

Saturday, 8th January, 1949

Volume VII

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CONSTITUENT ASSEMBLY
DEBATES
OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF INDIA

Saturday the 8th 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.

MOTION *RE.* PREPARATION OF ELECTORAL ROLLS

Mr. Vice-President (Dr. H. C. Mookherjee) : The item on the agenda is a motion from the Chair.

Shri H. V. Kamath (C. P. & Berar : General) : On a point of information, Sir, may I request you to be so good as to tell us under what provision of the Rules of Procedure of our Assembly this motion is being moved from the Chair ? To my knowledge, there is no such provision in the Rules of the Assembly which we have adopted, according to which a motion of this nature can be brought forward by the Chair. So, Sir, we would like to know under what extraordinary provision or rule this procedure is being adopted because I would say in all humility that the draft of the motion that is being brought forward before this House today is not merely not above criticism but also there is scope for correction not only from the point of view of draftsmanship but also that of substance as well. Therefore I would beg of you to tell us whether there is any Rule which we have adopted which authorises the Chair to bring forward a motion of this nature, and whether once having been moved from the Chair, all criticism and discussion would be shut out on this motion.

Shri Rohini Kumar Chaudhari (Assam : General) : May I also request you to kindly enlighten whether any amendment will be allowed on this motion because it contains some controversial matters also?

Mr. Naziruddin Ahmad (West Bengal : Muslim) : I also think that the resolution requires some amendments. If it is moved from the Chair, it will be impossible for us to suggest any amendments or even to discuss the same. I have already suggested to Sir B. N. Rau some amendments. In the circumstances it would be far better to allow some Minister to move the Resolution so that we can have a discussion on this. That would be far more satisfactory.

Shri R. K. Sidhwa (C. P. & Berar : General) : Sir, my point is whether this House is competent to pass a resolution of the nature that you are going to propose. I feel that under Section 291 it is the Dominion Parliament that can issue instructions regarding the franchise and the elections. Sir, you will remember that our President, I do not know under what authority, issued an injunction for the appointment of a Commission for the work of going into the question of the linguistic provinces; and my Friend Mr. Bharathi challenged that and wrote a letter to the President, saying that under Section 290, the creation of provinces can only be done by the Government of India and the Dominion Parliament. I would like to know, Sir, whether this House is competent to pass a resolution of the nature that you are going to propose in view of explicit provision under Section 291 of the Government of India Act.

Pandit Lakshmi Kanta Maitra (West Bengal : General) : Sir, so far, two specific points have been raised, one by my honourable Friend Mr. Kamath and the other by my honourable friend Mr. Sidhwa. Mr. Kamath wants you

[Pandit Lakshmi Kanta Maitra]

to point to the particular rule by which you are empowered to make a motion of the nature contemplated in today's agenda. With regard to that, I may say that it is a well-established procedure that on certain occasions, the President can move a resolution, if the House permits it. We had a precedent recently when Dr. Rajendra Prasad moved a resolution from the Chair—the condolence resolution on the death of Mr. Mohammad Ali Jinnah. We have got that precedent, and I do not think there is any bar to the Chair making this motion, though personally I would have liked Dr. Ambedkar or somebody else to move the resolution.

With regard to the other point, the one raised by Mr. Sidhwa, I feel, and I am sure the House will agree with me in that as this is a sovereign body, there is nothing to stand in the way of this sovereign body moving a resolution of this nature. Of course, the Constituent Assembly in the Legislative Section is competent to pass an order like this. But the Constituent Assembly, as the Constitution making body, has a much wider and larger sphere of power than the Constituent Assembly, Legislative Section, and I think it is perfectly right and it is perfectly within the competence of this House to pass a resolution authorising the Provincial Governments to go forward with the necessary preliminaries connected with the coming elections. Therefore, I think the second point raised, the one raised by Mr. Sidhwa, is not a very important one of substance.

Sir, another point was raised by Mr. Sidhwa, that in connection with the appointment of the Linguistic Provinces Commission. Of course, there is a good deal of difference of opinion with regard to that. There is one body of opinion which thinks that it was *ultra vires*. But I am not going to enter into the merits of that question and of the order appointing that Commission. But I would point out that no resolution was passed or moved in the Constituent Assembly for that purpose, and that point must be borne in mind. Here the question is entirely different. Here the House, the Constituent Assembly by a resolution is going to authorise the Provincial Governments to do certain things, and I think there is no illegality or irregularity about it.

Shri H. V. Kamath : Sir, on a point of explanation, I would only say that there is a world of difference between a condolence resolution and a motion of this nature. *(Laughter.)*

Shri R. V. Dhulekar (United Provinces : General) : Sir, I submit that this sovereign body can direct the Legislative Assembly. The necessary direction may be issued by this Constituent Assembly to its Legislative side to have this motion passed there, and so we can get out of the impasse that has been created now. If this motion is moved from the Chair here, there is on the one side the difficulty that amendments cannot be moved, and on the other side there is the objection that we are not here sitting as a legislative body at this time. Therefore, I would propose two ways, either of which may be adopted. This motion may be sent to the Constituent Assembly's legislative side. Or we may as well convert this Assembly for a day or two, or even for a day, to sit as the Legislative Assembly. I submit that either of these two courses may be followed.

Shri Jagat Narain Lal (Bihar : General) : Sir, may I propose a third course? That is that if there is no concensus of opinion about the resolution being moved from the Chair, it may be allowed to be moved by any member and then it may be taken up as an ordinary resolution and discussion allowed, though I do not think there is any room or any debate on it.

Pandit Thakur Dass Bhargava (East Punjab : General) : Sir, I beg to submit that so far as the question of illegality of the motion is concerned, it is perfectly competent for the Chair to make this motion. This is a sovereign body

and I do not know why such a motion cannot be made from the Chair. The only question which I wish the House to consider is whether this is the appropriate course. Usually motions from the Chair are such as are not subject to debate. But my difficulty is that this resolution contains very controversial matters and I myself have tabled two amendments to it. In regard to clause (4), my amendment seeks that the refugees should not be ordered or be burdened with the liability of filing a declaration of their intention, etc., etc. That is a very important point, because fifty or sixty lakhs of people being asked to go to a court to file such a declaration is no trifling matter. Similarly, in regard to clause (3), I have sent in an amendment that the date 31st March 1948 be changed to 31st March 1949.

Mr. Vice-President : I may be ignorant of technicalities, but may I point out in all humility that no reference can be made to any amendment till the resolution itself has been actually moved?

Pandit Thakur Dass Bhargava : Sir, I am not moving my amendment, but am only submitting that if this resolution is moved from the Chair, then no amendment will be allowed to be moved. I fully realise the anxiety of those who want elections to take place in 1950—and I am also of the same view, that the elections should take place as quickly as possible. Therefore, I want to be helpful rather than to be obstructive. But all the same I want the amendments to be allowed to be moved in the House. If the resolution is moved from the Chair we will not be allowed to do so and to have our say, in regard to clauses (3) and (4). Therefore the suggestion made by Mr. Dhulekar may please be adopted, and the matter may be sent to the Legislative Section, or a directive may be sent by this House to the Legislative Section and action may be taken by that body in response to the order from this Constituent Assembly.

Seth Govind Das (C.P. & Berar: General): Sir, I could not follow the controversy that has been raised here. I think, Sir, that the controversy has been raised on.....

An Honourable Member: In Hindi, please.

Seth Govind Das: *[The objections that have been raised here do not appear to me to be very appropriate. The fact is that we have adopted, during the last two or three days, provisions which are more or less similar to the ones for which the present motion is being placed before us and which are more specifically stated in it. I think that what is intended by this motion is only that the next elections should be held in 1950, and I believe that was precisely the intention when we adopted articles 67 and 148. In my opinion it is meaningless to debate the question whether the President has or has not the right to make this motion. The President always has certain inherent rights, even though they may have not been specified in the Rules. When the occasion arises he can make use of these inherent rights. Again it appears to me to be entirely meaningless to discuss whether this Assembly possesses or does not possess the right of adopting a motion of this kind, and I think so for the simple reason that we have asserted not once but many times that this Assembly is possessed of all rights of sovereignty. Moreover when I consider the motion itself, I do not find anything in it to which one can object. It may be that its wordings may be improved by minor changes here and there. But I am sure that no disaster would occur even if we pass the resolution as it is, without making any change at all. I have already said that some two or three days ago we approved almost all the proposals contained in the present motion. It is our desire that elections should be held at an early date and that these might be held in 1950 at the latest. This resolution contains specifically the provisions which all of us have already accepted. I therefore

*[] Translation of Hindustani speech.

[Seth Govind Das]

fail to understand what occasion there is for any debate on this motion. We have much other important work to do and it is but proper that the motion made by you be adopted unanimously by the House.]

Shri H. V. Kamath : May I only point out sub-rule (2) of rule 25 which says that notice of every motion shall be given by a Member? Sir, when you are the Chairman, I dare say you are not regarded as a Member.

Mr. Vice-President : It is rather embarrassing for me to have to defend the procedure I propose to adopt. But I recognise one fundamental fact and that is that this House is supreme and that there is need for a motion of this sort. These facts I cannot forget. I also maintain that, if this motion is adopted by this supreme Body, that by itself would justify the procedure. (*Hear, hear.*) That is my feeling.

Then, as regards the amendments, I find that only two have been received which of itself proves that I have practically the whole House behind my proposal. I therefore propose to move it from the Chair.

I was conscious that there are some learned pandits of rules and procedure who would try to prevent the Chair from moving this much-needed resolution. Therefore I have drafted out a statement which I shall now place before the House. Honourable Members will agree with me that there is necessity for the moving of this resolution and for the passing of it also.

We have been, during the past few days, devoting our attention in the Constituent Assembly to the consideration of the articles of the Draft Constitution relating to the Constitution and composition of our future Central and Provincial Legislatures. This, as honourable Members are aware, is with a view to enabling the necessary electoral machinery to be set up, so that the preparation of the electoral rolls and other connected matters can be taken in hand without delay.

As a matter of fact, the Constituent Assembly Secretariat has, under the direction of the President, already taken certain steps for the purpose. In some of the Provinces and States, the first stage of the work, namely, the preparation of the preliminary rolls, is almost complete. The articles which we have so far adopted lay down the principles and the basis on electoral work has to be carried out. But this is not all. We have also to indicate the time within which to complete the elections, as the electoral rolls will have to be prepared with reference to a set date, and prescribe authoritatively the qualifications for voters, etc.

This matter was considered at a meeting of the Steering Committee held on 5th January and that Committee decided that a resolution on the subject should be brought forward before the Assembly and that it would be in the fitness of things if such a resolution were moved from the Chair. Incidentally, the resolution will also allay the suspicions harboured in certain quarters, however unjustified such suspicions may be, that we are not very serious about bringing the new Constitution into force early.

I have further to remind the House that people outside do not very well appreciate the difficulties which we have to face today. I have been receiving letters from many quarters in India and, as the House is probably aware, I belong to a community which was formerly a minority and which is today a majority community. Now, members of my community with whom I have been in contact have been sending me letters from all parts of India asking why there is so much delay. These people do not seem to appreciate the difficulties which we are facing, namely, first of all, the troubles which happened, after India was partitioned, the refugee problem, our troubles in Hyderabad, our troubles in Kashmir and then the general disintegration of the economic

structure of the country. These people who do not appreciate these difficulties think that this august Body is delaying its work for reasons which are uncharitable and to which I do not want to refer. Doubtless many Members also have some knowledge of the state of feeling in the country. It is therefore necessary that these misgivings should be allayed. It is necessary that the public should know that we are seriously thinking about holding our elections at the earliest possible date.

I shall go further and say that I belong to a particular political organisation. I hope Members will admit that I have not allowed my political affiliations in any way to sway me in the way in which the work of the House has been conducted. That particular political organisation has been the target of attack from more than one quarter. It is therefore necessary that its position should be made clear. This is the reason why I am moving the following Resolution from the Chair. I hope honourable Members will appreciate its importance and pass it immediately without any kind of discussion or any kind of amendment which, again I may say, I do not propose to admit. (*Laughter*)

The motion is:

“Resolved that instructions be issued forthwith to the authorities concerned for the preparation of electoral rolls and for taking all necessary steps so that elections to the legislatures under the new Constitution may be held as early as possible in the year 1950.

