

CONSTITUENT ASSEMBLY OF INDIA

Friday, the 19th August 1949

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Nine of the Clock. Mr. Vice-President (Shri T. T. Krishnamachari) in the Chair.

DRAFT CONSTITUTION—(Contd.)

Article 150—(Contd.)

Mr. Vice-President (Shri T. T. Krishnamachari) : Today we begin, with article 150. The House will remember that there was a debate on this article as it originally stood and after three amendments were moved, the article was recommitted to the Drafting Committee. Dr. Ambedkar has now given notice of a new article. I request him to move that article, amendment No. 1 of list I (Fourth Week).

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I have a point of Order. Shall I move it just now or after the amendment is moved?

Mr. Vice-President : You may move it just now.

Mr. Naziruddin Ahmad : Mr. Vice-President, Sir, as I have been observing for some time that the Drafting Committee has been springing surprise after surprise on the Members. I do not blame the eminent members of the Drafting Committee for this attitude. I know that their hands are tied. I speak with deep respect for the Drafting Committee and when I offer any comments about them, it is because we have to look to the Drafting Committee for the praise or blame that must attach to the amendments. Every day new amendments of a sweeping character are being sent in by the Drafting Committee. They come in all of a sudden like Air Raids.

The Honourable Dr. B. R. Ambedkar (Bombay: General): Where is the point of order?

Mr. Vice-President : May I remind the honourable Member that this amendment has been brought before the House by Dr. Ambedkar and the Drafting Committee in response to the desire universally expressed in the House. For this reason, I rule out this point of Order. I now ask Dr. Ambedkar to move his amendment.

The Honourable Dr. B. R. Ambedkar : Mr. Vice-President, Sir, I move:

“That for article 150, the following be substituted :—

‘150. (1) The total number of members in the Legislative Council of a State having such a Council shall not exceed one-fourth of the total number of members in the Assembly of that State :
Composition of the Legislative Councils.

Provided that the total number of members in the Legislative Council of a State shall in no case be less than forty.

(2) Until Parliament may by law otherwise provide, the composition of the Legislative Council of a State shall be as provided in clause (3) of this article.

(3) Of the total number of members in the Legislative Council of a State—

[The Honourable Dr. B. R. Ambedkar]

- (a) as nearly as may be, one-third shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities as Parliament may by law specify;
- (b) as nearly as may be, one-twelfth shall be elected by electorates consisting of persons who have been for at least three years graduates of any university in the State and persons possessing for at least three years qualifications prescribed by or under any law made by Parliament as equivalent to that of a graduate of any such university;
- (c) as nearly as may be, one-twelfth shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions within the State, not lower in standard than that of a secondary school, as may be prescribed by or under any law made by Parliament;
- (d) as nearly as may be, one-third shall be elected by the members of the Legislative Assembly of the State from amongst persons who are not members of the Assembly;
- (e) the remainder shall be nominated by the Governor in the manner provided in clause (5) of this article.

(4) The members to be elected under sub-clauses (a), (b) and (c) of clause (3) of this article shall be chosen in such territorial constituencies as may be prescribed by or under any law made by Parliament, and the elections under the said sub-clauses and under subclause (d) of the said clause shall be in accordance with the system of proportional representation by means of the single transferable vote.

(5) The members to be nominated by the Governor under sub-clause (e) of clause (3) of this article shall consist of persons having special Knowledge or practical experience in respect of such matters as the following, namely :

Literature, science, art, co-operative movement and social services.' ”

As you have said, Sir, this article in a different form was before the House last time. The article as it then stood, merely said that the composition of the Chamber shall be as may be prescribed by law made by Parliament. The House thought that that was not the proper way of dealing with an important part of the constitutional structure of a provincial legislature, and that there shall be something concrete and specific in the matter of the constitution of the Upper Chamber. The President of the Constituent Assembly said that he shared the feelings of those Members of the House who took that view, and suggested that the matter may be further considered by the Drafting Committee with a view to presenting a draft which might be more acceptable to those Members who had taken that line of criticism. As honourable Members will see, the draft presented here is a compromise between the two points of view. This draft sets out in concrete terms the composition of the Upper Chamber in the different provinces. The only thing it does is that it also provides that Parliament may by law alter at any time the composition laid down in this new article 150. I hope that this compromise will be acceptable to the House and that the House will be in a position to accept this amendment.

Mr. Vice President : Amendment No. 3. Mr. Kamath.

Shri H. V. Kamath (C.P. & Berar: General): I have moved it already.

Mr. Vice-President : Amendment No. 66, List II (Fourth Week).

Shri H. V. Kamath : What about the amendments in the Printed List of Amendments, Vol. I, Sir?

Mr. Vice President : After finishing these, those in Vol. I will be taken up.

(Amendment Nos. 66, 67 and 68 were not moved.)

Dr. Monmohon Das (West Bengal: General) : As Vice-President, Sir, I move:

“That in amendment No. 1 of List I (Fourth Week) of Amendments to Amendments, in sub-clause (b) of clause (3) of the proposed article 150, the words ‘for at least three years’ wherever they occur, be deleted.”

