another honourable Member, certainly are the opposite or the alternative of the reservation of seats, provided in those sections. Sir I am of opinion that if separate electorates have perpetuated communalism, which is so detestable and reprehensible, this reservation of seats, does no less (*hear, hear*). I think it is rather more harmful for the minorities, and it does not safeguard their interests. But it is, on the other hand, beneficial to the majority. When you are reserving, say 30 per cent, for the minorities, indirectly you are reserving 70 per cent for the majority. This allowance or concession or option to contest unreserved seats as well, is in my opinion, very illusory when it is

* [] Translation of Hindustani Speech.

[Sardar Hukam Singh]

brought into actual practice. Further, this reservation, though it is not just now before the House, because the two methods are to be discussed side by side, I am taking it,—and I crave the indulgence of the House in listening to me patiently,—this reservation of seats is rather harmful and would create the same atmosphere that we abhor so much. When the minorities see that certain Members of their own community, offensive to them, are being pushed up and backed by the majority community, certainly the relations would get strained and our object would not be fulfilled at all. And secondly, under this reservation of seats, the majority would be able to secure some Members from the minorities of their own choice, while there will be a certain proportion that would be returned by the minorities themselves. So there will be two sections and a further rift would be created between the sections of the minority community itself.

Shri L. Krishnaswami Bharathi : Sir, on a point of order, we are not discussing here the question of reservation of seats, and so I would like to know if these remarks are relevant.

Mr. Vice-President : They are relevant in the sense that the honourable Member is defending proportional representation. Am I right?

Sardar Hukam Singh : Yes.

Shri L. Krishnaswami Bharathi : But this is a matter of great importance on which we will have to concentrate and so more time will have to be allotted if we are discussing it. I wanted to bring that aspect of the matter, because it is a very big issue and.....

Mr. Vice-President : In accordance with my general policy, I shall allow Sardar Hukam Singh to speak and to refer to the question of reservation of seats, by way of illustrating the advantages of the system under discussion.

Shri L. Krishnaswami Bharathi : Sir, I should not be understood as wishing to shut out such discussion at all, but what I wanted to.....

Mr. Vice-President : Will the honourable Member please take his seat?

We must be generous and we as a majority community must be generous to the minorities (*hear, hear*). It has proved its generosity so far; let not that tradition be broken.

Now please continue Sardar Hukam Singh.

Sardar Hukam Singh : I am thankful to the House and to the Vice-President, though I do not crave for any generosity at this moment. I will not discuss that point further.

Sir, it has been argued here by more than one Member that plural member constituencies and cumulative voting would be too costly and unworkable. My position is that if separate electorates are detestable and if reservation of seats is objectionable, then some method has to be devised by which the rights of minorities can be safeguarded and that this is the only method suggested in the amendments that can be considered. If it is cumbersome and if it is costly, then it has to be settled in accordance with the democratic principles that we are following now. And my submission is that this is the only mode by which we can satisfy the minorities and stick to our principles that we have chalked out so far.

Shri V. I. Muniswamy Pillai (Madras : General): Mr. Vice-President, Sir,...

Mr. Vice-President : May I request the honourable Members to take as little time as possible? There are many honourable Members who desire to speak and I would like to accommodate as many of them as possible.

Shri V. L. Muniswamy Pillai : Sir, in supporting article 67. I may say that I specially welcome sub-clause (6) which envisages adult suffrage. Speaking

for the Scheduled Castes I may say that this kind of election is highly needed at a time like this when we have just secured freedom for this country. Under the Poona Pact, the Scheduled Castes had to submit to two elections—the panel election and the general elections. I know as a matter of fact that this has caused great inconvenience to the candidates.

Sir, one of the Members of the Assembly has moved for the adoption of the cumulative system of voting. I feel that this cumulative system of voting under the present set-up is most dangerous, because the communities will have to go away from the main body of electors. So I feel that on no account should this cumulative system be encouraged. The distributive system of voting is bound to bring the various communities together and prove worthy of the labours undergone by them in maintaining the freedom that we have won.

One of the Members, speaking on this article, observed that reservation of seats for the minorities must go and, at the same time, generously stated that, so far as the Scheduled Castes are concerned, they should not be disturbed. Sir, I welcome the statement made by Pandit Bhargava. This matter of the reservation of seats and protection for the minorities has been dealt with in this sovereign body and we have come to certain decisions. If there is a feeling that this matter should be re-opened, the proper place to do that will be when we discuss articles 292 and 293. Whatever it may be, I feel and also every Member of the Scheduled Castes in this sovereign body feels that the protection given to this community should not be disturbed. You yourself know, Sir, in your tours throughout the country, the disabilities of the Harijan community. The minorities Report has considered those things and this sovereign body after considering that report has agreed to give some protection to the minority communities. That being so, without taking more time of the House I will conclude by saying that the safeguards and the protection afforded to the Scheduled Castes and tribes should not be disturbed. When we deal with articles 292 and 293, as I said, we can have elaborate discussion on the various points that may be raised then as regards protection for minorities.

Mr. Vice-President : Mr. Khandekar may now address the House. I expect him to confine his remarks to the matter under discussion and to take as little time as possible. There are limits to the patience of the majority community on this question.

Shri S. Nagappa (Madras : General): My friends say that there is no limit to their patience.

Mr. Vice-President : That was a remark meant for Mr. Khandekar only.