Resolved further that the State electoral rolls be prepared on the basis of the provisions of the new Constitution already agreed to by this Assembly and in accordance with the principles here in after mentioned, namely:—

- (1) That no person shall be included in the electoral roll of any constituency—
 - (a) if he is not a citizen of India; or
 - (b) if he is of unsound mind and stands so declared by a competent court.
- (2) That 1st January 1949 shall be the date with reference to which the age of the electors is to be determined.
- (3) That a person shall not be qualified to be included in the electoral roll for any constituency unless she has resided in that constituency for a period of not less than 180 days in the year ending on the 31st March 1948. For the purposes of this paragraph, a person shall be deemed to be resident in any constituency if he ordinarily resides in that constituency or has a permanent place of residence there in.
- (4) That, subject to the law of the appropriate legislature a person who has migrated into a Province or Acceding State on account of disturbances or fear of disturbances in his former place of residence shall be entitled to be included in the electoral roll of a constituency if he files a declaration of his intention to reside permanently in that constituency.”

Shri H. V. Kamath : On a point of clarification only, may I ask, Sir, why, after having passed the two articles 67(6) and also 149(2), the disqualification of unsoundness of mind only has been included in clause (b) of para 1 of the motion, while both the other articles include other disqualifications such as crime or corrupt or illegal practice? This is only for clarification.

Another point is that in sub-clause (a) of paragraph (1) of your motion, it is stated that “no person shall be included in the electoral roll of any constituency if he is not a citizen of India,” but unfortunately, Sir, we have not passed the article on citizenship and therefore it may raise difficulties for the enumerator or the officer in charge of the electoral rolls as to who is a citizen and who is not.

(Shri Rohini Kumar Chaudhari rose to speak).

Mr. Vice-President : Would you like to say anything on this matter? I cannot allow any amendment or any discussion, but if you want to answer the points raised by Mr. Kamath, you are quite welcome.

Shri Rohini Kumar Chaudhari: I want your clarification on a point. First of all, sub-clause (1) (b) of the motion says that “No person shall be included in

[Shri Rohini Kumar Chaudhari]

the electoral roll of any constituency if he is of unsound mind and stands so declared by a competent court". It means, Sir, that a man...

Mr. Vice-President: I am not allowing any discussion.

Shri Rohini Kumar Chaudhari: I am only asking a question.

Mr. Vice-President : Order, Order. Yes, Mr. Tyagi.

Shri Mahavir Tyagi (United Provinces : General): I beg to request you, Sir, to kindly reconsider your ruling of not allowing any discussion. I hope I have a right to make a submission to the Chair on the ruling of the Chair. If there is a resolution to which the whole House agrees, then such a resolution may be moved from the Chair. It is only such resolutions that are moved in Parliament by the Chair. If, however, the subject matter of the resolution is such that amendments are warranted, then it must not be moved from the Chair. I submit, Sir, that this is a sovereign body and as such the provincial legislative assemblies may quote your ruling of today. There may be occasions in future when resolutions are sought to be moved from the Chair, in order to prohibit any discussion on it. I submit, Sir, that this may establish a sort of convention in the whole of India. I request that you may kindly agree to some Member or one of the Ministers moving this Resolution so that, if there is any Member who wants to improve upon the language or the idea or to oppose it, he may not be debarred from doing so. I submit that you may please reconsider your ruling or atleast announce that it will not go as a precedent in future.

The Honourable Shri Purushottam Das Tandon (United Provinces: General): Sir, I would rather have not spoken but duty compels me to say a word, though it may not be very pleasant. The procedure which is now proposed to be adopted to stifle discussion on a motion which is moved from the Chair. I submit, is one which is unheard of. Whatever knowledge of Parliamentary procedure that I possess, I submit with all the earnestness at my command that the Chair should only move a motion which is accepted by the whole House and that even if there is one man—I am not talking of two—who wants to move an amendment,—then the business of the Chair is to say immediately that it will not move such a motion but call upon some member to move it. If the Government of the day sponsor this motion, let them do so, but let not the Chair be a party to stifling discussion in the House on the ground that a proposition has been moved from the Chair.

The Honourable Shri Ghanshyam Singh Gupta (C.P. & Berar: General): Sir, I endorse every word of what Tandonji has said.

Shri M. Ananthasayanam Ayyangar (Madras : General): Sir, it is not a little surprising to find that such eminent men like Tandonji are opposed to such an innocuous Resolution and take exception to it.

The Honourable Shri Purushottam Das Tandon: I would accept the Motion but it is only the procedure that is proposed to be adopted which, I submit, is not acceptable.

Pandit Thakur Dass Bhargava : Some sixty lakhs of refugees are involved and all of them will be obliged to file a declaration and spend at least two rupees each.

Shri M. Ananthasayanam Ayyangar: Sir, after all what does the resolution want?

Honourable Members: No. no.

Shri M. Ananthasayanam Ayyangar: I will address myself only to the question of procedure. Sir, I am supporting the motion which has been moved by you.....

Honourable Members: No, no. Address yourself to the question of procedure.

Shri M. Ananthasayanam Ayyangar: On the Point of order raised, Sir, there is no point. Such resolutions have been moved from the Chair in the past.

So far as the Resolution itself is concerned, this is long overdue. This Resolution must have been moved much earlier. People outside want to know what is happening in this House. The dignity of the House and the dignity of the country requires that a Resolution of this kind should be moved. The sooner we pass it, the better for us.

Shri Algu Rai Shastri (United Provinces : General): I want to know, Sir, why the honourable Member himself does not move the resolution?

Mr. Vice-President : When I proposed to adopt a particular procedure, I thought I had practically the whole House behind me with the exception of one single honourable Member who had submitted two amendments. Now I find from what has happened just now that there is a sharp difference of opinion and that most Members—or at least many Members—feel that a proposition like this should not be moved from the Chair. I am after all a creature of the House. That I recognise. But honourable Members will admit that in everything which I have done I have always asked the permission of the House, and what is more, I have obtained it in every case. Here I admit, I made a wrong estimate of the feelings of the House. Probably, that is due to the fact that I am no longer in Constitution House. At any rate, the feeling is there. I therefore request some honourable Member to move this Resolution.

Pandit Lakshmi Kanta Maitra: You have formally to withdraw it.

Mr. Vice-President : It seems that before this can be done, I have to withdraw this Resolution formally. Have I to withdraw it formally?

Honourable Members : Yes, Sir.

Mr. Vice-President : All right, it is done with the permission of the House.

(Several honourable Members rose to speak.)

Mr. Vice-President : Pandit Nehru wants to speak. Pandit Nehru.

The Honourable Pandit Jawaharlal Nehru (United Provinces: General): Sir, I beg to move the following Resolution:

“Resolved that instructions be issued forthwith to the authorities concerned for the preparation of electoral rolls and for taking all necessary steps so that elections to the legislatures under the new Constitution may be held as early as possible in the year 1950.

Resolved further that the State electoral rolls be prepared on the basis of the provisions of the new Constitution already agreed to by this Assembly and in Accordance with the principles hereinafter mentioned, namely:—

- (1) That no person shall be included in the electoral roll of any constituency—
 - (a) if he is not a citizen of India; or
 - (b) if he is of unsound mind and stands so declared by a competent court.
- (2) That 1st January 1949 shall be the date with reference to which the age of the electors is to be determined.
- (3) That a person shall not be qualified to be included in the electoral roll for any constituency unless he has resided in that constituency for a period of not less than 180 days in the year ending on the 31st March 1948. For the purposes of this paragraph, a person shall be deemed to be resident in any constituency if he ordinarily resides in that constituency or has a permanent place of residence therein.
- (4) That, subject to the law of the appropriate legislature, a person who has migrated into a Province or Acceding State on account of disturbances or fear of disturbances in his former place of residence shall be entitled to be included in the electoral roll of a constituency if he files a declaration of his intention to reside permanently in that constituency.

[The Honourable Pandit Jawaharlal Nehru]

I do not wish to say much about this Resolution except perhaps to clear a misapprehension.

A reference was made by some honourable Member to the Government perhaps putting forward this Resolution as a Government. Of course, Government as such has not moved this Resolution and Government as such is not functioning in this Assembly. This Resolution has come from the Steering Committee. It is the responsibility of the Steering Committee. That Committee felt that they were proposing a resolution which, in effect, embodied a matter which has been already decided by the House and there was nothing novel or fresh in it; therefore they ventured to suggest that the Honourable the Vice-President might move it from the Chair. Whether that is a fact or not, I do not think we need go into that. It never occurred to the Steering Committee that there was anything novel in this Resolution which might be objected to.

So far as the Government is concerned, the Government some time back took steps to ask the Provincial Governments to get electoral rolls prepared. As a matter of fact, even if this Resolution was not passed, the Government of course can proceed with the preparation of those rolls, but there will be this difficulty, that in the event of the Constituent Assembly at a later stage perhaps varying the qualifications or something, then all the electoral rolls that have been prepared or might be prepared might become useless. It was therefore desirable to have some indication of the wishes of the Constituent Assembly in this matter. In the last few days, this House has been considering the provisions in regard to elections. Having done that, therefore, this Resolution merely embodies them.

Then some honourable Member referred to the fact that only two qualifications, or disqualifications are mentioned in clause (1). What this Resolution says is that all that the Constituent Assembly has so far decided has to be taken into consideration. It is not considered necessary to say all that.

Then you will find in clause (3) a certain date given about residence—180 days in the year ending March 31st, 1948. That date was simply given there because some rolls have already been prepared on that basis and if this is not done they might become useless and one has to start afresh.

This is all I have to say, except to submit that in effect there is nothing new in this which the House has not decided. It may be there is some minor variation.

I heard—rather I think I heard—an objection that under clause (4) a large number of refugees and others might find it difficult to be enrolled. As a matter of fact, it is not intended to create any difficulty or any obstruction in the way, but surely some kind of intention has to be given; otherwise you cannot enrol everybody without knowing whether he wants to be here, whether he proposes to stay here, or not. It is for Provincial Governments to take steps to facilitate this process. Suppose a person who enrolls has not even the intention to stay. Therefore, it is proposed here that some kind of intention should be declared of permanent residence. You will see that that clause was really meant to be in favour of the refugees because normally speaking you lay down some qualification of residence, etc., in a particular locality. Now, because many of the refugees who have come here may not be able to fulfil that qualification, therefore that clause was put in to facilitate their coming in. That clause, perhaps some people think, is an obstruction. That clause was put in because the residence clause does not apply to them. If the residence clause applies, then there is no difficulty. Since the residence clause does not apply,

in the case of recent comers, it becomes very difficult to enrol them unless there is some other fact to grip and that other fact to grip is that they declare their intention in future to reside. If there is no past and no future, the present slips away. One does not quite know whom to put in and whom not to put in. Therefore I submit that whatever is said in this Resolution not only flows from what the House has decided, but naturally flows from it, and with all respect I really do say that there is nothing in this Resolution which should raise any controversy. Sir, I move.

Shri Algu Rai Shastri: May I request you, Sir, to allow me to ask the Mover to explain one point? The citizenship clause still remains held up. How can there be any electoral roll, unless we have decided the fact as to who is a citizen of India and who is not ?

The Honourable Pandit Jawaharlal Nehru: These electoral rolls can be prepared and are going to be prepared. Whatever the future decision of the Assembly in regard to the citizenship clause might be it will only affect the preparation of those rolls slightly. The citizenship clause does not affect the vast number of people in this country. It affects only two types of persons ultimately, (1) persons who may be called "refugees" (2) Indians who reside outside India—which I say is more important. They are affected certainly. So far as the refugees are concerned, what I have just mentioned covers them, that is, we accept as citizens anybody who calls himself a citizen of India. But there is difficulty in respect of people residing outside India. Since that matter is to be decided by the Assembly later it is not a very difficult matter to arrange for them later on. They will come into the picture after we know what the decision of the Constituent Assembly is. It does not interfere with the work. Only a very small part of the work is delayed till you decide that. As soon as you decide that, effect will be given to it.

Mr. Vice-President : I suggest that honourable Members who need clarification had better put their questions, so that our premier may answer—only those who want clarification.

Shri Mahavir Tyagi: What about amendments?

Mr. Vice-President : They will come later on. So long as it was moved by the Chair, no discussion was permissible, but now that the Resolution has been moved by an honourable Member of the House, there will be discussion—of course, it must be limited by the consideration of time.

Sardar Bhopinder Singh Man (East Punjab : Sikh): On a point of clarification. Though ordinarily 180 days have been prescribed in the matter of residence, it has been relaxed in the case of refugees in that they have merely to file a declaration of intention to reside permanently in the constituency I want clarification on this point, as to whom such a person should file his declaration of intention; and if he has to file that declaration before some District Magistrate, obviously it will be very expensive and cumbersome. I want that it should be least expensive, so that the very right which is sought to be given to the refugees will not be tampered with.

Shri H. V. Kamath : Mr. Vice-President,....