Sir, in clause 3 (b) of the proposed article 150 as moved by our Honourable Dr. Ambedkar, it has been suggested that for the election of one-twelfth of the total members of the Upper Chamber, the electorate will consist of persons who have been for at least three years graduates of any university in the State and persons possessing for at least three years qualifications prescribed by or under any law made by Parliament as equivalent to that of a graduate of any such university. For registration as a voter under this clause, two conditions have been imposed : one, educational qualification of the standard of a graduate, and second, this educational qualification should be at least of three years standing. If the sponsors of this article intend that for being registered in the voters’ list the minimum educational qualification of a graduateship should be there, I do not find any reason for imposing another condition that the graduateship should be at least of three years standing. I fail to understand what difference there will be between a graduate who has taken a degree yesterday or a few days back and a graduate of three years standing. If the sponsors of this article think that for maturity of the educational qualifications, an experience of at least three years should be there, I think three years experience will be insufficient and inadequate. There should be at least five years experience for the maturity of the qualification of graduateship. My amendment suggests that this imposition of three years standing for being registered in the voters’ list under this clause 3 (b) should be deleted. I think the House will accept the amendment and revise the clause accordingly.

Shri V. I. Muniswamy Pillay (Madras : General): Mr. Vice-President, Sir, I beg to move the amendment that I have given notice of:

“That in amendment No. 1 of List I (Fourth Week) of Amendments to Amendments, in sub-clause (d) of clause (3) of the proposed article 150, after the word, ‘one-third’ the words ‘including seats reserved for Scheduled Castes as may be prescribed’ be inserted.”

Sir, the object of my moving this amendment is to get representation for the Scheduled Castes in the Upper Chamber. This House has been good enough to reserve seats for the Scheduled Castes in all the legislatures; but I fail to see any mention of representation for Scheduled Castes in the amendment so ably moved by the Honourable Dr. Ambedkar. It is true that members of the Scheduled Castes that are sent to the Lower Chamber, in the popular House, will have a chance of voting for representatives to come to the Upper Chamber. But, unless seats are reserved in the Upper House, I fail to see how it will be possible for the members of the Scheduled Castes in the Lower House to get a number of seats of adequate representation in the Upper House. Moreover, it has been said an account of the system of proportional representation by means of the single transferable vote, it will be possible for the minority community, especially the Scheduled Caste to get adequate representation in the Upper Chamber. I feel, Sir, it must be statutorily made possible, and whatever representation has been accepted by this August Assembly must be provided in the amendment so that the fear of the Scheduled Castes may not be there. This is the chief object with which I move this amendment and I hope the Honourable Dr. Ambedkar will accept it.

Mr. Vice-President : Amendment 71 is not moved. There are amendments in the printed lists. I do not know whether any Member would like to move any of those amendments.

Shri R. K. Sidhwa (C.P. & Berar: General): Those were disposed of last time.

Mr. Vice-President : They relate to the article as it stood and it is likely, some of the Members may like to move amendments standing in their names. The best thing is for me to read them out one by one.

(Amendment Nos. 2265 to 2268 were not moved.)

2269—Professor Shah.

Prof. K. T. Shah (Bihar : General): Sir, there are several amendments in my name which I would like to seek your guidance on. Under the new scheme suggested by Dr. Ambedkar, all these amendments would seem to be irrelevant. Thus the entire scheme being different, my amendments have been laid down according to the original scheme.

Mr. Vice-President : As a matter of fact all the amendments beginning from 2274 relate to the panels as proposed in the original draft, and they have no application—generally speaking to the new draft.

Prof. K. T. Shah : I feel it would create confusion in the House if one went on speaking on them.

Mr. Vice-President : It would be very good if Members who have got amendments to propose to the panel *i.e.*, the deletion of any of the classes mentioned in clause (5) or the insertion of new categories in clause (5) moved those heads for inclusion in or deletion from clause (5)—in other words as amendments to the new clause (5).

Prof. K. T. Shah : I submit that my earlier amendments relate to the proportions *e.g.*, one-fifth instead of one-third. These proportions are different under the compromise new draft. It would be better both from the point of saving the time of the House, as well as for clarifying issues if at the time of general discussion on the article these points are brought out, and not by amendments because if the amendments are moved there will be confusion.

Mr. Vice-President : Certainly. The amendments do not fit in with the new article.

Prof. K. T. Shah : In that case I would beg your leave not to move these, and reserve my points for the general discussion.

Mr. Vice-President : Certainly. That applies to all these amendments in the Printed List?

Prof. K. T. Shah : Yes, as far as I am concerned.

Mr. Vice-President : Does any other Member wish to move any of the amendments in the Printed List.

Shri H. V. Kamath : Sir, I have given notice of amendments to the amendment of Dr. Ambedkar.

Mr. Vice-President : I am prepared to permit you to move the amendments you have just handed in to me. In that case I presume you are not going to move any of the amendments on the Printed List.

Shri H. V. Kamath : No, Sir.

Mr. Naziruddin Ahmad : I have to move 2284 and 2287.

Mr. Vice President : You may move 'them. You will move them for insertion in clause (5) of the article.

Mr. Naziruddin Ahmad : Yes. These should be taken as amendments to clause (5) of the new draft. I beg to move:

“That in sub-clause (a) of clause (3) of article 150, after the word ‘art’ the word ‘medicine’ be inserted.”

I also beg to move:

“That in sub-clause (c) of clause (3) of article 150, before the word ‘engineering’ the word ‘Commerce’ be added.”

Vice-President : Unfortunately there is no ‘engineering’ in clause (5). Would you like to move that “engineering and commerce” be inserted ? Please move that as amendment to clause (5).

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

‘That ‘medicine, engineering and commerce’ be inserted in clause (5).”

Shri S. Nagappa (Madras: General): I want to move amendments 66 to 68 to article 150.

Mr. Vice-President : You were not in your place when these amendments called. Provided you move them quickly without taking up much time of the House, you may move them.

Shri. S. Nagappa : I beg to move:

“That in amendment No. 1 of List I (Fourth Week) of Amendments to Amendments, in the proviso to clause (1) of the proposed article 150, for the word ‘forty’ the word ‘forty-five’ be substituted.

