

Shrimati Purnima Banerji (United Provinces: General): Sir, I beg to move amendment No. 38 of List I, Third Week, which is:

"That in amendment No. 2311 of the List of Amendments in Clause (b) of the proposed Article 152, for the word "thirty-five" the word "thirty" be substituted."

This is in conformity with what we have already passed in regard to age qualification for the members of the Upper House in the Parliament, and therefore, there is not much to be said as to why this amendment is being moved here. But before I close I would like to clear a doubt regarding Clause (c) of this article which has been proposed by Dr. Ambedkar. It says, the person shall "possess such other qualifications as may be prescribed in that behalf by or under any law made by the Legislature of the State."

Sir, my doubt-the doubt that I have in mind-is this. While we are wedded to the principle of adult franchise and hope that Members of both these Assemblies will be popularly elected persons, who will be entitled not only to send their representatives to sit in this House and also in the Upper House- whether of the Centre or the Provincial bodies-my fear is that according to this sub-clause as it stands it is quite possible that a property qualification or any other qualification may be introduced whereby Members may be debarred from offering themselves as candidates for either House of the Legislature.

Sir, in moving the constitution for the Upper House of the Provincial Legislature, that is of the State, reference has been made of the Constitutions of Canada and South Africa, where there is a property qualification prescribed for those who can be members of the Upper House. If that idea remains in our minds that this sub-clause can at any stage be introduced—and I am not even sure that this sub-clause is retained, members of the Lower House or the Upper House may not have their qualifications restricted, and what you have granted by adult franchise namely that every adult can vote and every adult aged 25 or 30 can be a member of the Lower or Upper House - and if any other qualifications are prescribed, his right may be thereby taken away. My point is that either we draw our rights from the Constitution laid down in this House or they are drawn from the Parliament which may change those rights from time to time. We have no objection should a Parliament, which would be also a sovereign body, wish to change the constitution. There is a certain prescribed method and only by a certain number of votes can that constitution be changed. But suppose at any given time in a provincial Legislature or in a Parliament a motion is put and the qualification of the members is raised, then I am afraid that the safeguard or the provision we have placed that every adult, or every adult aged 25 or 30 shall be able to be a member of either House may be nullified. So I hope that Dr. Ambedkar will assure the House that that possibility is not in his mind because as far as disqualifications are concerned, there is a separate article disqualifying a member from appearing as or becoming a member of either of the two Houses. Here it is specifically mentioned that the qualifications of the members may be prescribed from time to time.

Sir, I move.