Shri H. J. Khandekar (C. P. & Berar : General): *[Mr. Vice-President, I rise to express my views on the matter that is at present engaging the attention of the House. When we go through clause (5) of article 67, we find that the provisions of this clause are subject to the provisions of articles 292 and 293. Article 292 provides for reservation of seats for minority communities and since I myself belong to a scheduled caste—a minority community, I am glad that this House has accepted the article. The Minorities Sub-Committee and the Advisory Committee had also recommended to the House for reservation of seats for minorities. I need not say much about the condition of the minority communities to which I belong. The scheduled castes constitute that section of the country which has been kept suppressed by the other sections for the last thousands of years and which has been denied social and political rights.

I may recall to you, Sir, that under the Government of India Act, 1919, provision had been made for the nomination of persons belonging to the scheduled castes for some seats reserved for this purpose in the Provincial Legislatures. Our representatives present at the Round Table Conference had

* [] Translation of Hindustani Speech.

[Shri H. J. Khandekar]

made a demand that seats be reserved for scheduled castes according to the numerical strength. But to the misfortune of our community, Mr. Macdonald gave an award according to which the scheduled castes which have a population of 75 millions in the country, got only seventy two seats out of a total of 1580 seats, that is, the Macdonald Award allotted us seats many times less than what we should have been given, according to our population. I am very glad that when the Award was announced, Respected Bapu undertook a fast in Yervada Jail as a result of which the Poona Pact gave the scheduled castes 151 seats out of a total of 1580 in the Provincial Legislatures, *i.e.*, just double of what they had been given under the Macdonald Award. I therefore express gratitude to Respected Bapu on behalf of my community. But in this connection I can say that allotment of 151 seats was also not in proportion to our numerical strength and as my Friend Mr. Muniswamy Pillai has observed, we had to contest two elections under the Poona Pact. First, for Panel election there was contest amongst ourselves and after that in the general election we contested the candidates of other communities. At that time there was cumulative system of voting for us and not the distributive system. My Friend Mr. Kazi Syed Karimuddin has moved an amendment, No. 1415 on the list, seeking to introduce cumulative system of voting. If it is accepted, elections will be held on the basis of cumulative system of voting. Under this system if there be two seats, one reserved and the other general, in a constituency every voter would be given two ballot papers and he would have the option to cast both of his votes for one candidate or distribute these among two candidates. In this case naturally a voter, to whichever community he may belong, will cast both of his votes for the candidate belonging to his community and not to person of other communities. Communal rivalry therefore will continue. We have to do away with communalism as early as possible and therefore I oppose that amendment. As I belong to Harijan community whose elections were so far held on the basis of the cumulative system of voting, I have more experience of it than others. I have still in my mind the disastrous results of the cumulative system.

The minorities Sub-Committee and the Advisory Sub-Committee which were formed by this Assembly and above all Dr. Ambedkar himself who has been the greatest supporter of separate electorate have disapproved of separate electorate and have, by voting for joint electorate, eliminated the canker of communalism from our polity. I thank them all for this. In the circumstances I have no option but to interpret this move of Kazi Syed Karimuddin as motivated by the desire to secure separate electorates by indirect means, for while on the one hand we would be abolishing separate electorate, on the other we would be retaining it by having the cumulative system of voting. If we accept the amendment, it is plain that its consequences would be that members of a community would under the cumulative system of voting, cast their votes for the candidate belonging to their community, and thus separate electorates will continue to exist indirectly. I therefore oppose the amendment moved by Mr. Kazi Syed Karimuddin.

There is another point to which I would like to draw the attention of Dr. Ambedkar, and I hope he would give his consideration to it. Sub-Clause 5(c) of the article refers to a census. A few days ago a clause in which the expression "latest census" occurs, was discussed and passed by this House. It would be better if we add the word 'latest' before the word 'census' in this clause also in order to bring it into uniformity with that clause. I may state the reason why I make this suggestion. In the next election to be held under article 292, minorities will have some reserved seats in the Provincial Assemblies. They will have one seat for every one hundred thousand of population and in the Central Assembly one seat for every million of population. I am sorry to have to say, Sir, that we do not trust the census figures recorded

in 1941 because the population of Harijans shown in that census is very incorrect. Therefore, Sir, unless a fresh census is taken and the population of Harijans ascertained, I do not believe we would be allotted our due numbers of seats. I may submit, Sir, that according to our population there should have been sixty members from amongst our community in this House, because before partition our population was sixty millions. In this connection I am sorry to say, Sir, that in spite of the announcement of the British Government and the decision of the Congress, that Harijans would also have representation according to their population, only twenty seven representatives of Harijans are here in this House. And I may add that it is something painful to me.

We would like to return our representatives according to our population. Even if it be found that it comes to only twenty millions we would not mind sending only twenty members. But a census must be taken before elections are held. I am sure our population can under no circumstances be only twenty millions. Even today when the country has been partitioned, our population is at least sixty millions. I make this assertion without referring to the exact figures of our population. But I am sure that if reservation of representation for the scheduled castes—on the basis of one representative for every one hundred thousand of their population—is maintained in the next elections and for this purpose figures of their population are collected it would be found that their population even now is not less than seven crores. It is a well known fact, Sir, that the birth rate is high among the poor. We have no money, no learning, but we possess great capacity for producing children. I emphatically say that we are not less than seventy millions today in India. In view of these facts fresh census should certainly be taken.

With these words, Sir, I would appeal to Honourable Dr. Ambedkar that while replying to the debate he would kindly make the position clear regarding the words “preceding census” that occur in this clause. I submit, Sir, that unless a fresh census is taken, neither the provision for reservation of seats, nor electorates would be helpful to any minority. It may be that if a fresh census is taken elections are delayed. But I do not think that it must need be so. Even if the elections are to be delayed we should not be affected by that prospect. People of every section of the country say that there should be amelioration in the conditions of the Harijans. But this should not remain with these people merely a matter of lip sympathy. It should rather be their sincere desire and ought to be translated into practice. Even if elections are delayed by a year or soon account of the suggestion made above, we should not mind such delay.