Shri Mahavir Tyagi: On a point of order: I wish to say that the procedure that you are adopting now is novel. To raise objections and to get the reply from the Mover every time means that the Mover of the Resolution will have so many speeches to make and will have to go on clarifying question. I suggest that the discussion should be held on the lines as it was done in the past.

Mr. Vice-President : An extraordinary procedure must be followed on extraordinary occasions.

Shri H. V. Kamath : I would like a little more light on this point which I raised a little while ago about disqualifications for voters that will be included

[Shri H. V. Kamath]

in the new rolls that we are undertaking. Clause (1) (b) of this motion refers to only one disqualification and that is if he be of unsound mind and stands so declared by a competent court. But, Sir, I may invite your attention and the attention of the House to article 67 (6), as well as article 149 (2) which this House has adopted already. I will read the relevant portion on either of these articles because they are identical. That portion which is relevant to our present purpose reads thus:

“Every citizen who is not less than 21 years of age and is not otherwise disqualified under this Constitution, or under any Act of Parliament on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at such elections.”

It may be argued that these disqualifications will be prescribed or laid down by Parliament later on. But, Sir, we have extracted or culled two disqualifications—one of non-residence and the other of unsoundness of mind.

Clause (1) and clause (3) of today's motion refer to two disqualifications; one is non-residence and the other is unsoundness of mind. I want to know why the other three disqualifications—that is, of crime, or corrupt or illegal practice—have been excluded from the list of disqualifications. I want to know whether a person who has been convicted for crime in the past, or of corrupt or illegal practice at previous elections, shall be qualified to be registered as a voter, or whether all criminals, all those who have been convicted of corrupt or illegal practices in the past—will start with a clean slate, and whether they will have a sort of “*prayashchit*”. In honour of the new Constitution we are going to adopt, will they be declared free from all sin and crime and start with a “*Tabula rasa*”—a clean slate?

Another point for clarification is about citizenship. That has been referred to by my friend already and I too referred to it earlier. It would be a rather difficult position, in case this Assembly revises or changes or alters the article on citizenship. It will mean so much additional labour to the authorities concerned for changing the electoral rolls.

I will only say that I yield to none in my desire that the elections should be held very soon. I should have preferred that the elections should have been held even at the end of this year so that people may not have the impression that Government is trying to entrench itself in its present position. This contingency would never have arisen of bringing up this motion today by an extraordinary procedure.....

Mr. Vice-President : You wanted clarification. That is finished, I think.

Shri H. V. Kamath : had the Assembly met in May and October last as we had planned to do. But unfortunately we did not meet and this is the consequence.

Mr. Vice-President : It is only waste of time. You wanted clarification and you have put your case.

Shri H. V. Kamath : I have done, Sir.

(At this stage Shri Algu Rai Shastri was proceeding to the mike.)

Mr. Vice-President : Please wait your turn. Mr. Chaudhari has been asked to speak: just one point for clarification and nothing else!

Shri Rohini Kumar Chaudhari : This morning through some strange coincidence my mind and my friend's mind have been working on the same lines. I wanted to refer to a very sound proposition and that was with reference to sub-paragraph (b) of clause (1) of the resolution. Sub-paragraph (b) says that no person shall be included in the electoral roll of any constituency “if he is of unsound mind and stands so declared by a competent court”.

If this stands as it is Sir, then unless there is a declaration from a competent court, no one who is of unsound mind can be excluded from the electoral roll. This is giving a great privilege to people of unsound minds. We generally know that in every village and town such and such a man is insane. We know it very well. But if this Resolution is given effect to as it stands, then those people of unsound mind who have not been so declared by a competent court will be entitled to have their names included in the electoral roll. I hope the honourable Mover of the resolution will take notice of this fact that it is very difficult and it is a very lengthy process to have a person declared as a man of unsound mind. We have to approach the Judge of our district and then make an application for the appointment of a Curator as well as for a declaration that a particular person is of unsound mind. That process takes a long time, and if we start today to exclude persons of unsound mind from the electoral roll, we must start a civil suit immediately. In the absence of such a declaration these people can go into the electoral roll, and they will go into the roll. That is the position if this Resolution is given effect to. Otherwise, we have found that people of unsound minds are to be excluded. There is no such qualification: there is no such rider.....

Mr. Vice-President : The honourable Member is indulging in a general discussion. I think he wanted clarification!

Shri Rohini Kumar Chaudhari: That is the clarification—whether by this subparagraph you want that all persons of unsound mind should be included in the electoral roll unless they are so declared by competent court.

In the other portions of this Constitution we find that the word is not qualified in this way. There it says “persons of unsound mind”. Here it is something more. It is not only that he is of “unsound mind” but he must be declared so by a competent court.

Then, Sir, in the last two lines of clause (4), it is said that such person shall be entitled to be included in the electoral roll of a constituency, if he files a declaration of his intention to reside permanently in that constituency. I do not see why we should have the word ‘permanently’. As we all know, the refugees are generally located in refugee camps, and they are transferred from one place to another and no refugee, whatever his intentions may be, can say today that he is going to reside permanently in a particular place. Therefore, I would submit that the word ‘permanently’ should be dropped from this Resolution. Otherwise, there will be a great limitation placed on the refugees and no refugee, if he is honest, will be in a position to make a declaration nor would he be entitled to inclusion in the electoral roll.

Then, Sir, I was asking another question and that is, that we have not discussed the citizenship right as yet. May we take it that the word ‘citizen’ may be interpreted, as we understand it, in the usual way or whether there is any technical meaning attached to it? I may remind the House, atleast those Members who are my contemporaries, that there was a text book called ‘The Citizen of India’ by Lee Warner in the Entrance course; and may we follow the definition as laid down there, or in the absence of any definition in the new Constitution, may we follow the ordinary definition?

There is one other point, Sir, and I particularly refer to the use of the words: ‘31st March 1948’. By this is meant 180 days preceding the 31st March 1948. I think, if we calculate in this manner, most of the members of the Central Assembly will be disenfranchised, because we are sitting here for long since January 1948.

Shri Algu Rai Shastri *[Mr. Vice-President, I submit that in the Resolution moved by Honourable Pandit Jawaharlal Nehru there is no provision for the

* [] Translation of Hindustani speech.

[Shri Algu Rai Shastri]

delimitation of the constituencies. I do not see how preparation of electoral rolls can be taken in hand until and unless a decision about the delimitation of constituencies has been taken and arrangements have been made to put it into practice. The rule is that the names of voters are entered in the electoral rolls according to the constituency to which they belong. One fails to understand how, unless the constituencies are delimited, the electoral roll can be prepared or it is plain that it would not be possible to say in which place a person is to be registered as a voter. It appears to me that in the matter of preparing the electoral rolls we are going to act as if it was merely the taking of a census, but I am afraid that this process would not enable us to prepare the electoral rolls of each particular constituency. If this assumption of mine is correct I believe all the labour spent on it would have been simply wasted.

While the anxiety to hold elections at an early date is understandable,— and we and the whole House are with you in this matter and as a matter of fact this Resolution has been moved with that object only—it is also necessary to keep in view the fact that the electoral rolls cannot be prepared correctly on account of the constituencies not having been delimited so far. I am afraid that even if their preparation is taken in hand at this stage the rolls so prepared may be found to be entirely useless and prohibitively expensive.

It is true that the question relating to citizenship. That had been raised by me, has been answered to a certain extent by Pandit Jawaharlal Nehru. But I submit, Sir, that even if a few people only are likely to be adversely affected, it is desirable that ample provision may be made so that not even a single person entitled to be a voter may be deprived of his voting right. I cannot lay too much emphasis on it, for it is evident that this is the most valued right of a voter and one which he must be given the opportunity to exercise. It is my submission, Sir, that there should be some provision so as to avoid the least possibility of even a single person otherwise entitled to be a voter, losing his right of vote. I am afraid that the difficulties arising as a result of the question of citizenship have not been fully removed as yet. I suggest that some words should be added in this Resolution which would clearly define as to who would have the right of vote. Moreover, when the electoral constituencies are delimited, it would be quite easy to prepare the electoral rolls for such constituencies. I submit, therefore, that the questions of citizenship and the delimitation of constituencies should be solved before the preparation of electoral rolls is taken in hand. I have great doubt that the object with which this Resolution has been placed before this House would be realised, unless these two questions are first solved. I, therefore, press my suggestion that more light should be thrown on these matters. I may add that citizenship and delimitation of constituencies are the keystones of any scheme of electoral rolls and as such an electoral roll cannot be prepared unless these have been properly defined. In any case, if it be said that even without them electoral rolls can be prepared, I would like to know how that miracle can be performed. This at least needs more clarification than what has been given as yet.]

Shri Deshbandhu Gupta (Delhi): Mr. Vice-President, Sir, the point of order that I want to raise is this: The second part of the resolution reads like this. It says that the electoral roll should be prepared on the basis of the provisions of the new Constitution already agreed to by the Assembly, whereas article 149, which deals with adult suffrage etc. and all the other provisions, has not yet been agreed to by this Assembly. So I suggest that until article 149 is passed, this Resolution cannot be taken up; otherwise it will be putting the House in a very awkward position.

Shri Mahavir Tyagi: Sir, may I move my amendment?

Mr. Vice-President : I rule that first of all the points raised for clarification by honourable Members would be answered by Pandit Nehru, and after that we will decide as to what should be done.

The Honourable Pandit Jawaharlal Nehru: Sir, I am very reluctant to appear again and again and speak repeatedly, and my only desire is to clear up any misunderstandings which may exist. In fact, I had no intention of moving this Resolution at all. This is not in any sense an official Resolution. I thought there was some misunderstanding about the Government coming into the picture, and you desired that somebody should move it. Two or three points that have been raised, if I may say so, are due to some misunderstanding, because I really do not myself grasp the significance of those points. For instance, one of the points raised by Mr. Kamath is that only two disqualifications are mentioned and not others. If you will see the Resolution, it says: "...the State electoral rolls be prepared on the basis of the provisions of the new Constitution..... agreed to by this Assembly.....". That is one thing and the other is "in accordance with the principles". That is all those mentioned in the Constitution are there; it is in addition to that something that is further mentioned. There are two things: if he is not a citizen of India and if he is of unsound mind. I will confess to the House frankly that saying that "if he is not a citizen of India" is rather unnecessary. I mean to say, it is a fact; the Constitution is based on that, and if it is left out, it makes no difference. It is really to round off, I may say, and it makes no difference.

There was another point raised by Mr. Rohini Kumar Chaudhari to which he seemed to attach importance and that is about the unsound mind.....

Shri H. V. Kamath : On a point of clarification, may I ask why.....

The Honourable Pandit Jawaharlal Nehru: It is impossible to continue. We cannot have clarification of every word and every sentence.

Honourable Members : Order, order.

The Honourable Pandit Jawaharlal Nehru : Am I in possession of the House or not?

Mr. Vice-President : (Addressing Mr. Kamath) You are always asking for clarification.

The Honourable Pandit Jawaharlal Nehru: May I submit there should be a limit to the points of clarification that a certain honourable Member raises in ten minutes.

Shri H. V. Kamath : It is for the Chair to decide.

The Honourable Pandit Jawaharlal Nehru: I am asking the Chair. On a plea of clarification, explanation, the time of the House that is taken is extra-ordinary; I think it is really misusing the time of the House.

Shri H. V. Kamath : That may be Pandit Nehru's view, but you, Sir, must judge.

The Honourable Pandit Jawaharlal Nehru: I submit, Sir, that as regards Mr. Chaudhari's point, about the unsound mind, what the Assembly has passed is certain disqualifications, which include 'any law made by the legislature relating to non-residence, unsoundness of mind, crime or corrupt or illegal practice etc.'. Now, it is obvious that an unsound man is normally considered unfit to exercise this privilege. But, who is to determine it? The law. When the law is made, well and good. At the present moment we have no such law. What is stated here is this. If a competent court says so, that must be accepted. I do not quite follow Mr. Chaudhari's argument; it is not easy to hear from this side what a person says from the other side. From what I gather, is every

[The Honourable Pandit Jawaharlal Nehru]

person to go to a court for a declaration that a man is of unsound mind? I do not understand why anybody should go there at all. A few persons of unsound mind may get into the rolls. But, many persons of unsound mind who are not declared to be of unsound mind come in and not only vote, but do many other functions too. We cannot simply help it. What we want to guard against is this. A person should not be ruled out on account of some prejudice or wrong decision. There must be some guide to the enumerator. The decision of a court surely must be recognised by the man who has to prepare the electoral roll. For the rest, if a further law is passed by the Constituent Assembly, I should think that would be good. But, it is quite impossible not to accept the decision of a court. It is not necessary, I submit, for you at this stage to say, 'subject to any other rule that may be made.' If this House passes any other rules, the enumerator will follow them. This is a preliminary electoral roll. You cannot go into too great specifications and details. These rolls will, no doubt, be checked later or in accordance with the rules and laws passed by this Assembly or by the provincial Assemblies as the case may be. But, in the first instance, too many details cannot be gone into. You must remember that the man who is going to prepare them is an ordinary type of enumerator and he will have to go by his own lights which may not be very great. Afterwards, they would be checked by the other people concerned. So that, first of all, the disqualifications mentioned in the Constitution as it is being passed will, of course, be given effect to. If you like, you may leave out, "If he is not a citizen of India", because it is redundant. But, the second thing is desirable, because, there is no test of unsoundness. There may be a closer test. Anyhow, this is a wide enough test: that if a competent court declares a man to be of unsound mind, we may accept that. If the court does not say so, we may accept that he is sound or unsound. If we pass any further rules, they will be followed.