That in amendment No. 1 of List I (Fourth Week) of Amendments to Amendments, in sub-clause (b) and (c) of clause (3) of the proposed article 150, for the word ‘one-twelfth’, wherever it occurs, the word ‘one-fifteenth’ be substituted.

That in amendment No. 1 of List I (Fourth Week) of Amendments to Amendments, in sub-clauses (a), (b), (c) and (d) of clause (3) of the proposed article 150, the words ‘as nearly as may be’, wherever they occur, be deleted.”

Sir, my intention in moving those amendments is that in clause (1) it has been stated that :

“Provided that the total number of members in the Legislative Council of a State shall in case be less than forty.”

Now, by dividing, how will the representation be given to each section of the electorate? You cannot divide 40 by 12. Because 4 will remain. If you make it 45 and if you enhance this twelve to fifteen, forty-five will be easily divisible by fifteen. That will be very easy mathematically. One-third of fifteen will be five, and in place of one-twelfth, I want that we should substitute one-fifteenth. If there are forty seats to be divided, and if you mean to take only one-twelfth, then four still remain. On the other hand, if the number is to be forty-five and the proportion is to be one-fifteenth, then it will mean that three members will be selected.

I am glad that you have now given representation to the teachers. Teachers of our land have been the silent sufferers all these years. They are, I think, the lowest paid. The teachers of our country are the lowest paid in the whole world, and I am glad that at last you have recognised their right to be represented in the legislative council.

You have also been good enough to give representation to local bodies like the district boards and municipalities. In this, I feel you have gone a long way in the direction of progress. But this progress will not be complete unless and until you give sufficient representation to labour. Sir, labour is one of the most important

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sections of our society and it also forms the bulk of our population. They are responsible for increasing the production in our country and for the well-being of our country. If the rights of labour are not recognised in this connection, I am afraid you are ignoring the bulk of our population.

71. "That in amendment No. 1 of List I (Fourth Week) of Amendments to Amendments after sub-clause (d) of clause (3) of the proposed article 150, the following new sub-clause be inserted :—

“(dd) one-fifteenth shall be elected by Agriculture labour from amongst the labours classes.”,

Mr. Vice-President : Are you moving your amendment No. 71 now ?

Shri S. Nagappa : Yes, Sir. They are all connected.

Mr. Vice-President : Have you finished?

Shri S. Nagappa : Not yet. In order to facilitate the giving of one-third to the local boards, one-third to the graduates and one-fifteenth to labour, you must have the number as 45. The rights of labour should be recognised without the co-operation of labour the country cannot progress one inch. It is their right to be represented in the Upper Chamber. They have been ignored and so I have had to bring in these amendments, so that you, may not disturb your distribution of the seats or the quotas to the various sections. If you accept my amendments, the problem of distribution is automatically solved, from the view-point of labour, of the teachers the graduates and the local bodies. It is also in line with your wish that each section of the population of this country should be given representation. I hope the Honourable Ambedkar will not hesitate to accept my amendments as they are so reasonable and equitable. I would also request honourable Members to see the point in my amendments and also appreciate the importance of labour in our country. You should give encouragement to labour so that it may produce more and more so that the country may progress further and further. I hope the honourable Members will accept these simple amendments without any hesitation. I thank you very much.

Mr. Vice-President : I now call on Mr. Kamath. He has given notice of some amendments which I have permitted him to move.

Shri H. V. Kamath : Mr. Vice-President, at the outset I crave the pardon of the House for having given notice of my amendments only this morning, as a consequence of which, Honourable Members have not been supplied with copies of my amendments. This was partly due to the fact that the Drafting Committee's draft article 150 did not reach me—I do not know whether that was the case with all—the draft did not reach me till late on Wednesday night, and so there was hardly any time to set out my amendments before this morning. I shall, however, read the amendments of which I have given notice.

I have given notice of four amendments which I will read out one by one.

The first is :

“That in amendment 1 of List I, Fourth Week, (that is to say, the amendment now under consideration moved by Dr. Ambedkar), the proviso to clause (1) of the proposed article 150, be deleted.”

That is the proviso which says :

“Provided that the total number of members for the legislative council of a state shall in no case be less than forty.”

The second amendment is :

“That in amendment 1 of List I of Fourth Week, in clause (2) of the proposed 150, the words ‘Unless Parliament by law otherwise provides’ be deleted.” (That is to say, the first portion of clause (2) be deleted.)

My third amendment is :

“That in amendment 1, List I (Fourth Week), in clause (5) of the proposed article 150, the words (they are in the last clause of the proposed article)—‘Co-operative movement’ be deleted.”

And the last amendment of mine is to the effect :

“That in amendment 1 of List I (Fourth Week), in clause (5) of the proposed article 150, before the word ‘literature’, the words ‘religion, philosophy’ be inserted.”

That is to say, the list would read :

“religion, philosophy, literature, science, art and social services.”

I hope, Sir, that I have read out the amendments very audibly and clearly to the House so that they have an idea of the scope of my amendments. I propose now to take these amendments, one by one. May I speak now, Sir ?

Mr. Vice-President : Yes.