With these words, Sir, I support the article and oppose the amendment moved by Mr. Kazi Syed Karimuddin.]

Shri Biswanath Das (Orissa : General): Sir, I have come to support the article and in doing so, I feel it necessary to place certain facts before the Assembly. Sir, I think that articles 67 and 149 should have been discussed together because they are correlated and one is complementary or supplementary to the other. As such, I feel that it could have been a great convenience to the honourable Members of this House if both these articles had been discussed together. I have to place before the honourable Members of this House the immensity of the resolution that they are passing today. We are giving our seal of approval to the most important principle, namely the principle of adult suffrage, by which every adult—male or female—in this country irrespective of the fact that he is a plains—man or belonging to the hill tribes or to the scheduled caste, becomes a voter and as such shares the responsibilities and anxieties of the administration of the State and becomes an equal citizen absolutely and in all respects. Having adopted this important principle it is necessary that we realise the immensity of the proposal. This makes me feel

[Shri Biswanath Das]

that we will hereafter have an electorate which in no case will be less than twenty crores. It may be more. My honourable Friend Pandit Thakur Dass Bhargava I think did less than justice when he stated that the number of voters may be somewhere between 15 and 16 crores. Our population is 32 crores and if those below 21 are eliminated I feel sure that the number of voters is bound to exceed 20 crores. 15 percent is taken as children of the school-going age, who are below 14. If that is so, I have no hesitation in saying that 25 per cent may as well be taken as people below the age of 21. As such three-fourths of the entire existing population may be taken as voters. Therefore, the country and the Government will have to keep themselves ready to meet the immensity of the proposal that they are accepting today. There would thus be a minimum of twenty crores of voters, which would mean that there should be about 2 lakhs polling stations and four lakhs of polling officers. I do not know how long it will take to conduct and finish the elections. I therefore appeal to the Government and also to you as the person primarily in charge of this work, so far as we are here concerned, to take immediate action in time to set up the machinery to carry out this stupendous task. It is through you that we are devising a special agency for this purpose, namely the election commission but that does not minimise the tremendousness of the task.

Having stated so far about the immensity of the problem, I would come to two areas which give enough cause for anxiety. These are the States and provinces in the north and also the provinces of West Bengal and Assam. In these two different and distinct areas there has been huge migration of the population. Lakhs and millions of people have migrated either to Pakistan or have come away from there. We have reservation of seats; and not only that, incertain cases, as in the case of the aboriginal population, the constitution has prescribed that whether they live on the hills or on the plains they have to be taken together and seats to be reserved on that basis. That being the position I think it would be doing a grave injustice to the People of East Punjab as also to the states bordering Pakistan in the North and also probably to the Union of Sourashtra and Bombay, as also to the two provinces of Assam and West Bengal, if a census is not taken. I think a census is called for, because of article 149. This article lays down that the basis of representation has to be devised on the figures of the previous census. The previous census is the one that was taken in 1941. It is a fact within common knowledge that due to the war and in the name of paper shortage and the like the then government did not think it necessary to take a full-fledged census. Not only that but what little information was gathered was also left aside with the result that an abridged census was taken. Ever since, much water has flown under the bridges. Therefore it is necessary that to be fair to these areas in the North-East and the North-West early census is necessary. A special census in these areas for this purpose should be undertaken. In this connection need I invite your attention to what has been done in Pakistan? In Pakistan they have undertaken a census in the Provinces of Sind and the West Punjab as also in East Bengal and they have come to certain conclusions for the purpose of representation in the Constituent Assembly after this census. What was done in Pakistan could have easily been done in India and need I say that even today it is not too late for a census to be taken in all seriousness without further delay.

Having said so much about census I come to another aspect of this question. Soon after passing the Third Reforms Act in the British Parliament the late lamented Gladstone declared in the House of Commons that the time has come when they should find more money and put forth all their exertions to educate their "little masters". Who are these little masters? These little masters are the voters : they are the real masters. What have you done to

educate your little masters? In this country the percentage of literacy is about ten per cent. Female literacy is much lower; so also is the case with the scheduled castes. As regards literacy among the hill tribes whom you have enfranchised in full and given the right to vote, it is practically next to nothing. What a tremendous risk you have taken? You are calling upon them to vote, but who are they? A very highly inflammable class of people who have up to date absolutely no experience either of propaganda or of voting in elections. Therefore I warn you to take early steps in this regard, so that the difficulties that I have placed before you are minimised. And what have you done in this regard to minimise them? You have done nothing. Last year it was my misfortune to have an interpellation in the Constituent Assembly (Legislative) to know whether Government have undertaken to appoint an organisation to delimit the constituencies. The reply was that it had already been done. What is the sort of delimitation that you have already undertaken? The Provincial Governments are asked to delimit the constituencies; they have asked their officials and some blessed official sits and delimits the constituencies. Is that the sort of delimitation that you are going to have under this Constitution? I warn the Government, and through you, Sir, I beg of the honourable Members of this Constituent Assembly to see that these conditions are changed. Immediate action is necessary to see that delimitation of constituencies is undertaken and necessary steps in that regard should immediately be taken.

With these words, Sir, I fully support the article, but with the warning that I have given.

Maulana Hasrat Mohani (United Provinces : Muslim): *[Sir, I had very little to say about article 67, but one thing has compelled me to speak something regarding this.]

Shri S. Nagappa: Mr. Vice-President, the Maulana can speak in English.

Mr. Vice-President : Can the honourable Member not speak in English?

Maulana Hasrat Mohani : I have to make an effort.

Mr. Vice-President : That does not matter, we care only for thoughts, not for your language.