An honourable Member asked as to where the declaration as to intention to reside is to be filed. Obviously, before the registering authority. He has not to go to any court. He may declare before the enumerator who puts down his name. The fact is that we should try to make this as simple and as easy as possible for the party concerned. The earliest way is for the enumerator to be informed.

One point was raised by Mr. Chaudhari, about people in the refugee camps. It is a very valid point. I think some special provision should be made to permit them to vote. For the moment, suddenly, I cannot say what it should be. But, I entirely agree that that is a valid point and special provision should be made. In fact, it was intended that they should vote. Nobody is going to reside permanently in a refugee camp. (*Interruption*).

Mr. Vice-President : We cannot permit any more interruptions.

The Honourable Pandit Jawaharlal Nehru: There is one important matter which might perhaps give rise to some misapprehension. In clause (4) it is said. "subject to the law of the appropriate legislature, a person who has migrated into a province, etc., etc.,". The words "subject to the law of the appropriate legislature" might create doubts and confusion. I should like, subject to the permission of the House, and you, Sir, permitting me to do so, to delete these words, "subject to the law of the appropriate legislature" and to say thus: "That Notwithstanding anything in clause (3), a person who has migrated into a province etc.". It was the object of clause (4), that the residential qualification in clause (3) should not apply to the refugees. I think, the clause should read: "(4) That, notwithstanding anything in clause (3), a person who has

migrated into a Province or Acceding State etc., etc.” I think this makes it clear.

Shri R. K. Sidhwa: The word “permanently” in clause (4), line 6 may be removed.

The Honourable Pandit Jawaharlal Nehru: Intention to reside for six weeks or two weeks would not be enough. I can assure the House that this resolution is in the nature of a directive. I would request the House to consider that this is not part of the Constitution. It is not a statute. The words need not be precisely looked upon from the point of view of a statute. These are general directions given to the Government which they will transmit to the enumerators, etc. As I said, even without this resolution, the Government can take those steps, of course subject to this House later on laying down any fresh qualifications, which might upset the rolls already prepared. I entirely agree that this question of camps should not come in the way of persons voting. But, if you leave out the word “permanently” then you make it too loose. Any person can say, ‘I intend to reside here’, meaning thereby that he intends to reside there for the next two weeks. That would make a farce of the whole thing. The idea is, nobody can guarantee what he is going to do for the rest of his life; but the intention should be more or less to reside permanently in that area.

Shri Bikramlal Sondhi (East Punjab: General): It may be stated, “to reside permanently in the Indian Union”. He may go from one camp to another.

The Honourable Pandit Jawaharlal Nehru: Those in the camps should be specially dealt with. I can give an assurance to the House that this residential clause will not come in their way.

Shri Bikramlal Sondhi: What is the harm in removing the word “permanently”?

The Honourable Pandit Jawaharlal Nehru: You may leave out the word “permanently” from the point of view of the men in the camps; that does not apply to them. A way will have to be found out for them. If you leave out the word “permanently” in the case of those who are elsewhere, not in the camps, vague migrants also may come in. That is a clause in favour of the refugees.

Shri Bikramlal Sondhi: Will any stamp be required for this declaration?

The Honourable Pandit Jawaharlal Nehru: The House will have to decide that. We want to facilitate this process and not to make it difficult by requiring stamps, etc. So far as I can say straight off, I do not think any stamp will be necessary. I do not see why that is necessary.

Shri Bikramlal Sondhi: Provincial Governments require this declaration on stamp paper.

The Honourable Pandit Jawaharlal Nehru: No stamps are necessary. To facilitate this, we shall inform the provincial Governments that this will be free.

Shri S. Nagappa (Madras: General): Most of our people are illiterate; it would be better if the declaration is allowed to be oral. (*Interruption*).

The Honourable Pandit Jawaharlal Nehru: I am sure the House wants that this process should be facilitated and obstructions should not be put in the way in the nature of stamps, fees etc. We propose to issue such directions to the provincial Governments. It is difficult to go into the details at this moment. I understand that instructions have been issued that there should be no fees or stamps for this.

Pandit Lakshmi Kanta Maitra: The word “constituency” should be deleted. We have not yet delimited constituencies. Nobody knows what will be his constituency.

The Honourable Pandit Jawaharlal Nehru: I am prepared to accept the word “area” for the word “constituency”.

One word more about the introduction of the word ‘unsound mind’. That was taken from the present Government of India Act that is functioning now. In the Sixth Schedule of the Government of India Act it says—

“No person shall be included in the electoral rolls for, or vote at any election in, any territorial constituency, if he is of unsound mind stands so declared by a competent Court”.

Shri Mahavir Tyagi: Sir, may I move my amendments?

Mr. Vice-President : Why are you so impatient? Have you no faith in the Chair?

Shri Mahavir Tyagi: I have no faith in the procedure that is being followed.

Mr. Vice-President: You have no right to question the procedure once the ruling has been given.

Shri H. J. Khandekar (C. P. & Berar : General): This House has a right to question you, Sir.

Mr. Vice-President : The rules, which you are found of quoting, will tell you that you are wrong.

I understand Pandit Nehru will have to be away and the amendments which I have received will be allowed to be move done after another and I understand there is the Chairman of the Drafting Committee who will reply to them. Now I want to ask Shri Rohini Kumar Chaudhari whether in view of the explanation already given by Pandit Nehru, he still wishes to move the second part which deals with sub-para. (4).

Shri Rohini Kumar Chaudhari: Sir, I want more clarification.

Mr. Vice-President : Please come to the mike. Now that the discussions have started and amendments have been received, I cannot permit further amendments to be submitted. Mr. Chaudhari.

Shri Rohini Kumar Chaudhari: Mr. Vice-President, Sir, I beg to move:

The Honourable Dr. B. R. Ambedkar (Bombay : General): If the Honourable Members will not speak loudly, it is very difficult for me to catch anything of what they say.

Shri Rohini Kumar Chaudhari: Sir, I beg to move:

“That in sub-section (b) of the Resolution the words ‘and stands so declared by competent Court’ be deleted”.

Sir, we have gone through many elections and we have been that in the previous electoral rolls and in previous constitutions, and even in the Draft Constitution which we are considering in this House, the word ‘unsound mind’ has nowhere been qualified by the words which have appeared in this Resolution, and to which I have taken exception. As honourable Members of the House are aware, there is a fairly large number of people of unsound mind who are unfortunately not cared for by their brethren in India. We see some of them—at least the male portion of them who are roaming about freely and causing disturbance to themselves and their relations. But there are so many others particularly amongst the females of whom we do not know at all and I am told that there is a larger percentage of people of unsound mind among the females. Ninety nine per cent of these have not been so declared by any competent court but anyone who is in charge of the preparation of electoral rolls knows very well that these people are of unsound mind but nobody will take care to go to any court and have a declaration made for them.

Mr. Vice-President : You are repeating the arguments which you put forward before the House once. I would appeal to you to take as little time as possible. As the House is aware we are going to disperse today. The House is equally aware that we must at least get through article 149. May I appeal once again that if there is anything new you may bring forward but not repeat the old arguments?

Shri Rohini Kumar Chaudhari : If I am allowed to speak I will finish it more quickly. What I wish to say is the procedure which has been followed hitherto is quite correct because if you put a Patwari or anybody else as in charge of the work of preparing the electoral rolls, he will exclude anybody whom he knows to be of unsound mind. So this qualification ought to be deleted. Nowhere have I found this qualification made. So I say this ought to be deleted and no difficulty will be created by deletion of that because if anybody is aggrieved that he has been unlawfully excluded, he can go upto the higher authorities and the returning officer will consider all those cases. If you do not exclude them, then all the unsound people will go into the electoral rolls.

My second amendment is :

“That in sub-paragraph (4) the word ‘permanently’ occurring in line 6 be deleted.”

Now, if I give an instance, I think the honourable Members will be convinced about the reasonableness of my amendment. I have heard that there are about 50,000 refugees—Sindhi refugees in Bombay—and they are going to be transferred to Bengal or Assam. Now these people have been in Bombay so long and they make a declaration that they wish to stay permanently in Bombay. They would like to be near my Friend Mr. Sidhwa. By the time the electoral rolls are prepared they may be transferred to Assam. Then what is the use of having all those people entered in the Bombay electoral rolls? Similarly, if they come to Assam before the election and they cannot be included there because the electoral rolls for Assam will have been prepared before and the time for declaration will have been past, what is the use of having this sub-para unless you remove the word ‘permanently’ from this sub-para? Therefore, in the case of a refugee who has no such intention, or at any rate whose intention does not mean anything so far as elections are concerned, if you retain the word “permanently” in this clause, you will practically be depriving him of the franchise. Therefore, I request that this word be removed.

Mr. Vice-President : I have to inform the House that unless we make satisfactory progress, we shall have to sit again in the afternoon today, in order to get through at least article 149, and probably tomorrow also. (*Interruption*). I am in the hands of the House. It was not I who created any difficulty probably the House will admit that.

Shri K. Hanumanthaiya (Mysore): Sir, I wish to move an amendment to the effect that the words “in the year 1950” occurring at the end of the first para..... be deleted. The effect will be that the sentence will end thus—

“.....that elections to the Legislatures under the new Constitution may be held as early as possible.”

My intention in moving this amendment is that whatever we say or whatever we do must be quite accurate. Sir, this is not the first time that we have declared it to be our intention that the elections should be held as early as possible; it was declared in this very Assembly that the elections should be held in 1948.

[Shri K. Hanumanthaiya]

If we go on repeating dates which it is almost impossible to keep, to that extent this House would get a kind of odium at the hands of the People. Therefore it is better to state our declaration to hold the elections as early as possible. It may not be possible to hold the elections in 1950, or it may be possible to hold them earlier. We are going to work this adult franchise for the first time and we do not know how long it will take us to prepare the electoral rolls and divide the country into proper constituencies and things of an allied nature. Therefore, in order to be more accurate in our resolutions, I would urge on this House not to put down any specific date, but to say that

Shri L. Krishnaswami Bharathi (Madras : General): There is no specific date laid down.

Shri K. Hanumanthaiya: By date, I mean the year 1950. It may not be possible to hold the elections in 1950, and previously we have found that we could not stick to the year we had proposed. Our Prime Minister once said that elections should be held in 1948, and it has not been possible to have them in 1948. I do not want the words of the Prime Minister or of this House to be treated in that fashion. We must be more serious about what we say. Therefore, I suggest that the phraseology may be slightly changed and we may say that the elections should be held as early as possible, in order to be truthful to ourselves and to the people.

Shri Mahavir Tyagi: Sir, I beg to move:

“That all the words occurring after the words ‘This Assembly’ in the first paragraph, be deleted.”

If this amendment of mine is accepted, then there solution would read:—

“Resolved that instructions be issued forthwith to the authorities concerned for the preparation of electoral rolls and for taking all necessary steps so that elections to the legislatures under the new Constitution may be held as early as possible in the year 1950.

Resolved further that the State electoral rolls be prepared on the basis of the provisions of the new Constitution already agreed to by this Assembly.”

That is what I want this Resolution to be.

In moving this amendment, I want to submit that from the beginning to end, the language of this Resolution has been very unfortunate and unhappy. In the first place, we must all be conscious of the fact that there is a distinction between our resolutions and the articles of the Constitution. We are a sovereign Body, no doubt, but the words uttered here and the resolutions passed here do not carry the same value or weight before the eye of the law as the regular articles of the Constitution. We must pass a Bill or Constitution. The resolution has no legal value and the legality of an action done through this Resolution may be questioned, especially in the matter of constitution-making.

Pandit Balkrishna Sharma (United Provinces : General): What does the honourable Member think about the Objectives Resolution that was passed in this House?

Shri Mahavir Tyagi : It was an Objectives Resolution only, and it has no legal value. The value lies in this book and nowhere else.