Shri H. V. Kamath : I take up, Sir, the first amendment, that is to say, the one relating to the proviso to the proposed article 150. The proviso lays down that the total number of members in the Upper Chamber of a State shall in no event be less than forty. During the discussion of this article, on the last occasion, some-days ago, I had the opportunity of pointing out to the House that there are several States in the Indian Union whose population is perhaps not very much more than six or seven million. If that be so, the Lower Chamber in such States will consist of sixty to seventy members, and in a State where the Lower Chamber has not more than sixty to seventy members, it would be most undesirable to have an Upper Chamber consisting of forty members. The original draft of article 150 in the Draft Constitution had no such proviso and it fixed only the upper limit, which was to the effect that it should not exceed one-fourth of the total strength of the Lower Chamber. I submit that that would be adequate to our needs. If in any State the Lower Chamber consists of only 40, 50 or 60 members, you may have, if the State wants it, an Upper Chamber, but I do hope such States will not in practice desire the luxury of a Second Chamber. But if they do opt or vote for one, then I feel that they should be content with having an Upper Chamber of twenty to twenty-five or thereabouts. Today, I know that in Coorg the Council consists of twenty members. I feel and I urge upon this House that we should not countenance the setting, up, in tiny States of less than ten million population, of a Second Chamber with a strength of forty members. It will not only be a luxury but an unnecessary drag upon the Lower House, and if we once provide in this article that the minimum shall be forty, then every tiny State in our Indian Union will be encouraged, and instigated if I may use the word, to ask for a Second Chamber. If we lay down definitely that we shall not have more than one-fourth of the Lower Chamber in the Upper Chamber, then many tiny States will not vote for a Second Chamber in their States. Besides, we have already passed an article in this House that Parliament may by law provide for the setting up of a Second Chamber in a State where there is none if the Legislature of that State asks for one; and this proviso under reference will act as an encouragement to tiny States of five million and six million population to ask for a Second Chamber, because they will be guaranteed a strength of forty in the Upper Chamber. I think this situation should not be countenanced and we should delete the proviso because in bigger States which have more than fifteen and sixteen million population, it will be forty *ipso facto* as the Lower Chamber will consist of more than members; but tiny States should not be encouraged to have a Second Chamber in their own States.

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The second amendment is with regard to clause (2) of the proposed article. I seek deletion of the first part of this clause which vests in the future Parliament power to alter the constitution of the Upper Chambers in the States. I feel that so far as the composition of Upper Chamber—or Lower Chambers for the matter of that—is concerned, it should be more or less sacrosanct and open to change only by means of an amendment to the Constitution and not by a law of Parliament.

In clause (3) we have vested power in Parliament as regards certain matters relating to the determination of Local Authorities which might vote in this connection and the qualification for graduates. All that I am content to leave to Parliament. But the composition of the Upper Chamber or both Chambers, should be alterable only by an amendment to the constitution and not by a simple majority in Parliament. Yesterday, I remember that Dr. Deshmukh pointed out to Section 61 of the Government of India Act, which puts the composition of the Chambers of the Legislatures on a different footing from subjects connected with franchise and other cognate matters. Even the Government of India Act, which we regarded as reactionary, gave a separate and more important and sacrosanct place in the Act to the composition of the Chambers.

So, I feel that so far as the composition is concerned, we, should lay down specifically that that can be altered only by an amendment to the Constitution and not by a law made by Parliament. With regard to the other matters mentioned in clause (3), there is no harm if they are left to determination by Parliament by law, but in my judgment, the composition of the Chambers is so important that Parliament should have no hand in changing it except by an amendment to the Constitution.

Next, I come to amendment 3. I might however take amendments 3 and 4 together. Clause (5) provides that the nominees of the Governor in the Upper Chamber shall be persons having special knowledge or practical experience in respect of literature, science, art, co-operative movement and social services. Through my amendment, I seek a change in these various categories. I wish to provide that the nominees of the Governor shall be persons who will have special knowledge in the fields of religion, philosophy, literature, science, art and social services. It passes my comprehension why the category of “co-operative movement” has been included specifically in this clause and why so much importance has been attached thereto. I am all for co-operation everywhere, in the House and outside the House. Without co-operation we will get nowhere. No nation can get anywhere without co-operation. But to specify the cooperative movement in this clause seems to me to be wholly unnecessary, and if at all it is necessary—and if the wise men of the Drafting Committee feel that they must find a place for men and women eminent in the cooperative movement in the Upper Chambers there is the category of social services. I suppose the term ‘social service’ if understood in a wider sense does include the co-operative movement. It is not a political service, or educational service : the co-operative movement is a social service. And when social service is provided for, I do not see why we should specifically provide for the co-operative movement. I do not know who has suggested this particular category to be included. It is, if at all, a sub-category and it should find no place as such in this clause.

Coming to the suggestion of two new categories, that is to say, religion and philosophy, I should like to plead with the House that in spite of repeated

admonitions to us that ours is and will remain a secular State, I am convinced that the secularity of the State cannot act as a bar to men of religion or philosophy. After all the only argument that may be advanced against my amendment is that a secular State does not necessitate the presence of men and women of religion or philosophy in our legislatures. That to my mind is a wholly erroneous conception. The conception of a secular State is in my humble judgment not a State which has discarded religion or philosophy in the highest sense but a State which is in the highest degree spiritual, and in the light of that highest spirituality or highest religion, regards all religions as one and makes no distinction between one religion and another. Is it necessary, I ask, to plead with my honourable colleagues here that the presence of men and women who have devoted or dedicated their lives to the cause of the highest religion and the highest philosophy—spirituality—will lend colour and dignity to the House? Have we not felt on many occasions the presence of my friends, who today are not here, Dr. Radhakrishnan and Rev. Father D' Souza, through eloquent speeches here having contributed to the weight of our debate? Have we gone so far in our interpretation of a secular State that we consider that there is no place in our legislatures for men of philosophy and religion? I for one will shudder to think if we lay down a constitutional bar to the admission or the entrance of men of philosophy and religion in our legislatures. After all, we in India have always stood for certain fundamental spiritual values. Even if other legislatures have not provided for and not given a place to such men of religion and philosophy—I think I am not quite right in saying that, because in the British Parliament we have the Lords Temporal and the Lords Spiritual; some other countries too have similarly provided, I suppose the Irish Parliament and other countries—but even if they have not, it does not act as a precedent to me. We framing the Constitution for our country, should not give the go-by to the finest traditions of our race, country and nation. We should not in any way make the world feel that the men of religion and philosophy have no place in our legislatures. It was only a few months ago that this Assembly accepted an amendment of mine providing for an invocation of God in the oaths to be administered to the President and to the Governors. I say it will be wholly in conformity with the spirit in which this House accepted that amendment invoking the name of God Almighty, if we provide that in the Upper Chambers—this clause only deals with that—we give in honoured place to Hindu, Muslim, Parsi, Sikh and other divines. I would welcome the divines of every religion in the Upper Chamber so that it will conduce not merely to the dignity of the Chamber and to the raising of its level, but also conduce to harmony in the House.