Maulana Hasrat Mohani: *[And what is that mentioned in this article which has compelled me to express my thoughts? It is this: clause (5) (a) reads thus: "Subject to the provisions of articles 292 and 293 of this Constitution, the House of the People shall consist of not more than five hundred representatives of the people of the territories of the States directly chosen by the voters." The meaning of this clause and of article 293 is that seats have been reserved for minorities. I am, therefore, strongly opposed to reservation of seats and there should be no reservation under any circumstances. I say that there is absolutely no need of reservations, after we have made provision for joint electorates and adult franchise. The two cannot go together. When the electorates would be joint, it would mean that everybody will have the right to stand and to contest from each and every constituency. On communal basis you are making its scope limited as you have already said that you would like to give reservations to the Muslims because they are in minority. I do not know about scheduled castes, but a friend of mine has just said that you would not like to give them any reservation. Why do you call the Muslims a minority? They can be termed as a minority only when they function as a communal body. So long as Muslims were in the Muslim League, they were in a minority. But if they elect to form a political party without any restriction leaving it open to any community, then you should remember that whenever political parties would be formed, the Muslims would give fight by forming coalitions. Therefore, I say that Muslims would not like to be called a

* [] Translation of Hindustani Speech.

[Maulana Hasrat Mohani]

minority. To say that Muslims are in minority is to insult them. I cannot tolerate this even for a moment. I have had a talk with several Members. They have told me: We are conceding this to the Muslims out of generosity. I ask: Who is asking for this generosity? Muslims will become part of the majority party and they will become majority. We do not want any generosity or concession from you. Does any Muslim require it? Concession to whom? We refuse to accept any concession. In case majority party or the Congress party accepts reservation of seats, its claim for creating a secular State and of putting an end to communalism would be classified. I say, you have not put an end to communalism. The proof is that this hob-goblin, namely that Muslims are 14 per cent and Hindus are 86 per cent, and that the Muslims being 14 per cent, reservation should be given to them—still persists in your mind. I think that the question of reservation of seats has been raised by the Nationalist Muslims who had always been your slaves and slaves of the Congress. You want to reserve these seats for them and when these 14 or 15 per cent seats are reserved they would get them first of all. I take the responsibility, we will isolate the nationalists. Muslims will form coalitions and shall defeat the purpose of your device and I am sure that the Muslims shall not remain in minority.]

Giani Gurmukh Singh Musafir (East Punjab : Sikh): *[Mr. Vice-President, I had no mind to speak today but as an important matter is under discussion, I would very much like to express my opinion. I am therefore thankful to you, Sir, for giving me this opportunity to speak. Two points have been raised concerning article No. 67, one is regarding the census and the other about the constituencies. In clause (5) of the article there is a reference to article 292 which deals with the question of minorities and hence it would be relevant here to speak about the reservation of the minority problems. It would be to my liking if the chapter pertaining to the minorities is altogether removed; without that there can be no salvation for the country. There remains the question of reservation. Howsoever much one may ponder over the question, he is bound to come to the conclusion that reservation on population basis is of no good to the minorities; and particularly for the Sikhs, reservation is of no use. I am afraid, now the situation is taking such a turn—it may be said the Sikhs are more particular to reservation even than others. I know, at present such things pertaining to matters of policy and others alike, are going on, and which are quite natural during such interim periods. I will not go into the details. Our leaders might have before them some considerations on grounds of expediency and so I would not go into that matter. But this much I would like to make clear that if reservation is retained in the Constitution, it would not be because of the Sikhs. In other words, what I mean to say is that Sikhs would not be in the least benefited by reservation. To cram them with reservation is to check all their progress. Of course I do think of the Harijans and Scheduled Castes in this connection. But at the same time I think that just as the poison of separate electorate is being removed from this Constitution, similarly no other canker should be allowed to remain by which the communalism may again spread. To achieve this end healthy conventions can be established. Suitable representation can be made through nominations, as would leave no room for objection from any one.

The second point is regarding the constituencies. Pandit Thakur Dass Bhargava had tabled an amendment but it was not moved, and he did not even press for it. This, however, is quite another matter. In my opinion, urban and rural constituencies should be kept separate. Time is not yet ripe to have joint electorates. People of rural areas need education first. They are very backward at present, while people of urban areas are advanced. If

* [] Translation of Hindustani speech.

one is on the top and the other is on the floor, they cannot meet. In other words a motor-car and a tonga cannot be run together. It is necessary to gradually raise the level of the man at the bottom, and it will also be necessary for the man on the top to mould his mentality in such a way as to treat the man below like his own brother. Only after this has been done, the purpose will be achieved. I do not mean thereby that disparity between the urban and rural areas should be perpetuated, and I do not lay much emphasis on the point that village people are backward. It is possible that in other aspects there is more awakening in the rural areas, but it is a fact that they have not much resources. They are so placed that only our government can make any arrangements for them. At present access to villages is difficult. For these reasons I think that rural constituencies should be kept separate, otherwise village people would be at a disadvantage. With these words I support this article.]

Prof. Shibban Lal Saksena (United Provinces : General) : Mr. Vice-President, Sir, out of the articles which we have passed so far excepting perhaps articles Nos. 13 and 25 which guarantee fundamental freedoms, this article I think is the most important article. Here we are giving the right to vote to every adult citizen of India, and I think, people will realize later on what this really means. The election so far has been held on a narrow franchise, and now if in the new census the population of India is nearly 35 crores, we should have an electorate of about 20 crores in the country. Even America has got only about 5 or 6 crores of voters. But here 20 crores of voters will go to the polls to elect their representatives. I think this fundamental right of adult suffrage guaranteed to all people is the most important part of the Constitution. It has raised great hopes in us and today we are realising the ideal for which we have fought for the last so many years. I think that in clause (6), which guarantees this right, the word 'crime' has also been included as disqualifying a person from being a voter. I feel that even those persons who have been to jail, but have come back afterwards and reformed themselves should not be debarred from becoming voters, and I, therefore, think that the word 'crime' should not have been there. I have no objection to all other conditions, non-residence, unsoundness of mind, etc. being there.