Mr. Vice-President : You will please keep to your point; in that way, we may be able to avoid an afternoon session. A veteran speaker like you should not be disturbed by such interruptions.

Shri Mahavir Tyagi: Thank you, Sir. What I say is that the Government cannot act without a definite article in the Constitution. Every authority issues and comes out from one or the other of the articles of the Constitution and not from a Resolution. This Resolution only expresses the wish of the House that we do not want to delay democracy from going down to the people.

Pandit Balkrishna Sharma: What about the directive?

Shri Mahavir Tyagi: I do not want to be disturbed. (*Laughter*). Democracy or freedom has come only up to the Constituent Assembly, it has not yet filtered down to the masses, and it will do so only when the villager exercises his freedom and goes to the booth to cast his vote. Therefore we are in a hurry to see that this freedom goes down to him. The electoral rolls should be got ready soon. The Constituent Assembly is anxious that the elections should take place as early as possible. The Resolution, however, says that "the State electoral rolls be prepared on the basis of provisions of the new Constitution *already* agreed to by this Assembly". That means, agreed to upto the time of the passing of this Resolution, and the most important part has to be agreed to in the afternoon session and not now. Up till now, we have only half done it.

Mr. Vice-President : May I suggest that the Resolution will bear not the time, but the date?

Shri Mahavir Tyagi: That is good, so that evening may also be included in the morning.

Well, Sir, as I said, this is merely an expression of our desire that we are anxious to issue instructions to the provincial Governments so that they may be ready with whatever preliminary work needs to be done in connection with the preparation of the electoral rolls. The electoral rolls will not be ready and cannot be prepared by an authorisation of the kind which the Resolution seeks to do. The orders of Government are necessary for that. This Resolution is therefore an innocent one. It only gives the provincial governments and the Central Government the authority of the Constituent Assembly to go ahead with the preliminary work necessary for the preparation of the electoral rolls. Hence, without going into details, if we limit the scope of the Resolution to the necessities of the case, we require only the first two paragraphs of it. Only when we attempt to go into details, difficulties arise. For instance, as my friend stated, the citizenship clause has not been adopted. Even if we sit till midnight, it cannot be done. Under this Resolution, the authorities can prepare village or mohalla electoral rolls without naming as of this or that constituency. The constituencies can be delimited only later on. The electoral lists now prepared will help also the delimitation of the constituencies later on. The rolls thus prepared will be preliminary to the real work that lies ahead. The spirit of the Resolution cannot be found fault with. It only informs the country that we are anxious to start the elections. Let us not go into details at this stage. To depend on these incomplete and ineffective details will be something like "driving a peg in the sky and hanging our hopes on it". (*Interruption.*) Sir, I am inclined to yield to this interruption.

Shri H. J. Khandekar: May I ask for information what value will this Resolution have when we have not passed article 292 which deals with the minority question, reservation for the minorities, and so on?

Shri Mahavir Tyagi : The question of minorities does not arise at all. This Resolution will only enable the Governments concerned to prepare the list of adults everywhere.

Shri H. J. Khandekar : The seats are reserved for the minorities on population basis and if the voters lists are complete without census how can you distribute the seats for minorities on population basis?

Shri Mahavir Tyagi : This difficulty will not arise at this stage. I know there has been no delimitation of constituencies. Only the work of collecting the names of all adults in the villages and towns is meant by this Resolution. These registers of electors will be attached to various constituencies as soon as they are described and delimited.

Shri H. J. Khandekar : Sir, the Honourable Shri Tyagi has not followed me.

Mr. Vice-President : I am afraid I cannot permit this discussion. Mr. Khandekar may read out those points in the course of his speech.

Shri Mahavir Tyagi : I am submitting, Sir, that the preparation of the list of adults does not come either in the way of reservation or delimitation of constituencies. This Resolution only enables the Government to prepare sort of general list of all adults resident in different localities. Therefore it is a very innocent Resolution and may be adopted as amended by my amendment. With these few words I support the proposition, subject to my amendment.

Mr. Vice-President : Prof. Shibban Lal Saksena may now move the amendment. I can allow him only five minutes.

Prof. Shibban Lal Saksena (United Provinces : General): Mr. Vice-President, I beg to move:

“That (1) for ‘1st January 1949’, the words ‘1st January 1950’ be substituted:

(2) for ‘constituency’ wherever it occurs in this Resolution, the word ‘area’ be substituted;

(3) for ‘file a declaration of’, substitute ‘signifies’;

(4) the word ‘permanently’ be deleted.”

I should like to say, Sir.....

Mr. Vice-President : I should like to suggest that you leave out the word ‘Permanently’ as it has been dealt with by another Member.

Prof. Shibban Lal Saksena: Sir, we have fixed January 1st 1949 as the date with reference to which the age of the electors is to be determined. We have stated that the elections shall be held in 1950. They may be held as late as December 1950. Therefore if we adopt the date proposed for the age, we will be excluding all those men who would become qualified to vote on 1st January 1950. I feel that we should not disenfranchise a large number of persons in this way. About a crore of persons who will be 20 Years of age on 1st January 1949 will become 21 Years of age on 1st January 1950, and we should not disenfranchise these people for the first election.

Then, I agree with Mr. Tyagi that this Resolution is not a direction to the Governments. We cannot override the provisions of the Constitution which we have passed. We have not passed as yet the provisions relating to delimitation of constituencies. So at present we should say ‘areas’. We can prepare the rolls for areas and afterwards, when we have passed the Constitution, we can group these areas together into constituencies. At present we should use the word ‘area’ instead of ‘constituency’. That will be much more helpful and also accurate. When the constituencies are not there you cannot frame the rolls for them. But you can enrol voters in each area. The difficulty is greater for the minorities. Seats may be reserved for them and if they do not know what the constituencies are in which such seats have been reserved for them, it will not be very helpful to them. By merely passing a Resolution of this kind we cannot form constituencies. I therefore think that the word ‘area’ should be substituted for ‘constituency’.

Then I come to the filing of declarations. Many of our refugee friends are not literate and may have to seek the aid of petition writers to make and file applications. That means money and expense to them. I think that the man who seeks to vote in any area should simply say: "I want to reside in this area". That should be enough to qualify him for the vote.

There should not be any filing of applications. Merely signifying the intention to reside should be enough. I do not think there should be any difficult procedure for this purpose. If you ask a villager who is not a literate person to file an application like this, other people will exploit him and make money. That is why I say that mere signifying one's intention to reside in the constituency should be enough for his enrolment.

Then, Sir, the word 'already' is there. We have not passed article 149, and so the word 'already' is not strictly opposite. Therefore it should be removed.

There is another point which Mr. Tyagi raised that this Resolution of ours cannot have any legal force. I think there is much to be said about that. What we have passed in article 67, clause (6), is that "The election to the House of the People shall be on the basis of adult suffrage; that is to say, every citizen who is not less than twenty-one years of age and is not otherwise disqualified under this Constitution or under any Act of Parliament on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice shall be entitled to be registered as a voter at such elections." Now, Sir, we are not constituted as the Parliament and therefore this Resolution has no right to say that only such and such men will be included in the rolls and not others. I think this resolution is only a sort of direction. As such, it will have no legal effect, unless an Act is passed that men who are of unsound mind or who have committed crime shall not be voters. I think this should be properly studied by Dr. Ambedkar, so that we may not be faced with any difficulty over this.

With these words, I commend this amendment to the House.

Pandit Thakur Dass Bhargava : Mr. Vice-President, Sir it is very unfortunate that a Resolution of this kind should be debated so hastily in this House. I got a copy of the resolution only at about eight in the morning today and when I came here, I tabled amendments on which I want to speak. But I have now found many more difficult problems in this Resolution and I would beg of you kindly to permit me to speak when the resolution is being discussed or permit me now to give in detail all my objections on this subject. If you permit me to speak on the whole Resolution now, I will finish my speech now.

Mr. Vice-President : You can use your discretion.

Pandit Thakur Dass Bhargava : My submission is that the subject matter of this Resolution is one which as a matter of fact should have been contained in an Act of the legislature. In the first place, Sir, as has been pointed out by Mr. Tyagi, I doubt very much whether a resolution of this character will have any legal force in the sense that an Act will have. We have already passed article 67, clause (6). In clause (6) we have laid down that the disqualifications for electors must be either under this Constitution or under an Act of Parliament on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice. So far as the question of disqualification on the basis of non-residence is concerned, I am afraid that paragraphs (3) and (4) of this resolution trespass on sacred ground which ought to be covered only by an Act of Parliament. We cannot by a resolution say that a person should declare

[Pandit Thakur Dass Bhargava]

his intention to live in a constituency to be included in the electoral roll of that constituency. That has no binding force.

Similarly in regard to persons of unsound mind. I find that if this Resolution is given effect to, those persons of unsound mind who have already been so declared by a competent court will not be included, but those persons of unsound mind who have not been declared will have to be included. The Act of Parliament contemplated in article 67, clause (6), may be passed in 1950 or 1949. We are anticipating that Act. How can you fix by a mere resolution the date 1st January 1949 or say “unless he has resided in that constituency for a period of not less than 180 days in the year ending on the 31st March 1948”? My submission is that only an Act of Parliament can fix such dates. A resolution cannot fix those dates.

Similarly, the present law about naturalisation and citizenship is in force. We cannot by a resolution do away with those laws. Those Acts, have got the force of laws and a mere resolution cannot do away with them. My submission is that this Resolution is against the present law and the principles contained in article 67, clause (6).

Apart from this, Sir, unless you pass the citizenship clause, you cannot have an electoral roll of citizens. When the constituencies have not been delimited, I doubt very much if the words “resided in that constituency” have got any meaning. After all, till the constituencies are delimited, we cannot know whether a person will reside in this constituency or that constituency. Now the population basis is seventy-five thousand and it will be very difficult to find out, when the electoral rolls are being prepared, whether a person lives in constituency A or constituency B. My submission is that everything in this Resolution seems to put the cart before the horse, because the constituencies have not been defined so far, the citizenship clause has not been passed. It may be said that by way of preparation some kind of register may be prepared, but the word used is ‘electoral roll’. Then, if it is to be prepared, it does not require any resolution. I understand that since the last eight months this preparation is going on. Are the electoral rolls already prepared illegal? If they are not illegal, this Resolution is unnecessary, and if they are illegal, they cannot be made legal by passing this Resolution. My submission is that it would have been better if we had not brought forward this Resolution which has got no binding force as compared with the law in the form of an Act of Parliament.

Now, Sir, with regard to the particular amendments that I have submitted for your consideration, the words in sub-clause (4) are: “file a declaration of his intention”. We have just been told by the Honourable the Prime Minister that when the enumerator—by that I take it we mean the person who is in charge of the preparation of the electoral roll—goes to a village, he should obtain a declaration from those refugees. Now, Sir, I want this Resolution to make two things clear. Number one is that no stamp will be charged from them. Number two is this. The person in charge of the preparation of electoral rolls should go to the villages and get the declarations there. Now a mere declaration by howsoever a prominent or high authority will not be enough. After all, it will be the provincial governments who will have to do this job. They may not be able to send patwaris or enumerators who are in charge of these rolls to each village and it may be that these refugees may have to spend Rs. 2 each and come to the headquarters and get the declaration made. They are illiterate people. They will be put to all sorts of untold sufferings. Many of the members of this House are fully aware that if such kind of declaration is to be filed, it may be that many people may extort some sort of illegal gratification from these people and only allow them to put the declarations and become voters if those persons are paid something. These difficulties have

to be encountered. My submission is, if you want to have a rule of this kind, you must see that all kinds of facilities are extended to the refugees either by executive order or by embodying them in this Resolution, so that there will be no difficulty in regard to these refugees. These refugees are a sort of special charge of the Government of India and all kinds of facilities must be given to them.

Now, Sir, I have given notice of another amendment also, relating to the date, 31st March 1948. My humble submission is that this Resolution is not competent to fix this date, but if any date is to be fixed, I would humbly, suggest that the date may be the same as in clause (2). 1st January 1949 or 31st March 1949 may be the date so that the right of a citizen who is a citizen up till today, up till 31st March 1949 or up till 1st January 1949 may not be taken away. There is no reason why, so far as he is concerned, the question of residence should come in his way. My submission is that this date may be the same, or it may probably be 31st March 1949 because I do not think that before March 1949 the orders or the subject matter of this Resolution will be put into effect, and until this is effected, we should put the date as late as possible. There is no sense in putting this date 31st March 1948 so as to exclude many people or to put obstacles in the way of many people. My submission in regard to both these amendments is that they may be accepted by the House.

Mr. Vice-President : There is an amendment in the name of Mr. Nagappa. In view of the explanation already offered by Pandit Nehru, does he still insist on moving his amendment?