As regards the amendment moved by my Friend Mr. Naziruddin Ahmad that medicine should be given a place I feel that medicine is comprised in science and so there is no need for a special amendment as regards medicine. It may be argued against this amendment of mine that literature or art or science or altogether, may comprise philosophy. Science of course in the highest science according to the Greek *scio* meaning 'to know', that is, knowledge—does connote the highest knowledge—*paravidya* and *aparavidya*—but science as it is currently known and as it is in vogue today does not connote philosophy and religion. As a matter of fact all the eminent scientists today are agreed on this point that where science ends, religion begins. I agree that the day may come when the thin partition between science and philosophy may vanish and the highest science and the highest philosophy may be used into one whole. But that is not so now and we are legislating for this particular period when there is science and art on the one hand and religion and philosophy on the other. I, therefore, urge that the categories mentioned in clause (5) be widened or increased so as to include representatives of philosophy and religion. And I hope that in the future Parliament of this country the Upper Chamber will include men who have dedicated

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their whole lives not merely to literature, science and art but also the highest philosophy and the highest religion.

I move, Sir, my various amendments and commend them to the acceptance of the House.

Mr. Vice-President : I should like to remind Members that we have had a long discussion on this article on a previous occasion. I hope they will confine themselves to new points and make them briefly.

Shri Brajeshwar Prasad (Bihar: General): Sir, I rise to oppose article 150 as moved by Dr. Ambedkar. In clause (1) it is mentioned that the total number of Members in the Legislative Council of a State having such a Council shall not exceed one-fourth of the total number of Members of the Assembly of that State. I do not see why the membership should be limited to one-fourth of the total. Secondly, in clause (2), the words, "as Parliament by law prescribe" still find a place. I had hoped that after our discussion of this article last time this nasty business of Parliament interfering with the composition of the Legislative Council will be averted. It is my impression—I am open to correction, I hope that my suspicions are unfounded, but this is my impression—that the Members of the Drafting Committee have now changed their minds, they have now come to the conclusion that it is not desirable to have a second Chamber in the Provinces, therefore they are now resorting to these methods so that it may not be possible to have second Chambers at all in the Provinces. In the article it is not mentioned when the Parliament should decide the composition of the Legislative Council; the whole question may be left undecided. The Government of India on the plea of want of time may not come before the House to decide the question of the composition of the Legislative Councils. The result will be that on the commencement of the Constitution there will be no Legislative Councils in the Provinces.

Sir, I am a keen supporter of second Chambers in the Provinces. I feel that we are taking a grand leap in the dark. Adult franchise will release forces of violence and of disorder on a scale of which probably we have got no idea at present. Therefore, I feel that there should be some Organisation in the country which may act as a brake on the vagaries of adult franchise. Secondly, in all the sub-clauses of clause (3) Parliament comes in. It is for the Constituent Assembly to decide and not for Parliament, as to what should be the other local authorities over and above the Municipalities and the District Boards which should form the electorate of the Legislative Councils. Again in sub-clause (b) it has been left for Parliament to prescribe the qualifications which shall be equivalent to that of a graduate. Again, in sub-clause (c) it has been left for Parliament to decide the electorate and in clause (4) it has been mentioned that the Members to be elected under sub-clauses (a) to (c) of clause (3) of this article shall be chosen in such a manner, in such territorial constituencies as may be prescribed by or under any law made by Parliament.

So, I am definitely of the opinion that there has been a fundamental change in article 150. The article which finds its place in the Draft Constitution is of an entirely different character where Parliament has not been empowered to interfere with the composition of the House. But somehow or other, for reasons best known to the Members of the Drafting Committee—probably they may not be responsible, they may not be free agents in this matter—somehow or other this thing has been foisted. I do not see how the future Parliament of India shall be in a better position to come to a decision on the question of the composition of the Legislative Councils. We have been sitting here since the last thirty-three months. If we are not in a position to decide the composition of the Legislative Councils, I do not see any reason why the future Parliament of India will be in

a better position to decide this question. It is no use postponing the evil day. It is far better that we sit here and decide the composition of the Legislative Councils, or let us frankly say that there is no need for Legislative Council in the States. Probably most of the Members will agree and abide by the decision on higher bodies and authorities.

I would like to reiterate once again my stand on this question of the Legislative Councils. I want that these bodies should be nominated bodies. A Legislative Council should be nominated by the Governor in his discretion, or by the President. The Members should be nominated for life and all the Members must have some educational qualifications. It is no use sending a Member who does not know how to sign his own name. I have no objection if a Member is elected by a municipality or a district board, let the municipal commissioner go to the Legislative Council but such a municipal commissioner must be a graduate. I have no objection to a school teacher going to the Legislative Council, but such a school teacher must be a graduate. I have no objection to a Member of the Provincial Assembly going to the Legislative Council, but such a Member must be a graduate. I have no objection to the Governor nominating persons to the Legislative Councils but I want that he should nominate only graduate Members. There is no use sending illiterate persons to the Legislative Councils.