Then, Sir, this article is an omnibus article providing for the constitution of the Council of States and the House of the people. Sir, I cannot refrain from saying that I am one of those who believe in only one Chamber and not two Chambers. Here they have provided for two Chambers and the worst part of this is that in the Upper Chamber we shall have twelve nominated Members; and we passed the other day that even those Members, who have been nominated and who will never seek the vote of the people, can become Ministers also. I think this is a most undemocratic aspect of our Constitution. Everybody who was a specialist in literature, art and science could surely have got...

Mr. Vice-President : May I ask the honourable Member to refrain from referring to business which has already been passed. The present discussion is with regard to clause (5) up to the end. That was what was agreed to by the House.

Prof. Shibban Lal Saksena : If that is the position. I will refrain from referring to the earlier clauses, although I think we are discussing the whole article.

Then, Sir, another thing in this article is the provision for delimitation of constituencies having a population between 5 lakhs and 7¹/₂ lakhs. I think the upper limit was unnecessary. It is not provided anywhere how the exact figure between these two limits will be determined, but I think the average figure will be the figure suited for allotment of seats to every province, and will be somewhere about 6,25,000. I personally think that the clause as it stands, will create great difficulties.

[Prof. Shibban Lal Saksena]

There will have to be big multiple constituencies of 13 lakhs and twenty lakhs population and I do not think poor candidates will be in a position to contest in such constituencies. If we want reservation for minorities, big multiple constituencies cannot be avoided. Only those people who are rich will then be able to get elected. Besides reservations will keep communal passions alive. I therefore think we must have no reservations. In fact, I was very glad to hear my honourable Friends Maulana Hasrat Mohani and Giani Gurmukh Singh Musafir when they said that they do not want any reservation. I think this Constitution must completely abolish all reservation. Let us have a completely secular State where every one will be a free citizen of India and every one can get elected irrespective of his community. I am sure communal passions will die out in a few years and there will be no need for any reservation. I think the time has come, and certainly by the time the elections are held, we shall require no special reservations. If we decide to have reservation for minorities, then the amendment which Dr. Ambedkar did not move should have been moved; otherwise, there will have to be very big constituencies. Even if there is to be one general seat, one Harijan seat and one other reserved Muslim seat in a particular constituency, there will be about eleven lakhs of voters which each candidate will have to canvass and no ordinary person can approach eleven lakhs of voters with his limited resources. Then, there will have to be innumerable booths; I do not know how many booths will be required. I think it will be an impossible task and so even from practical considerations, I think reservations should cease. Again, it is also possible, if there are to be very big multiple constituencies, some people may not be able to get a fair chance; their sphere of influence may be broken up or it may be resumed for a minority community.

Therefore, the only possible and practical course is that there should be no reservations. I am sure the fear of the minorities will soon be removed and I am sure that the People who are now in favour of reservation will also come forward and say that they do not want any reservation. If no reservation is made, we must see that a larger number of members of the minority communities are returned than their population entitles them to.

Sir, the proviso to sub-clause (2) of clause (5) is proposed to be omitted. This is also not fair. Under article 67 clause (1), in the Council of States, the number of representatives of the States shall not exceed forty percent. Here, in the Lower House the proportion is sought to be abolished. If the States remain to some extent what they are today, if they only accede to the extent of Defence, Communications, etc., this abolition of the proviso will not be possible. The number of representatives from the States may be larger than is warranted by their population. I think the original proposition was better. The States should have seats only in proportion to their population. If the States come into line with the provinces, and the distinction is obliterated, then of course there will be no objection to the omission of the proviso.

Sir, I had given notice of an amendment for the deletion of clause (7). My purpose was, I did not want that Parliament should have the power to make laws to provide for the representation in the House of the People of territories other than States. This is a matter for the Constitution and not for the Parliament. Parliament may always try to make laws in favour of the party which is in power. Parliament should be debarred from making laws in respect of such matters. I think clause (7) should be deleted, because it gives to Parliament the power of creating additional seats in the House of the People.

Sir, these are very important considerations. We have already discussed so many amendments and I think the verdict of the House will be soon known.

Only those amendments which are accepted by Dr. Ambedkar will be accepted by the House. Even though this article is not as I wish it to be, still I think it is a very important article and it should be passed.

Shri M. Ananthasayanam Ayyangar (Madras : General): Mr. Vice-President, Sir, I shall address myself only to some of the more important amendments of substance that have been moved relating to clauses (5) to (8) of article 67.

Sir, I am much obliged and it is very gratifying to see that members of the minority communities, particularly, my honourable Friends Mr. Karimuddin and Mr. Mahboob Ali Baig were against any reservation for their community. In its place, they have suggested two methods of election; one, proportional representation by means of the single transferable vote, and the other proportional representation by means of cumulative vote.

Mahboob Ali Baig Sahib Bahadur : May I correct my Friend? I never said anything about reservation of seats.

Shri M. Ananthasayanam Ayyangar : Very well; I stand corrected. So far as my friend Mr. Karimuddin is concerned, he did not want any reservation. In its place he wanted election by proportional representation by means of the cumulative vote. Mr. Mahboob Ali Baig evidently wants to run with the hare and hunt with the hounds. He wants both this and that; I will come to him later. The majority opinion seems to be against reservation that is provided for in articles 292 and 293. I also find that with the exception of the Scheduled Castes, so far as the provision for others is concerned, there is the other opinion also from members who do not belong to the minority community that such reservations ought not to exist. Of course, this matter will stand over and will be discussed more elaborately when we come to article 292 and 293. In the interests of the minorities themselves, I would urge that it would not be very useful to them if they insist on reservation, because

Mr. Vice-President : Are you speaking on article 292?