Shri S. Nagappa: Yes, Sir. I beg to move the amendment that stands in my name, namely:

“That in paragraph (4) the following words occurring after the word ‘constituency’ in the last but one line, namely,

‘if he files a declaration of his intention to reside permanently in that constituency’ be deleted.”

My reasons are these. We know that in our country only 10 or 12 per cent are literates. Now, “filing a declaration” means what? If it is “making” a declaration, it is a different thing. Supposing an officer goes to a person, if he records the declaration made by the person, I can understand it. But filing a declaration means, it must be a declaration in writing. Now, I am glad that the honourable the Mover made it clear that one need not affix any stamp, but that does not take away the burden of filing a declaration in writing—writing it, getting it signed and filing it before the officer concerned. So my point is, if you want to delete, delete the whole clause. Otherwise, there is my alternative amendment. I would like to move it also with your kind permission, namely, to say “if he files or makes a declaration”. If we put it that way both the literate and the illiterate people may have the chance of getting themselves enrolled as voters.

Mr. Vice-President : May I point out to the honourable Member that this has been already accepted by Dr. Ambedkar?

Shri S. Nagappa: If it is accepted, well and good. In that case, where is the necessity for me to move it, if you say you are accepting it?

The Honourable Dr. B. R. Ambedkar : I have heard the honourable Member and I have heard others also. I have understood all their arguments and I think a repetition of their arguments, so far as I am concerned, is quite unnecessary. I have understood them already.

Mr. Vice-President : The Resolution is now open for general discussion.

Seth Govind Das : *[Mr. Vice-President, Sir, I am not a lawyer nor do I intend splitting hairs. I would like only to say something regarding the objects and motives that lie behind the Motion which has been placed before us.

There are two kinds of Members in this House. One class consists of those who are also connected with the public life outside this Constituent Assembly and the other, I may be excused for saying so, consists of those who are connected only with this Assembly. I am prepared to accept that the electoral rolls of the present and prospective voters are being prepared. I concede that even without this Motion there would have been no hindrance in that work. But at the same time I would like to say that, in spite of the preparation of the electoral rolls, the slow progress of this Constituent Assembly in the completion of its work and the delay occurring in the framing of our Constitution are such as have given birth to different kinds of misconceptions about us in the minds of the people. I have got some connection with the public life outside this House and I therefore know what is being said outside. Some people say that those who are Members of this Constituent Assembly or of the Legislative Assembly as also those who are our Ministers in the Centre or in the provinces, are determined to stick to their places and to delay the elections as long as possible. Some people say that if we intend giving the right of vote to every citizen who is 21 years of age, elections cannot be held until the census of 1951 and a number of other preliminaries have been completed. Others hold that it would not be possible successfully to hold elections if these are to be held after the principle of adult franchise has been adopted. I would like to emphasise the fact that all such misconceptions and sentiments which are prevailing in the whole of the country would be totally removed by this Motion. By adopting this Motion we would be proving that we are not anxious to delay the elections. We also make it clear to the people that the elections are possible on the basis of adult franchise. I do not know why it is said that such an election cannot possibly be held. It is no doubt true that the country has a huge population, as also a very large area. But even though I accept that the country is large and that every person of 21 years will have the right of vote, I am not ready to accept the proposition that elections on that basis cannot be held here. The main argument advanced by some people in support of this proposition is that the number of voters would be so large, polling booths would be so many and the numbers of person required to control these booths would be so huge that it would simply be impossible to hold the elections successfully. I consider such fears to be entirely ridiculous. Even though all the citizens of this country are not literate, we can have able persons who can maintain orderly voting at these polling booths. If assessors can be summoned to sit in the law courts, such educated persons as are not government employees can be summoned to work at the polling booths. We should concentrate our view on the object and moves behind this Motion. We should not be splitting hairs. It is not desirable for us to give too much attention to the question of syntax—of the appropriateness of the colons, semi-colons and commas. This is a Motion and not a Bill or a draft legislation. The Government expresses only its intentions by means of such motions, and it is usually made in order to give assurance to the people. The Objects of this Motion is to give a message to the government and the public, or rather to give an assurance to the people that though we are here, yet we are not anxious to remain here for ever. Through this Motion we wish to make it clear that we believe in true democracy; we wish to express that even after granting franchise to all such countrymen of ours as are twenty-one years of age, we are determined to hold elections in 1950. This Motion has been brought before the House with these objects and sentiments and I support this Motion because I entirely agree with those objects and entertain the same

*[] Translation of Hindustani speech.

sentiment. I support the original Motion. After this Motion has been adopted all the apprehensions prevailing in the minds of the people of this country would be totally removed and a new hope would begin to fill their hearts. I would like to remind you of the days when the Constituent Assembly started functioning. The country appeared to be full of a new life, and people took great interest in the proceedings of the Constituent Assembly. But the work of the Assembly has gradually become so prolonged that people have begun forming funny ideas about it and have not much interest in the daily proceedings of the Assembly. By adopting this Motion it would be proved that we wish to hold elections in 1950, and we also make it clear that we want to frame the Constitution as early as possible and in this way we remove the apprehensions of the people. If we look therefore to the objects of the Motion and consider the motives lying behind it, we will have to agree that the acceptance of this Motion is quite necessary, if not for legal purposes, for the realisation of these objects and satisfaction of these sentiments. I support the motion.]

The Honourable Shri K. Santhanam (Madras : General) : Sir, I do not want to take up the time of the House to any considerable extent. The exact effect of this Resolution should be realized. I do not think it will have the same validity as the clauses of our Constitution. I think the effect will be something like a declaration on a provisional basis for preparation of electoral rolls. As soon as a Constitution has been formally brought into force, the electoral rolls prepared under these provisions will have to be duly ratified by the rules and the authorities under the new Constitution. All that it means is that the authorities which will have to do it will take note of the fact that this was passed by the Assembly and they will try to see that no changes are made, or only the most necessary changes are made in the electoral rolls prepared under these provisions.

Sir, I think the difference in the dates between clauses (2) and (3) are not only unnecessary but embarrassing. The Prime Minister explained that the date of 31st March 1948 in clause (3) is intended to conserve the electoral rolls that have already been prepared under the directions of the Government of India. That is a legitimate purpose, otherwise the whole electoral roll will have to be changed.

In clause (2), all people who attain the age of 21 years up to 1st January 1949 will have to be included. I shall just give an indication of the numbers involved. I think every year 10 million people attain the age of 21 years from the age of 20. The average age in India is 30. Therefore, in every age group, especially in the middle age groups, there will be 10 million people involved. Therefore, by putting 1st January 1949, in clause (2), we include at least 75 per cent, of those 10 millions : that is, $7\frac{1}{2}$ million new voters will have to be brought into the registers already prepared. That means a complete overhaul of the electoral registers. Therefore, if we want preparation of new electoral rolls, we should adopt the suggestion of Pandit Thakur Dass Bhargava. Let us take 31st March 1949—that will have the merit of giving the franchise to people qualifying up-to-date. Otherwise if we want the maintenance of the old registers let us have 31st March 1948 in clause (2) also. We need not then add to the registers in any large numbers. Therefore, there should be some coordination between these two clauses.

In clause (4), there has been much argument about the word “permanently”. The intention was that the refugees should declare their intention to reside in India permanently, while they could reside in a particular constituency for some time. That is the intention. Even a citizen is not expected or required to reside in any constituency permanently. A citizen is required to reside only for a period of six months before a particular date. Therefore, I do not think that in the case of refugees some new and onerous condition is being put forward. All

[The Honourable Shri K. Santhanam]

that is meant is that he should declare his intention to reside in the constituency; but he should also declare his intention to reside in India permanently.

One more point, Sir, is—I think it is every more important than the preparation of electoral rolls—that the Delimitation Commission should be appointed as early as possible. It may be argued that the preparation of electoral rolls will have to precede the delimitation. I do not think it is correct because on the basis of adult franchise, delimitation has to be based on the population and not so much on the electoral rolls. Therefore, the two processes can proceed simultaneously and I do suggest to the Government of India that they should immediately appoint—if necessary from instructions from the President of the Constituent Assembly—a Delimitation Commission, so that the entire work of constituencies will be over by the end of this year, so that the final preparation of the electoral rolls and the appointment of other agencies for the elections can be proceeded with expeditiously.

There is also another consideration which requires the appointment of the Delimitation Commission as soon as possible. Even in the preparation of electoral rolls, the final printing and other matters will have to be taken up only constituency by constituency. Now, according to the provisions we have already adopted, every constituency must have approximately the same number of people. Therefore, unless the constituencies are delimited, we will not know the area for which the electoral rolls will have to be prepared. That means that the final preparation will have to wait for the delimitation of the constituencies. This should be proceeded with as soon as possible. Sir, I hope that these points will be considered by those who have to give effect to this Resolution. As I pointed out at the beginning, this Resolution is in the nature of provisional directions to the Government of India on behalf of the Constituent Assembly to prepare the spade work. The final directions will have to be given by the President or such authority as will come into existence after August 15th next, if fortunately we are able to put the Constitution into force by that date.

Mr. Mohamed Ismail Sahib (Madras : Muslim): Mr. Vice-President, Sir, it is true that preparations for elections and carrying on of the elections have been delayed. Much as we may regret this delay, I do not think that a resolution of this sort will in any way be a proper compensation for this delay. As I see this Resolution, I find many difficulties crop up. From the very wording of this Resolution, I find that this delay cannot be cut short, as the matter stands. First of all, the resolution says in its first clause “that no person shall be included in the electoral roll of any constituency” and then (a) and (b) and so on. But we are not told who is to be included; it puts the matter in a negative way. How those who prepared the electoral rolls are to proceed is not said here positively. Then, Sir, the only positive clause here is No. (4). There it says: “That, subject to the law of the appropriate legislature, a person who has migrated into a province or Acceding State on account of disturbances” and so on “shall be entitled....”. That is the only positive clause here. And we are not told who are the persons who are to be included in the electoral rolls otherwise. It has to be made clear. Then again, the dates given in clauses (2) and (3) are such that they will disenfranchise the vast number of people who would otherwise be entitled to vote when the elections actually take place. Sir, it is said in defence of these dates that if we adopt any further dates, the preliminary electoral rolls that have already been prepared would be disturbed and upset. On that account I urge that millions of people ought not to be disenfranchised. The authorities may adopt in the place of these dates other dates, whatever may be the inconvenience in the preparation of the electoral rolls, because the franchise of the people is surely more important than the inconvenience that may be caused to the authorities concerned, who are engaged in the preparation of electoral rolls.

Here, Sir, for determining the age, the date 1st January 1949 is given. It will not at all be difficult for determining the age if, say, a date such as the 1st January 1949 or even the 31st March 1950 is taken as the basis. That must be done, though it may cause some inconvenience in the matter of correcting the electoral rolls that have already been prepared.

Then again, Sir, for residence the date is fixed as the 31st March 1948. That can very conveniently be fixed as 31st March 1949, because in this case, those who prepare the electoral rolls must know where a person has actually resided in a particular place or constituency up to a particular period. Therefore, I think we cannot adopt the same date as we adopt as the basis for determining the age. However, this date can be changed into 31st March 1949.

Then again, in clause (4) I spoke of the difficulties which are confronted in the matter of this resolution. There is one phrase, in this clause (4). It says: "That, subject to the law of the appropriate legislature...". Here the honourable the Mover of the Resolution evidently has in mind the procedure that is to be adopted in this matter. But the phrase, as it stands, means that the appropriate legislature may even change the meaning of this clause, and may even change the phraseology. There is nothing here in this Resolution to say that the appropriate legislature shall not do anything to affect the franchise of the people concerned here in clause (4). Therefore, that has to be made clear. What is contemplated here must be made clear by making the phraseology of this clause clearer; that is, we have to make it clear that it is only the procedure that is intended, not the law itself, and the meaning of this Resolution shall not be tampered with or shall not be affected by any legislation that may be resorted to hereafter.

Then again, there is a lot of force in what some of the movers of the amendments said, with reference to certain words and phrases in this Resolution. It was pointed out that the word "already" refers only to the provisions that are passed before this Resolution is passed. If this word is retained here, that would really lead to a lot of contention and controversy. Therefore, there is no harm.....

Mr. Vice-President : May I say that the deletion of word "already" has been accepted?

Mr. Mohamed Ismail Sahib: So far so good.

Then, I do not know what the honourable Mover or his representative is going to do in the matter of this citizenship. There must be some instruction as to who should be included. Here you have said who should not be included in the electoral rolls. There must be some positive instruction as to who should be included.