Shrimati Purnima Banerji (United Provinces : General): Mr. President, Sir, article 150 had come up for discussion before this House on a previous occasion and the question of who should form the Upper House was discussed at that stage. As the amendment now proposed as to who should elect these Members—municipal boards or the Provincial Assemblies—the electorate was mentioned but not the qualifications of those who are eligible for membership of the Upper House.

If we look into the reason why an Upper House is constituted, we all feel that the necessity of such an Upper House was that it should be a revising body, it should give the Assemblies an opportunity to include any small amendments or useful amendments and also that the Lower House should have the benefit of such Members of the society who could not stand for election in the adult franchise electorate—such useful members of society should be associated in the work of legislation and government at some stage or the other. Therefore, Sir, I feel that, keeping this object in view, a certain kind of qualification for Members should have been laid down even for those two categories, that is those who are to be elected by municipalities and district boards and those who are to be elected by Provincial Assemblies.

There is another point. I am glad that the teaching profession has also been associated. I would only emphasise that not only teachers of schools but also voluntary teachers, should be included. In the new set up, if education is to make any great advancement, I am sure we shall need the help of able and qualified persons who will act as voluntary teachers. I would therefore suggest that in the teaching profession one should include voluntary teachers also. From time to time our Ministers have been appealing to the public to come and help in this great work. I, therefore, feel that their association should be sought.

Thirdly, where you have asked for nomination of Members by Governors, the words used are “social services”. In this connection, I had given notice of an amendment to the effect that “social service” should include “voluntary social service”. The object with which I tabled that amendment was that by social services as we all know, or as the House is now passing the article, I am sure they have in mind voluntary social service or social service done by such useful bodies as the Harijan Sevak Sangh, the Kasturba Memorial or any other similar

[Shrimati Purnima Banerji]

organisations where the workers are paid undoubtedly but it is hardly a payment but more or less a stipend, and they give most of their time to this work. I emphasise the words 'voluntary social service', because lately provincial and other Governments have opened branches of studies in the subject and are giving diplomas for attending the social service camps which are organised. For women workers who wish to do such social service the provinces have not provided opportunities for opening such camps. Facilities are lacking for opening such social service institutions. Therefore, when I say that voluntary social service should be included I mean that women's organisations which are in the field and whose members are eligible for such nominations should not be left out by a narrow interpretation of the words 'social services'.

Another suggestion that I want to make is that a certain form of labour which is, unorganised and which is not formed into a constituency may, as labour is allowed representation in the Lower House, be allowed representation also in the Upper House and the co-operation of those Useful members of society secured.

Shri V. S. Sarwate (Madhya Bharat) : Sir, in the proposed article 150, it may be noted that clause (3) gives representation to University graduates. The wording of the clause as it is, raises some difficulty. The expression "consisting of persons who have been for at least three years graduates of any university in the State" means that for graduates to be electors two conditions are necessary : that they must be firstly graduates of three year's standing and secondly the university must be in the State. It may be seen that this would cause much difficulty. For instance in Central India there is no university located. Therefore any university graduate in Central India may not be able to vote under this clause. The other difficulty is that before 1904 there was no University Act prescribing territorial Jurisdiction to the universities. Therefore any person who was desirous to appear for a university examination was able to appear for examinations of universities outside his province. For instance, a Bombay student was allowed to appear for the examinations held by the Calcutta University. So there may be now in Bombay many persons who are graduates of the Calcutta University. It may also happen that persons who were first residents of Calcutta and have become Calcutta graduates may have migrated to other provinces and become residents there. Such persons, being graduates of a university located outside the State *i.e.*, the province may not be able to vote in that province or State. To avoid this difficulty, I beg permission to move two amendments which bring out the intention of the Mover in a more consistent way. I hope Dr. Ambedkar would accept them. The first amendment that I propose is this. : In clause (b) in the second line, after the word 'persons' add the words "who are habitually residing in the State and."

My second amendment is that, for the words "in the State" which occur after the words "any University", substitute the words "in the territory of India". So the clause as amended would run thus : "as nearly as may be, one-twelfth shall be elected by electorates consisting of persons who are habitually residing in the State and who are graduates of any university in the territory of India". I trust these amendments will bring out the intention more clearly and will be acceptable to the honourable Mover.

Dr. P. S. Deshmukh (C.P. & Berar: General) : Mr. Vice-President, Sir, it was at the instance of the Honourable the President that we have here an outline of the composition of the Second Chambers in the Provinces being determined in this Constitution and not being left to Parliament as was suggested earlier. I say it is an outline, because, as honourable Members will be pleased to

see, in almost every clause there is something that will have to be decided by Parliament. Every clause contains the words 'as Parliament may by law specify, or as may be, prescribed by law.' This shows that the whole structure of the Second Chambers is presented here in a bare outline, specifying merely the numbers which will approximately represent the various interests mentioned herein.