Shri M. Ananthasayanam Ayyangar: No; I am referring to the alternative that has been proposed.

Shri Jaspat Roy Kapoor : (United Provinces : General): Why not delete reference to article 292 here from this clause?

Shri M. Ananthasayanam Ayyangar : That is the subject matter of the amendment moved by my honourable Friend Mr. Karimuddin. He wanted reference to articles 292 and 293 to be omitted and in its place add something relating to the method of election: proportional representation by means of cumulative vote. Therefore, if I have said anything in regard to the absence of reservations, which is the substance of articles 292 and 293, I submit with all respect that I am absolutely relevant in what I have said. Mr. Karimuddin's amendment wants to do away with reservations referred to in article 292 and article 293 and in its place, he feels that it would be more useful if the minorities could have proportional representation with cumulative voting. Two methods of election have been suggested. With all respect to the mover, I would suggest that proportional Representation by means of the single transferable votes is not practicable at all. These are large constituencies and each constituency will consist of population ranging between five lakhs and seven and a half lakhs. Further, we are not an advanced country; many of the people are not literate. The literate population of our country is no more than fourteen per cent. Exercising preference by means of the single transferable vote is impossible. We commit mistakes even on the floor of the House in the Legislative side when we elect members of the Standing Committees in Legislature for the various Departments. We do not exercise our votes properly. Therefore it is impossible to expect the illiterate voters to be able to exercise their votes properly. For

[Shri M. Ananthasayanam Ayyangar]

a long time to come it is unthinkable having regard to the low progress of literacy in our country.

Then as regards proportional representation by means of cumulative votes, my suggestion is that that has been tried regarding the scheduled caste primary election. I would refer to Volume III of the Constitutional Precedents published by Sir B. N. Rau; at page 161 he has appended an Appendix to the Chapter on the system of representation. Therein he says—

“The number of seats a party captures in an election depends on the correctness with which it has gauged the support it commands in each of the constituencies, and set up the right number of candidates on its behalf.”

As an illustration he says in the Appendix how the Congress lost both seats by miscalculation when it was possible for the Congress to have captured at least one seat. That is what happened in 1937 in the C. P. Legislative Assembly elections—Bhandars Sakoli (General Rural). Both seats were lost to the Congress. Then the Congress party contested in the Bombay Legislative Council, Bombay city and Suburban Districts, two out of four seats. If it had under-estimated or over-estimated its electoral strength and nominated less or more candidates, it would have lost a seat. Now therefore this cumulative election would not absolutely be appropriate.

Shri L. Krishnaswami Bharathi : That is not proportional representation.

Shri M. Ananthasayanam Ayyangar : That is also a kind of proportional representation. I advocate neither the system by single transferable vote nor by cumulative vote. The one is impossible and the other would not meet the purpose. In that way social justice would not be rendered. On these grounds neither the amendment of Mr. Karimuddin nor that of Mr. Baig is worth considering. I oppose both of them. Prof. Shah suggested that there ought not to be any restriction on the number of members in the House of the People. He said there must be as many as possible. My impression is 500 is large enough. Already, in a House which consists of three hundred members, almost every day we have to ring the bell to get a quorum; and so what is the good of multiplying the number? There will not be effective representation. The smaller the number of members, the more effective it will be. Of course it ought not to be too small. Five hundred seems to be quite a good number. Besides 500 is not such a fixed and an inviolable number at that: because under articles 292 and 293 provision is made for nomination in the case of Anglo-Indian community if they are not represented. Likewise, for the territories which did not form part of the States, the Parliament is entitled under the article clause (7), by law, to provide for their representation in the House of the People. The five hundred under clause (5), are representatives only from States. There can be in addition to the five hundred, some Anglo-Indian members and also members representing territories other than those from the States. Under those circumstances five hundred is not a definite number; but it ought not to be increased enormously.

Then my friend, Pandit Thakur Dass Bhargava, suggested that a kind of qualification ought to be imposed, though he did not move the amendment that literates alone ought to be allowed to vote. Sir, I want a clause insisting that there must be imposition of penalty on those people who refrain from voting. For a long time to come unless people in this country are compelled to come to the Polling Station, many people may not care to exercise their votes at all, and if you put a further qualification that they must be literate, I am sure none will take interest. You are giving adult suffrage and the vote of a single individual may not count. If most of our people are not literate till now, whose fault it is? It is too much to expect that everyone will become

literate within a period of two years. Moreover, literacy is not the only qualification. I know a number of people who are not literate but have very good common sense,—more than people with academic qualifications.

Pandit Thakur Dass Bhargava : Signing the name can be learn in two months.

Shri M. Ananthasayanam Ayyangar : With what effect? It is idle to think that merely if a man is able to sign his name, he will immediately become such a literate and educated man as to exercise his vote properly; I should say such a qualification is unnecessary. Wisely he has not moved an amendment to that effect. On the other hand it may be necessary in the future years when the election becomes so costly and people may not come to the polling station that you may have to have a provision, as exists in some other constitutions, that there must be a compulsion on voters to come and vote. As regards early elections, I would wish that even from now the various provincial Governments must take up the task of making up the list of qualified voters and also delimiting constituencies. That is the object with which we have come to some of these articles and have taken up only those articles which relate to elections. We are also proceeding from here, with the leave of the House, to consider article 148. Therefore, I believe that the Central Government will take steps to issue instructions to Provincial Governments to prepare these lists and also delimit constituencies early with a view to have the elections early next year.