Then again, I think there is a great deal of force in the contention that the Resolution cannot have legal force. The Honourable Mr. Santhanam explained that this is not meant to have any legal force or authority at all and that it is only for the purpose of facilitating the preliminary work of the preparation of electoral rolls and preliminary work of preparing for the general elections. It may be so, but, in course of these preparations, certain things might crop up. Certain people may go to a court of law, for example, for including their names or for setting aside the exclusion of their names. What force will this Resolution have and what will be the position of those contestants and what will be the position of this Resolution? That has also to be seriously considered. That is why I said that the delay which we want to compensate for cannot in any way be abrogated by such a Resolution as this. We would have done very well to expedite the passing of the Constitution and then taken up this question of conducting elections.

The Honourable Shri Satyanarayan Sinha (Bihar : General): Sir, the question may now be put.

Mr. Mohamed Ismail Saheb: Then, again, Sir, the question was raised with regard to the minorities.

An Honourable Member: There are no minorities.

Mr. Mohamed Ismail Saheb: It may be said that this question can be gone into after the preparation of electoral rolls, and that the electoral rolls can be so arranged, or can be so changed as to suit the provisions that may yet be passed by this honourable House. But, that would also lead to a lot of difficulties and inconvenience, and thereby we are not saving any time at all. That is what I wanted to say. Now, the whole point in bringing forward this Resolution is to avoid any great delay. My question is, are we really doing that?

The Honourable Shri Satyanarayan Sinha: Sir, I again move that the question be now put.

Some Honourable Members: No, No.

Mr. Vice-President : I would like to know the view of the House with regard to the closure motion just moved.

The Honourable Shri Satyanarayan Sinha: You may put it to vote, Sir.

Mr. Vice-President : I am putting to vote the closure motion.

The question is:

“That the question be now put.”

The motion was adopted.

Mr. Vice-President : Dr. Ambedkar.

May I suggest that you read the resolution in the accepted form before you reply?

The Honourable Dr. B. R. Ambedkar : Yes; I will indicate the changes that I am going to accept.

Shri Deshbandhu Gupta: May I know, Sir, before Dr. Ambedkar proceeds to reply whether you have given any ruling on the point of order raised by me. I had raised a point of order that, unless the word “already” goes, this Resolution will be of no use because article 149...

Mr. Vice-President : I think the word “already” has already been omitted.

The Honourable Dr. B. R. Ambedkar : Mr. Vice-President, Sir, with your permission, I propose to reply to the debate on behalf of the mover of this resolution.

Before I proceed to deal with the detailed amendments, I should like to propose myself certain amendments in the Resolution as was moved by the Mover.

The first amendment that I propose is, to delete the word “already” from paragraph 2.

My second amendment is to delete clause (a) from sub-clause (1), and delete also the letter and brackets “(b)” in the beginning of the second sub-clause, so that sub-clause (1) will read thus:

“That no person shall be included in the electoral roll of any constituency if he is of unsound mind and stands so declared by a competent court.”

Then, in paragraph (4), I propose to make the following amendments. For the words “subject to the law of the appropriate legislature” in line of that paragraph, my amendment would be “notwithstanding anything in paragraph (3) above”. In line 5 of that paragraph, for the words “a constituency”, substitute the words “an area”.

In the same line of the same paragraph, after the word “files”, add the words, “or makes”.

For the word “constituency” in the last line of the same paragraph, substitute the word “area”.

These are my amendments. I shall briefly explain my amendments. The amendment which I have moved to drop the word “already” meets the point of order that was raised by Shri Deshbandhu Gupta.

Shri H. V. Kamath : On a point of order, Sir, has Dr. Ambedkar moved fresh amendments? In that case, there should be a discussion on those amendments. I want your ruling, Sir.

Mr. Vice-President : There is a Latin proverb which I learnt years ago.

“Summum justice summum injuris.”

The letter of the law killeth but the spirit giveth the life.

Shri H. V. Kamath: In this Assembly, Sir, we have to observe as far as possible, the letter as well as the spirit of the law.

Mr. Vice-President : I am going by the spirit of the law. I do not care what rule I break.

Shri H. V. Kamath: May I say, Sir,.....

Mr. Vice-President : Will the honourable Member kindly resume his seat?

Shri H. V. Kamath : This is a desperate procedure, Sir, that is all I can say.

The Honourable Dr. B. R. Ambedkar: Sir, as I said, it is quite true that the word “already” raises the complications which Mr. Deshbandhu Gupta mentioned and it is only right that his objection should be removed by the deletion of the word “already”.

With regard to the second amendment dropping clause (1), it seems to be quite unnecessary, because, the purport of that clause is embodied in paragraphs (3) and (4).

With regard to my next amendment to substitute the words “notwithstanding anything in paragraph (3) above” for the words “subject to the law of the appropriate legislature”, my submission is that the original words were really unnecessary and inappropriate in a clause of that sort. Sub-clause (4) is really an exception to clause (3). That matter has been cleared by my amendment.

With regard to the word “constituency” I have substituted the word “area” in order to meet the criticism that at the stage when the rolls are prepared there are no constituencies and all that a man can indicate is an area, not a constituency, because, constituencies are not supposed to be in existence then.

My amendment for the addition of the words “or makes” meets the criticism that has been made that there are many people who are illiterate, who may not be in a position to sign an application and file it before a particular officer. The addition of the words “or makes” permits an oral declaration to be made either before a District Magistrate or before an officer who is preparing the electoral rolls. I think that objection is fairly met.

I will now take into consideration the other amendments which have been moved to this Resolution.

Shri L. Krishnaswami Bharathi : May I suggest one amendment to the Mover that his reason for amending ‘constituency’ in part. (4).....

Mr. Vice-President: You cannot tell it to the House. You can tell it to Dr. Ambedkar.

The Honourable Dr. B. R. Ambedkar : I am prepared to make the necessary consequential changes. As I said, I will turn to the other amendments and I take the amendment of my Friend Mr. Tyagi. If I understood him correctly,

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he had no objection to the Resolution in its general terms. What he wanted was that the details should be deleted. It seems to me that the position taken by my Friend Mr. Tyagi indicates that he has confusion in his mind about what the objective or the aim of the Resolution is. The aim of the Resolution is merely to make a declaration that it is the intention of this Assembly that as far as possible, election may be held sometime in 1950 but the object of the Resolution is to convey some positive directions to the authorities in charge of preparing the electoral rolls which is the basis of all elections. It would be futile and purposeless merely to make a declaration that this Constituent Assembly desires that the election should take place in the year 1950 without giving the directions to the authorities concerned in the matter of preparing the electoral roll. Because unless the electoral rolls are prepared in time sufficiently before the date of the election, no election can take place at all. The second part of the Resolution contains directions to the various authorities and unless the directions are embodied in the Resolution, the Resolution is merely a pious declaration which means nothing. It is setting out an objective without setting out the methods and the instruments by which that objective can be carried out and I think my friend Mr. Tyagi will understand that really speaking the part of the Resolution which he wants to omit is more important than the part of the Resolution which he wants to retain. Now I come to the amendment of my friend Mr. Hanumanthaiya.

Shri Mahavir Tyagi: What is your view about the word 'already'?

The Honourable Dr. B. R. Ambedkar : I have already said that I would delete it. Coming to the amendment of Mr. Hanumanthaiya, he wants to omit the words 'in the year 1950'. His argument has a good deal of sense behind it, because according to him if this Constituent Assembly were to make this declaration by this Resolution fixing 1950 as a target and if for some reason, either connected with the preparation of electoral rolls or some other circumstances, it becomes impossible to have elections in 1950, the Assembly would be placed in a somewhat difficult position. The Assembly might be accused of treating this as a trifling matter when as a matter of fact it is of great substance. But at the same time in view of what the Mover of the Resolution said that there is a certain amount of feeling in the country that we are not going as fast as we ought to in the passing of this Constitution, that our procedure is more leisurely, more dilatory and that is due to our not being very serious in having an early election, it is to remove that sort of feeling in the country that it is necessary to fix some target date and it is from that point of view that the retention of the words 'in the year 1950' becomes necessary. Of course, if reasons justified the postponement of the date, it would but be necessary for the Assembly to postpone the date of elections; and I am sure about it that if the Assembly is in a position to place before the country grounds which are substantial and which are not mere excuses, the country will no doubt understand the change and the postponement of the date.

Now my friend Mr. Saksena wants that instead of the 1st Jan. 1949 the date 1st Jan. 1950 be substituted. Mr. Bhargava wants that for 31st March 1948, the date 31st March, 1949 be substituted. Now having regard to what has already been done, it is not possible to accept either of these amendments. Mr. Saksena's amendment, if I understood him correctly, has the object that there ought not to be a considerable time lag between the date on which the electoral roll is prepared and the date on which election is held. In other words, the electoral roll must not be very stale and out-of-date. Now it seems to me that if our election is going to take place in 1950, the electoral roll which is prepared on the basis of the voter's qualification as his being an adult on 1st January 1949 cannot, by any stretch of imagination, be deemed to be a stale roll. My Friend Mr.

Saksena must be aware of the fact that all electoral rolls generally lag behind the date of election by one year.

Prof. Shibban Lal Saksena : It will become two years old !

The Honourable Dr. B. R. Ambedkar : Therefore if persons who are entitled to be voters in the electoral rolls on the basis of their single solitary qualification which we have, viz., his being a man of 21 years of age on the 1st January 1949 and if the election takes place in the year 1950 on some date not possible to prescribe, I think it cannot be said that the electoral roll will be a Stale roll.

Now I am coming to the amendment of Pandit Bhargava. He wants that the date of 31st of March 1949 be substituted. It is not possible to accept that amendment because in the expectation of the election taking place in the year 1950, instructions were already issued to the various Provincial Governments on the 1st March 1948 to proceed to prepare the electoral rolls on the basis of adult suffrage. It seems to me that if we accept the amendment of Pandit Bhargava, we shall have to waste all the work that has already been done by Provincial Governments on that basis. I do not think there will be any waste of work already done, because all those who on the 1st January, 1948 would be adults, would be added on to the roll that has already been prepared.

The Honourable Shri K. Santhanam : Is it not necessary also to change the date 1st January 1949 to 31st March 1948, in sub-para. (2)?

The Honourable Dr. B. R. Ambedkar : No, I do not think so.

Now, I come to the amendment of my friend Mr. Chaudhari. It seems to me that he is asking for something which is quite impossible, if not ridiculous. He says that every person who is of unsound mind should be deprived of his vote. We all agree that unsound persons should not be included in the voters' list. But the question remains as to who is to determine whether a person is of unsound mind or not. It seems to me that unless the qualification which is introduced in this motion says that a person can be excluded from the electoral roll only when he has been adjudged to be of unsound mind by some impartial judicial authority, seems to be the soundest proposition. Otherwise, to give the authority to a village Patwari not to enter a certain person in the electoral roll because he thinks that he is of unsound mind is really to elevate a cabin boy to the position of the captain of a ship, and I think it is not possible to accept such an amendment.

My friend Mr. Kamath raised some question with regard to a clause that was passed the other day, in which in addition to unsoundness of mind, certain other disqualifications were mentioned, particularly those relating to crime.

Shri Deshbandhu Gupta : Will all the inmates of lunatic asylums be included in the electoral rolls, in the first instance?

The Honourable Dr. B. R. Ambedkar : I do not know the case of other provinces, but so far as Bombay is concerned, unless the Chief Presidency Magistrate declares a person to be of unsound mind no lunatic asylum would admit him.

Mr. Vice-President: Yes, that is the case in Bengal.

The Honourable Dr. B. R. Ambedkar : And it seems to be the case in Bengal also. It is there in the Lunacy Act.

Now, with regard to the question of crime all that I need say is this that the Drafting Committee, in using the word 'crime' in that particular article, was merely reproducing the provision contained in the Sixth Schedule of the Government of India Act, and I do not think that the Drafting Committee had anything more in mind than what is stated in that article. According to that article, the commission of a crime is not by itself any disqualification.

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The disqualification is only when a person is punished and detained in imprisonment. It is during the period of imprisonment that he loses the right to vote. That point can be further accommodated when we come to the additional disqualifications mentioned in the article to which Mr. Kamath referred.

Shri H. V. Kamath : Am I to understand that grounds of crimes, corrupt or illegal practices etc. of which a person may be convicted in the past will not act as a disqualification or bar to his registration as a voter?

The Honourable Dr. B. R. Ambedkar : Yes, and those will be prescribed by Parliament.

Mr. Vice-President : I am going to put to vote the amendments which have been moved in this House, one by one. The first one is that standing in the name of Shri Rohini Kumar Chaudhari. And he has two amendments. I am putting them to vote, one by one. The question is:

“That in sub-section (b) of the Resolution the words ‘and stands so declared by a competent Court’ be deleted.”

The amendment was negatived.