Now, in spite of the fact that we have this outline before us, I think it is yet correct to say that there is no need as a matter of fact for Second Chambers at all because even now we are not certain as to what particular interests deserve protection and representation in those Houses. We are going by resorting to this amended article to give representation in the Second Chambers in certain provinces to such categories of persons and people as are hardly worthy of it in a stricter sense. If we examine the article from this point of view, we will have to accept the contention that the composition of the Second Chambers is not going to be anything, radically different from the composition of the Legislative Assemblies *i.e.*, the lower Chambers. As many as one-third are going to be chosen by the members of the Legislative Assembly themselves. It is improbable that they would choose anybody unlike themselves. They are likely to choose men of the same qualifications and social status as themselves. Probably economically also those thus selected will be more or less on the same footing as those who have been selected by adult franchise to the Provincial Assemblies. Then, if we look at the other categories such as persons who may be chosen by graduates and; teachers, there is no likelihood that any of the best elements in society will be chosen. They are again likely to be of the same nature as members of the Legislative Assembly. This article also bears the imprint that it has been very hurriedly drafted. There are so many unsatisfactory expressions used in it and so many errors one of which was pointed out by Mr. Sarwate. There is also an element of chance so far as the making of the whole Constitution is concerned, This is borne out by this particular article. I do not think honourable Members will point out that on any occasion at any discussion a secondary school teacher was intended to be a voter for election of members to the Second Chambers. I had never heard of it. I hear for the first time this important privilege being given to the secondary school teacher in the amendment proposed by Dr. Ambedkar. We have graduates of universities. One can understand representation being given to them. I do not see why a secondary school teacher has been brought in for this privileges. And if a secondary school teacher is lucky enough to find a place why not include the primary school teacher also for the grant of this privilege ? I think this is very unfair to the primary school teachers. Secondly, when we are considering a graduate as a qualified person to elect persons to the Second Chambers, and also a secondary school teacher, how will it be possible to keep these people away from politics? Sir, I do not think that the Drafting Committee has paid very careful attention to this side of the question. There is going to be a very large number of persons in the Government services and those persons are likely to be mostly graduates even if the views propounded from time to time by my honourable Friend Mr. Brajeshwar Prasad are not acceptable to this House. Wherever we go, we shall meet with graduates and already thanks to the British Government's attaching disproportionate value to university education and the fetish they made of university degrees with which I completely disagree, we will be having a very large proportion of our graduates in the Government services. On the one hand you will have to deny them the franchise or on the other if we give the franchise, you will have to drag them into and permit them to dabble in the day to day politics. I would like the Honourable Dr. Ambedkar to imagine what will be the condition of the services . Would it be wise to permit the permanent services to take part in politics and to enter elections not probably—at any rate I hope not—as candidates but as

[Dr. P. S. Deshmukh]

voters ? And what will be the effect of all this on the whole politics of the country. I leave it to the honourable Members of the Drafting Committee to judge. I have got an instance in point which will show the kind of things the permanent services are capable of doing. A graduate of a particular standing in the Nagpur University can select a certain number of representatives on the Nagpur University Court *i.e.*, lower body in the University and it has been our experience that more than half of these people were permanent Government servants because they had the required influence and the required power to influence by canvassing in direct and indirect ways; they could, sometimes against the wishes of the voter, collect the voting papers from the voters, get their signatures beforehand and post all the voting papers in one bundle to the University so that even before the result was declared the required first preferences having been already securely secured their election was guaranteed and a certainty. Here also we are going to have the same system of proportional presentation for which some members show great admiration and with which they are fascinated. I for one think that this aspect of the question in regard to the franchise we are proposing for representation on the Upper Chamber should be considered with greater care so far to see whether it will be wise to allow the permanent services who are bound to be graduates to interfere in the elections and to take part in politics.

Another point which I would like to emphasise is that the Drafting of this Constitution appears to me to be a veritable lottery. At least two categories of persons who could have never dreamt of getting any representation in the Second Chamber appear to have got the merest chance. I refer to the inclusion of the words "co-operative movement" as selected for nomination by Governor. This has been rightly criticised by my honourable Friend, Mr. Kamath. It was really suggested that all persons who are members of primary co-operative societies should be given votes along with the members of the local boards, municipalities, etc., so that they may take part in the election and be included in sub-clause (i). I cannot understand what particular competence, what special expert knowledge, what special qualification the co-operative movement itself is presumed to possess so that the Governor must choose somebody from that movement. This is an absolutely funny proposal and I do not know what milder words to use. I think this is really something that has just crept into the article without anybody's strong volition. I am at any rate not aware of any demand from any quarter in this regard. The wording is absolutely ununderstandable to me except as a pure accident unless we intend that Rao Sahibs and Rai Bahadurs who have prospered under it should be, helped and promoted. They never contributed a single pie, borrowed anything, they merely took the money from the Government or some one else and gave it to the agriculturists. It is such persons who are supposed to be the great and celebrated cooperators. If it is intended to make a law so that the Governor could nominate such nonentities, such people who have exploited both the agriculturists as well as the Government and give them representation on the Second Chamber, then alone the provision is understandable; otherwise, I am absolutely at loss to understand how the co-operative movement should get a place in this sub-clause (5). I am really very much surprised. The other instance of persons who got representation on the Upper Chamber are the school teachers. On the whole, we find that the totality of the representation we are going to have on the Second Chamber is not going to be very much different from the composition which we are going to have so far as the Provincial Assemblies are concerned and that being so there is no use wasting our energies spending so much time and money on the composition of this House since it is not going to be anything much different. I feel like foretelling that this House will probably

be more reactionary than even the Provincial Assembly. The only justification for a Second Chamber is that a State should have for the purposes of stability and as a check on hasty and harmful legislation a Chamber consisting of such persons who are not likely to take part in the day to day politics and to fight elections and spend the money that elections need. Their experience, their nature judgment and their position in the society and country are such that they do not want to take the trouble of going through an ordinary election. But at the same time they constitute the more sober elements in the society and it is a national loss if their experience cannot be availed of or placed at the service of the State. It is for these purposes that Second Chambers are provided for. Is there any room except the nomination by the Governor for such persons to come to the Second Chamber? There is none. Almost every one else is going to be of the same position as the members of the Provincial Assembly and therefore the whole paraphernalia is going to be completely unnecessary and burdensome and it is not likely to serve the purpose which is intended by the Drafting Committee. I think this House will be committing an error in accepting this article as it stands and to have a Chamber like this which will be absolutely useless and will not serve any purpose which such chambers are calculated to serve. I would therefore like to suggest, Sir, that the whole structure of the Second Chamber should be completely modified or that the whole thing ought to be dropped.