I support the formal amendments moved by my Friend Dr. Ambedkar and oppose the amendments moved by Mr. Karimuddin and Mr. Baig and also by Prof. Shah.

The Honourable Dr. B. R. Ambedkar : Mr. Vice-President, Sir, I accept the amendment Nos. 1417, 1426, 1431 of Prof. Shah, 1434 as amended by the mover of that amendment and as amended by the amendment No. 42 of List II and No. 43 of List II. Of the other amendments, on a careful examination, I find that there is only one amendment on which I need after any reply. That is amendment No. 1415 of my Friend Mr. Karimuddin. His amendment aims at prescribing that the election to the House of the People in the various States shall be in accordance with the proportional representation by single transferable vote. Now, I do not think it is possible to accept this amendment, because, so far as I am able to judge the merits of the system of proportional Representation, in the light of the circumstances as they exist in this country, I think, that amendment cannot be accepted. My Friend Mr. Karimuddin will, I think, accept the proposition that proportional representation presupposes literacy on a large scale. In fact it presupposes that every voter shall be literate, at least to the extent of being in a position to know the numerals, and to be in a position to mark them on a ballot paper. I think, having regard to the extent of literacy in this country, such a presupposition would be utterly extravagant. I have not the least doubt on that point. Our literacy is the smallest, I believe, in the world, and it would be quite impossible to impose upon an illiterate mass of voters a system of election which involves marking of ballot papers. That in itself, would, I think, exclude the system of proportional representation.

The second thing to which I like to draw the attention of the House is that at any rate, in my judgment, proportional representation is not suited to the form of government which this Constitution lays down. The form of government which this Constitution lays down is what is known as the Parliamentary system of government, by which we understand that a government shall continue to be in office not necessarily for the full term prescribed by law, namely, five years, but so long as the Government continues to have the confidence of the majority of the House. Obviously it means that in the House

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where there is the Parliamentary system of Government, you must necessarily have a party which is in majority and which is prepared to support the Government. Now, so far as I have been able to study the results of the systems of Parliamentary or proportional representation, I think, it might be said that one of the disadvantages of proportional Representation is the fragmentation of the legislature into a number of small groups. I think the House will know that although the British Parliament appointed a Royal Commission in the year 1910, for the purpose of considering whether their system of single-member constituency, with one man one vote, was better or whether the proportional representation system was better, it is, I think, a matter to be particularly noted that Parliament was not prepared to accept the recommendations of that Royal Commission. The reason which was given for not accepting it was, in my judgment, a very sound reason, that proportional Representation would not permit a stable government to remain in office, because Parliament would be so divided into so many small groups that every time anything happened which displeased certain groups in Parliament, they would, on that occasion, withdraw their support from the Government, with the result that the Government losing the support of certain groups and units, would fall to pieces. Now, I have not the least doubt in my mind that whatever else the future government provides for, whether it relieves the people from the wants from which they are suffering now or not, our future government must do one thing, namely, it must maintain a stable government and maintain law and order. (*Hear, hear*). I am therefore, very hesitant in accepting any system of election which would damage the stability of government. I am therefore, on that account, not prepared to accept this arrangement.

There is a third consideration which I think, it is necessary to bear in mind. In this country, for a long number of years, the people have been divided into majorities and minorities. I am not going into the question whether this division of the people into majorities and minorities was natural, or whether it was an artificial thing, or something which was deliberately calculated and brought about by somebody who was not friendly to the progress of this country. Whatever that may be, the fact remains that there have been these majorities and minorities in our country; and also that, at the initial stage when this Constituent Assembly met for the discussion of the principles on which the future constitution of the country should be based, there was an agreement arrived at between the various minority communities and the majority community with regard to the system of representation. That agreement has been a matter of give and take. The minorities who, prior to that meeting of the Constituent Assembly, had been entrenched behind a system of separate electorates, were prepared, or became prepared to give up that system, and the majority which believed that there ought to be no kind of special reservation to any particular community permitted, or rather agreed that while they would not agree to separate electorates, they would agree to a system of joint electorates with reservation of seats. This agreement provides for two things. It provides for a definite quota of representation to the various minorities, and it also provides that such a quota shall be returned through joint electorates. Now, my submission is this, that while it is still open to this House to revise any part of the clauses contained in this Draft Constitution and while it is open to this House to revise any agreement that has been arrived at between the majority and the minority, this result ought not to be brought about either by surprise or by what I may call a side-wind. It had better be done directly and it seems to me that the proper procedure for effecting a change in articles 292 and 293 would be to leave the matter to the wishes of the different minorities themselves. If any particular minority

represented in this House said that it did not want any reservation, then it would be open to the House to remove the name of that particular minority from the provisions of article 292. If any particular minority preferred that although it did not get a cent per cent deal, namely, did not get a separate electorate, but that what it has got in the form of reservation of seats is better than having nothing, then I think it would be just and proper that the minority should be permitted to retain what the Constituent Assembly has already given to it.

Pandit Thakur Dass Bhargava : But there was no agreement about reservation of seats among the communities and a number of amendments were moved by several Members for separate electorates and so on, but they were all voted down. There was no agreement at all in regard to these matters.

The Honourable Dr. B. R. Ambedkar : I was only saying that it may be taken away, not by force, but by consent. That is my proposition, and therefore, I submit that this proportional representation is really taking away by the back-door what has already been granted to the minorities by this agreement, because proportional representation will not give to the minorities what they wanted, namely, a definite quota. It might give them a voice in the election of their representatives. Whether the minorities will be prepared to give up their quota system and prefer to have a mere voice in the election of their representatives, I submit in fairness ought to be left to them. For these reasons, Sir, I am not prepared to accept the amendment of Mr. Karimuddin.