Mr. Vice-President : Then I put the second part. The question is :

“That in sub-paragraph (4) the word ‘permanently’ occurring in line 6 be deleted.”

(Interruption)

The amendment was negatived.

Mr. Vice-President : I know that school boys on the eve of the vacation behave not always wisely.

The next amendment is that of Pandit Thakur Dass Bhargava. The question is:

“That for the words ‘files a declaration’ substitute the words ‘expresses the intention’.”

But this is covered by what Dr. Ambedkar has accepted.

Then his other amendment is that in paragraph 3, for the words “31st March 1948”, substitute the words “31st March 1949”.

The amendment was negatived.

Mr. Vice-President : Then we come to the amendment of Mr. Hanumanthaiya.

Shri K. Hanumanthaiya : Sir, I seek permission of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. Vice-President : Then we come to the amendment of Mr. Nagappa. But that is covered by Dr. Ambedkar’s amendment and so it will not be put to vote.

Then there is the amendment of Mr. Tyagi.

Shri Mahavir Tyagi : Sir, I request leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. Vice-President : Then comes the amendment of Prof. Saksena seeking to substitute 1st January 1950, for the words 1st January 1949.

The question is :

“That the words ‘1st January 1949’ in sub-paragraph (2) be substituted by ‘1st January 1950’.”

The amendment was negatived.

Mr. Vice-President : The second part has been accepted by Dr. Ambedkar and therefore need not be voted on. Then we come to the third part. But that is also covered by Dr. Ambedkar's amendment.

But he has a further amendment to the effect.

The question is:

"That the word 'permanently' in the last line of sub-para. (4) be deleted."

The amendment was negatived.

Mr. Vice-President : Now, I put the Resolution, as amendment by Dr. Ambedkar's amendments, to vote. Does the House want me to read it out?

Honourable Members : No, no.

Mr. Vice-President : So the question is:

"That the *Resolution, as amended, be accepted."

The motion, as amended, was adopted.

DRAFT CONSTITUTION—(Contd.)

Article 149—(Contd.)

Mr. Vice-President : Now we come to article 149. I think there has been sufficient discussion on this article and Dr. Ambedkar will now reply.

The Honourable Dr. B. R. Ambedkar : Mr. Vice-President, Sir, in reply to the debate on article 149, I wish, first of all, to make clear my position with regard to my own amendment which was No. 2255. I want the permission of the House to withdraw this amendment; and in lieu of that I accept amendment No. 2249, as amended by amendment No. 48 of List II by Mr. Naziruddin Ahmad.

I also accept amendments Nos. 62 and 66 of List IV by Sri T. T. Krishnamachari, amendment No. 2252 as modified by the amendment of Mr. Bhargava and amendment No. 2263 as modified by amendment No. 67 of Shri Shibban Lal Saksena.

Now, Sir, so far as the general debate on the article is concerned, it seems to me that there are only two points that call for reply. The first point is with regard to the census figures to be adopted for the purpose of the new elections. A great deal of argument was concentrated by many speakers on the fact that the census in certain provinces is not accurate and does not represent the true state of affairs so far as the relative proportions of the different communities are

*Resolved that instructions be issued forth with to the authorities concerned for the preparation of electoral rolls and for taking all necessary steps so that elections to the Legislatures under the new Constitution may be held as early as possible in the year 1950.

Resolved further that the State electoral rolls be prepared on the basis of the provisions of the new Constitution agreed to by this Assembly and in accordance with the principles herein after mentioned, namely:—

- (1) That no person shall be included in the electoral roll of any area if he is of unsound mind and stands so declared by a competent court.
- (2) That 1st January 1949 shall be the date with reference to which the age of the electors is to be determined.
- (3) That a person shall not be qualified to be included in the electoral roll for any area unless he has resided in that area for a period of not less than 180 days in the year ending on the 31st March 1948. For the purposes of this paragraph, a person shall be deemed to be resident in any area if he ordinarily resides in that area or has a permanent place of residence therein.
- (4) That, notwithstanding anything in paragraph (3) above a person who has migrated into a Province or Acceding State on account of disturbances or fear of disturbances in his former place of residence shall be entitled to be included in the electoral roll of an area if he files or makes a declaration of his intention to reside permanently in that area.

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concerned. I think there is a great deal of force in such arguments and, if I may say so, there is enough testimony which one can collect from the Census Commissioners' Reports themselves to justify that criticism. I had intended to refer to the statements made by the Census Commissioners on this issue. But, as there is no time, I think I had better not refer to them. Further, the large majority of the members who have spoken on this subject know the facts better than I do. I only want to add one thing and that is that if any people have suffered most in the matter of these manipulations of census calculations by reason of political factors, they are the Scheduled Castes (*Hear, hear*). In Punjab for instance, the other communities are trying to eat up the Scheduled Castes in order to augment their strength and to acquire larger representation in the legislature for themselves. These poor people who have been living mostly as landless labourers in villages scattered here and there, with no economic independence, with no support from the authorities,—the police or the magistracy,—have been, by certain powerful communities, either compelled to return themselves as members of that particular community or not to enumerate at the elections at all. The same thing has happened to a large extent, I know, in Bengal. For some reason which I have not been able to understand, a large majority of the Scheduled Castes there refused to return themselves as Scheduled Castes. That fact has been noted by the Census Commissioners themselves. I therefore completely appreciate the points that have been made by various members who spoke on the subject that it would not be fair to take the figures of that census.

An Honourable Member : What about Assam?

The Honourable Dr. B. R. Ambedkar : It may be true of Assam also. I am not very well acquainted with it. As I said I fully appreciate the point that to take those census figures and to delimit constituencies or allocate seats between the different constituencies and between the majority and minority communities would not be fair. Something will have to be done in order to see that the next election is a proper election, related properly to the population figures of the provinces as well as of the communities. All that I can do at this stage is to give an assurance that I shall communicate these sentiments to those who will be in charge of this matter and I have not the least doubt about it that the matter will be properly attended to.

Sir, if the Members who are interested in it are not satisfied with the assurance that I am giving now, they can at some stage—it is not possible to do it now—move an amendment to article 149 permitting the President to have an interim census, if he deems it necessary, taken, for the purpose of removing the grievances to which they have referred. In fact, I have with me a draft which might be considered at a later date. Some such draft like this may be considered: "Provided further that the initial representation of the several territorial constituencies of the legislative assembly of any State may be determined in such other manner as the President may by order direct." That would be general enough and would deal with the difficulty which has been pointed out.

An Honourable Member: Why do you not move it now?

The Honourable Dr. B. R. Ambedkar : There is no time for it now. If Members are not prepared to rely upon the assurance given by me some such motion may be moved at the appropriate stage.

With regard to the point raised by my honourable Friend Prof. Saksena in amendment No. 64, I may say that I whole heartedly support it. I think the proviso he has sought to introduce is a very necessary one. The House will

remember that it deals with weightage in representation. We have, in this Constitution, eliminated all sorts of weightages. Weightage to all minorities we have eliminated. Weightage to territories in the representation in the Central Legislature we have eliminated. Weightage between representatives in British India and representatives of Indian States we have eliminated. I think therefore that it is only right that the same principle should apply to representation in legislatures. I therefore accept that amendment.

Sir, I do not think there is any other point worthy of consideration or calling for reply. I therefore recommend to the House the acceptance of article 149, as amended.

Mr. Vice-President : I am now going to put the amendments to vote one by one.

The question is:

“That the following new clauses be added after clause (2):—

‘(2-a) No person shall be entitled to be a candidate or offer himself for election to either House of a State Legislature, if Bicameral, or to the Legislative Assembly of the State, who is duly certified to be of unsound mind, or suffering from any other physical or mental incapacity, duly certified, or is less than 25 years of age at the time of offering himself for election, or has been proved guilty of any offence against the safety, security or integrity of the Union, or of bribery and corruption, or of any malpractice at election, or is illiterate.’

‘No one who is unable to read or write or speak the principal language spoken in the State for a seat in whose Legislature he offers himself for election, or after a period of ten years from the date of the coming into operation of this Constitution, is unable to read or write or speak the National Language of India, shall be entitled to be a candidate for or offer himself to be elected to a seat in the State Legislature, or either House thereof.’

‘(2-b) The election shall be on the basis of proportional representation with a Single Transferable Preference Vote. For the purpose of election, every State shall be deemed to be a single constituency, and every member shall be deemed to have been elected in the order of Preference as recorded by the electors; and this arrangement shall hold good in the case of a General Election, as well as at a by-election, if and when one become necessary:

Provided that where there is a second chamber in any State, the voters may be grouped, for electing members to the Legislative Council, on the basis of trade, profession, occupation or interest recognised for the purpose by an Act of the State Legislature, each trade, profession, occupation or interest voting as single constituency for the entire State.’”

The amendment was negatived.

Mr. Vice-President : Amendment No. 2248. The question is:

“That clause (3) of article 149, be deleted and the following be substituted:—

‘The representation in the State Legislature shall be on the basis of one representative for every lakh of population:

Provided that the total number of members in the Legislative Assembly of a State shall in no case be less than sixty.’”

The amendment was negatived.

Mr. Vice-President : There is a short notice amendment to amendment No. 2249 by Pandit Thakur Dass Bhargava.

Pandit Thakur Dass Bhargava : I would like to withdraw it, Sir.

The amendment was, by leave of the Assembly, withdrawn.

Mr. Vice-President : Amendment No. 48 of List II. The question is:

“That for amendment No. 2249 of the List of Amendments, the following be substituted:—

‘That in clause (3) of article 149, 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 : Amendment No. 62 of List IV. The question is:

“That with reference to Amendment Nos. 2249 and 2250 of the List of Amendments in clause (3) of article 149, for the words ‘every lakh’ the words ‘every seventy-five thousand’ be substituted.”

The amendment was adopted.

Mr. Vice-President : Then we come to Amendment No. 2252 as amended by a short notice amendment of Mr. Bardoloi which reads :

“With reference to amendment No. 2252 of the List of Amendments, after the words ‘autonomous districts of Assam’ the words ‘and the constituency comprising the cantonment and municipality of Shillong’ be added.”

The amendment was adopted.

Mr. Vice-President : Amendment No. 66 of List IV. The question is:

“That with reference to Amendment Nos. 2256, 2257 and 2258 of the List of Amendments, in the proviso to clause (3) of article 149, for the words ‘three hundred’ the words ‘five hundred’ be substituted.”

The amendment was adopted.

Mr. Vice-President : Dr. Ambedkar wanted the leave of the House to withdraw his Amendment No. 2255. Is that permission given?

Honourable Members : Yes.

The amendment was, by leave of the assembly withdrawn.

Mr. Vice-President : Amendment No. 49 of List II. It is blocked.

Then we come to Amendment No. 2256. The question is:

“That in the proviso to clause (3) of a article 149, for the words ‘three hundred’ the words ‘four hundred and fifty’ be substituted.”

The amendment was negatived.

Mr. Vice-President : Amendment No. 35 of List I.

The amendment was, by leave of the Assembly, withdrawn.

Mr. Vice-President : Amendment No. 67 of List IV. The question is:

“That after clause (3) of article 149, the following new clause be inserted:—

‘(3-a) The ratio between the number of members to be allotted to each territorial constituency in a State and the population of that constituency as ascertained at the last preceding census of which the relevant figures have been published shall, so far as practicable, be the same throughout the State.’”

The amendment was adopted.

Mr. Vice-President : There is an amendment to Amendment No. 67 but it is blocked.

Prof. Shibban Lal, do you want me to put your Amendment No. 2263 to the vote? It has been amended by No. 67.

Prof. Shibban Lal Saksena : It is not necessary to put it to vote now.

Mr. Vice-President : I shall now put the article in its present form to vote. The question is:

“That article 149, as amended, stand part of the Constitution.”

The motion was adopted.

Article 149, as amended, was added to the Constitution.

Mr. Vice-President : There is one announcement which has got to be made. I have received definite information and instructions from our President that he would like to have the next session of the Constituent Assembly on Monday.

the 16th May. Under rule 19 of the Rules of Procedure, the President enjoys the power of fixing the date but he cannot adjourn the House for more than three days. I therefore seek the permission of the House to make this announcement formally.

Pandit Lakshmi Kanta Maitra : But why does he want to fix the date before hand?

Mr. Vice-President : I am sorry I cannot give you the reason.

The Honourable Shri K. Santhanam : The date may be fixed by a motion put before the House and carried.

The Honourable Shri Satyanarayan Sinha : Sir, I move that the House do adjourn to the 16th May next.

The motion was adopted.

Mr. Vice-President : The House stands adjourned to Monday, the 16th May. The Assembly then adjourned till Monday, the 16th May 1949.