

Mr. President : The question is:

“That article 289-A, as amended, stand part of the Constitution.”

The motion was adopted.

Article 289-A, as amended was added to the Constitution.

Mr. President : The question is:

“That for amendment No. 3087 of the List of Amendments, the following be substituted:—

“That after article 289-A, the following new article be inserted:—

289-B. The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every citizen, who is not less than twenty-one years of age on such date as may be fixed in this behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature 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 any such election.’ ”

Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.

on the basis of adult suffrage; that is to say, every citizen, who is not less than twenty-one years of age on such date as may be fixed in this behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature 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 any such election.’ ”

The amendment was adopted.

Mr. President : The question is:

“That article 289-B stand part of the Constitution.”

The motion was adopted.

Article 289-B, was added to the Constitution.

(New article 289-C was not moved.)

Article 290

The Honourable Dr. B. R. Ambedkar : Sir, I move :

“That for article 290, the following article be substituted:—

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

Power of Parliament to make provisions with respect to elections to Legislatures.

provisions with respect to all matters relating to, or in connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State including matters necessary for securing the due constitution of such House or Houses and the delimitation of constituencies.”

Sir, with your permission I would also like to move the other amendment which amends this. I move:

“That with reference to amendment No. 123 of List I (Fifth Week) in the new article 290, after the word ‘including’ the words ‘the preparation of electoral rolls and all other’ be inserted.”

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I gave notice of amendment No. 100 and amendment No. 127 and 129 with the idea that the entire responsibility and jurisdiction for making laws in regard to elections should be left to the Central Legislature and that the Central Legislature alone should have been given this power to enact laws in regard to matters pertaining to elections. Even now when amendment No. 99 was being discussed I

felt that it would not be necessary to have these new amendments if my amendment Nos. 100, 127 and 129 were accepted, because, according to me, it is not fair to give the power to the executive to appoint such highly placed officers in whom all the rights and powers in regard to elections are concentrated. Parliament should have the ultimate power. Similarly with regard to my amendment No. 127 which I did not move when I found that the wording of amendment No. 123 was "Subject to the provisions of this Constitution, Parliament may from time to time by law make provisions with respect to all matters relating to, or in connection with, elections....." When Parliament has been given this power, I do not know what power is left to be exercised under this article by the provinces. If we want uniformity in the conduct of elections we should see that Parliament alone has this power.

Under article 289 many arguments were advanced for giving these powers to the Central Government instead of to the provinces. If those arguments are valid, it does not behave us to say that any power which is left may be exercised by the provincial legislatures. Amendment No. 123 is all embracing and therefore there is no need for amendment No. 128.

Shri M. Ananthasayanam Ayyangar : Sir, I support the retention of amendment No. 128 moved to article 291. I do not agree with my Friend Mr. Bhargava. We have taken away the elections from the provincial legislatures and the Governors. Practically we have centralised the appointment of the Election Commission. This is a deviation with respect to which there have been complaints that the provincial governments have been made ciphers, To avoid corrupt practices we wanted the entire power to be vested in Parliament. Amendment 128 only says that for matters for which the Parliament does not make a provision the provincial legislatures shall have power. My Friend Mr. Bhargava does not want even this. According to him, either Parliament makes the law or there should be no authority to make law. There may be certain matters where for the sake of uniformity Parliament may make law and the State legislatures may make the rest of the laws. That is what is provided in amendment No. 128. I do not know why even to this limited extent power should not be give to the State legislatures. Why are we so suspicious of the State legislatures that we want to take away everything from them? I support amendment No. 128.

Mr. President : I find that there is notice of an amendment by Prof. Shibban Lal Saksena to article 290. He was not here at the time the amendments were moved. Anyhow it is not an amendment of substantial character.

If Dr. Ambedkar does not want to say anything in reply I shall put the amendment to vote.

The Honourable Dr. B. R. Ambedkar : I have nothing to say, Sir.

Mr. President : The question is:

"That for article 290, the following article be substituted:—

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

Mr. President : The question is:

“That article 290, as amended, stand part of the Constitution.”

The motion was adopted.

Article 290, as amended, was added to the Constitution.

Article 291

The Honourable Dr. B. R. Ambedkar : I move:

“That for article 291, the following article be substituted:—

291. Subject to the provisions of this Constitution and in so far as provision in that behalf is not made Power of Legislature of a State to make provisions with respect to election to such Legislature.	by Parliament, the Legislature of a State may from time to time by law make provisions with respect to all matters relating to, or in connection with, the elections to the House or either House of the Legislature of the State including matters necessary for securing the due constitution of such House or Houses.”
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Sir, with your permission I move also amendment No. 211 of List VI. Fifth week.

The amendment runs thus:

“That with reference to amendment No. 128 of List I (Fifth Week), in the new article 291, after the word ‘including’ the words ‘the preparation of electoral rolls and all other’ be inserted.”

Mr. President : There are also other amendments. Amendment No. 129 is a negative one and so cannot be moved. Amendments Nos. 130 and 131 are not moved.

Does any Member wish to say anything on the amendment or the article?

Shri H. V. Kamath : Mr. President, this article 291, following as it does article 290 already adopted, is a corollary to it. Article 291 follows very closely article 290 except with regard to the last matter contained in article 290 relating to the delimitation of constituencies. The question here arises as to the powers which will be vested in Parliament and in the State Legislature. In article 290 it is stated that Parliament may from time to time by law make provisions with respect to all matters—the phrase used is “with respect to all matters”—relating to or in connection with elections, etc. Here again the same words are used, that is to say, article 291 lays down that the State Legislature may from time to time by law make provisions with respect to all matters relating to or in connection with elections, etc. That is to say, all matters relating to elections to either House of the State Legislature come within the purview of Parliament as well as the State Legislature. Are we going to define the limits of or demarcate the powers to be conferred on the Parliament and on the State Legislature? Are we going to have another Schedule? That is my question. Are we going to have a new Schedule to this Draft Constitution wherein we will define the powers of Parliament and the powers of the State Legislature to legislate with regard to matters relating to elections in the States? If we do not define, definitely allocate the functions, I am afraid it might lead to some sort of friction or tension between the Parliament and the State Legislature at some time or other. No doubt the saving clause is there in 291 “in so far as provision in