Mr. Vice-President : I shall now put the amendments, one by one, to the vote of the House.

Shri H. J. Khandekar : On a point of information, Sir, may I ask Dr. Ambedkar, what about the preceding census? He has not said anything when he amended article 35 the other day. About the preceding census, is he prepared to amend it by saying 'the latest census'?

Mr. Vice-President : Mr. Khandekar may come to the rostrum and speak.

The Honourable Dr. B. R. Ambedkar : I have accepted the amendment of Mr. Naziruddin Ahmad as amended by him and as amended by Shri Bhargava.

Mr. Vice-President : I shall now put the amendments to vote.

The question is:

"That in sub-clause (a) of clause (5) of article 67, the following words be deleted:—

'Subject to the provisions of articles 292 and 293 of this Constitution'; and the following words be added at the end:—

'in accordance with the system of proportional Representation with multi-member constituencies by means of cumulative vote'."

The amendment was negatived.

Mr. Vice-President : The question is:

"That in sub-clause (a) of clause (5) of article 67, for the words 'not more than five hundred representatives of the people of the territories of the States directly chosen by the voters, the words 'such members as shall, in the aggregate, secure one representative for every five hundred thousand of the population in all the constituent parts of the Union, whether States or territories directly administered by the Centre. All members of the People's House shall be chosen directly by the votes of adult citizens. The votes shall be cast in a secret ballot and voting shall be on the basis of Proportional Representation with Single transferable Vote' be substituted."

The amendment was negatived.

Mr. Vice-President : The question is:

"That in sub-clause (a) of clause (5) of article 67, for the words 'representatives of the people of the territories of the States directly chosen by the voters', the words 'members directly elected by the voters in the States' be substituted."

The amendment was adopted.

Mr. Vice-President : The question is:

“That the following be added after the words ‘the States’ in sub-clause (b) of clause (5) of article 67:—
‘and Territories directly governed by the Centre.’”

The amendment was negatived.

Mr. Vice-President : The question is:

“That in sub-clause (b) of clause (5) of article 67, the words ‘divided, grouped or’ be deleted.”

The amendment was negatived.

The Honourable Dr. B. R. Ambedkar : Amendment No. 1426 for dropping the words of India may be put, Sir.

Mr. Vice-President : That comes later. I am putting the amendments to vote in the order in which they were moved.

The question is:

“That in sub-clause (b) of clause (5) of article, 67, after the word ‘constituencies’, the following be added:—

‘so that each State being constituent part of the Union or Territory governed directly by the Centre is a single constituency by itself if its population is not less than a million; or grouped with such adjoining States or Territories as together have a population of not less than a million.’”

The amendment was negatived.

Mr. Vice-President : The question is:

“That in sub-clause (b) of clause (5) of article 67, after the word ‘constituencies’ a full stop be added, the word ‘and’ following immediately be deleted and the word ‘the’ be printed with a capital ‘T.’”

The amendment was negatived.

Mr. Vice-President : The question is:

“That in sub-clause (b) of clause (5) of article 67, the words ‘of India’ be deleted.”

The amendment was adopted.

Mr. Vice-President : The question is:

“That the proviso to sub-clause (b) of clause (5) of article 67 be deleted.”

The amendment was adopted.

Mr. Vice-President: The question is:

“That with reference to amendment No. 1434 of the List of Amendment in sub-clause (c) of clause (5) of article 67, for the words ‘members to be elected at any time for’, the words ‘representatives allotted to’ be substituted.”

The amendment was adopted.

Mr. Vice-President : I shall now put amendment No. 1434 as modified by the mover himself to vote. Is it necessary for me to read out the amended amendment?

Honourable Members : No, Sir.

Mr. Vice-President : The Question is:

“That in sub-clause (c) of clause (5) of article 67, for the words ‘last preceding census’, the words ‘last preceding census of which the relevant figures have been published’ be substituted.”

The amendment was adopted.

Mr. Vice-President: The question is;

“That clause (7) of Article 67 be omitted.”

The amendment was negatived.

Mr. Vice-President : The question is:

“That in clause (7) of article 67, for the word ‘may’ the word ‘shall’, for the word ‘territories’ the word ‘the territories’, and for the words ‘other than States’ the words ‘directly governed by the Centre on the same basis as in the case of States which are constituted parts of the Union’ be substituted respectively.”

The amendment was adopted.

Mr. Vice-President : The question is:

“That with reference to amendment No. 1450 of the List of Amendments, after clause (8) of article 67, the following new proviso be inserted:—

‘Provided that such readjustment shall not affect representation to the House of the People until the dissolution of the then existing House.’ ”

The amendment was adopted.

Mr. Vice-President : The question is

“That in clause (8) of article 67, after the word ‘readjusted’ the words ‘on the basis of population’ be added.”

The amendment was negatived

Mr. Vice-President : I shall now put the first alternative in amendments No. 1452 to the vote of the House.

The question is:

“That to article 67, the following new clause (10) be added:—

‘(10) The election to the House of the people shall be in accordance with the system of proportional Representation by means of the single transferable vote.’ ”

The amendment was adopted.

Mr Vice-President : I shall now put article 67, as amended to the vote of the House:

The question is:

“That article 67, as amended, stand part of the Constitution”.

The motion was adopted.

Article 67, as amended, was added to the Constitution.

Mr. Vice-President : The house stands adjourned till 10 A.M. on Wednesday, the 5th January 1949.

The Assembly then adjourned till Ten of the Clock on Wednesday, the 5th January 1949.