Shri T. T. Krishnamachari (Madras: General): The question be now put.

Mr. Vice-President : Closure has been moved. I am going to place.....

Prof. K. T. Shah: I already said I will reserve my remarks for a general discussion.

Mr. Vice-President : Prof. Shah may now speak. After he speaks, I will put the closure.

Prof. K. T. Shah: At the time when this amendment came to be discussed, the amendments which we originally tabled became overlapping, or mutually inconsistent: and in the desire to save the time of the House, as well as to maintain the clarity of the issues to be discussed, I offered to withhold those amendments. I am afraid, however, that the compromise draft that the Honourable the Chairman of the Drafting Committee has placed before the House, is not even not satisfactory to the sections of the House interested in such matters; it makes matters worse than even the original article to which this amendment has been presented. I would, however, confine my remarks to the new article proposed by Dr. Ambedkar, and would like to point out that in almost every respect the new draft does not make any improvement over the original article.

On the previous occasion when we had a discussion on the subject Dr. Ambedkar himself reminded the House of the classic remark of Abbe Sieyes who said that if the Second Chamber agreed with the first House—the lower House, it was superfluous; and if it disagreed, it was dangerous. I am afraid that, true to his own learning, he has made a presentation of a Second Chamber which is going to be both superfluous and dangerous and which would not make it at all suitable for the carrying out of the real function that the Second Chamber may usefully or harmlessly discharge?

In this case, as it has already been pointed out, the limitation on the total strength may become incongruous, in view of the strength of the population in the different States; and the actual of a Second Chamber in a State may be such as to be perhaps incompatible with or unworkable along with the Lower Chamber.

[Prof. K. T. Shah]

But, leaving that matter aside as a mere matter of detail, I would invite attention to another point which relates to the elective principle and the nominating principle that are both attempted to be combined in this Draft. Certain elements of the Second Chamber as here proposed are to be elected; and the constituencies or electorates are to be framed in accordance with the laws made by Parliament : I take it, that it means the Central legislature, the central lawmaking body. That is to say, the local legislatures or the local authorities would not have any initial say in the composition of that body, so far at any rate as these electorates are concerned.

At the same time, in a later clause of this article, nomination is brought in by the Governor, who is primarily, exclusively a local authority. The combination of these two authorities plus the election by the local legislature, the local Lower Chamber, makes a hotch-potch, I think, of the various interests or authorities entitled under this amendment to send their nominees or representatives to the Second Chamber.

The purpose of the Second Chamber, as has been laid down in the different parts of the Constitution, would be to join in the legislation, have a sort of watch or supervision over the administration though not equal authority over the finances and sometimes to delay what might be called hasty legislation. If that is to be the purpose or function of the Second Chamber as conceived in this Constitution, the provisions here made for its constitution would, I am afraid, not at all serve that purpose.

In the first place, its total strength is too small, it will not be more than one-fourth of the First Chamber, and consequently will not ever be in a position effectively to influence opinion as formed by the majority of the Lower Chamber, unless, of course, that majority is a very chancy or a slight majority.

Secondly, there are to be in the Second Chamber elements representing to the extent of one-third plus one-sixth, that is, five-sixths, that would be really in one way or another nominees of the Lower Chamber. The Governor nominates about 2/6ths. He will act presumably on the advice of the party in power. Therefore, these would be up to at least five-sixths creatures of the Lower House or of the Governor acting on the advice of the party in power in the Lower House. As such, it will only be a duplicating or complicating machinery without making it more useful. A suggestion has been thrown out, not as an amendment, but as a remark in the course of the debate, which would make some elements in this House or a section of the House as life appointees. Being myself against the Second Chambers on principle altogether, I do not look upon it as an improvement to make a life tenure for some of the members. In any case, the composition, whether by nomination or election by the Lower House and nomination by the Governor, would be, to some extent, confusing, I think, with the general electoral principle as determined by central legislation enacted by Parliament.

Then, again with regard to the various elements which are sought to be brought into the Second Chamber such as representatives of graduates and teachers. I really do not see what purpose they would be peculiarly qualified to serve, that the members elected by the local bodies or elected by the lower Chamber will not be able to serve. It seems to me that these other bodies, particularly, the graduates and teachers, one-twelfth each, will be really helping, if at all, to confuse the issues so as to make the discussion more difficult and bewildering and progress more hampered rather than serve any useful purpose. Dr. Deshmukh and other speakers have pointed out the way in which graduates, for instance, have been acting in their own nearer interests of the University elections. I may quote my own experience of the working of the graduates electro-

rate. However, strong a believer I may be in their right to be represented in the University bodies. I am afraid to make of them a special electorate for the Second Chamber in a State. And the three years standing appears to me to lack any reason or principle.

Whatever may be the convenience of securing them as elements to be represented in the Second Chamber, I fail to understand what principle there could be in just selecting graduates and teachers against any other section or professions in the State. The teachers, moreover, would be a part of the social services. I take it social service is such a wide and comprehensive term that it can easily include the teachers, health workers, public welfare visitors to Jails or factories and so on, so that if we really want to have Social Service as such, as a category to be represented by itself, to select a fraction of it like the teachers separately is again an over doing or rather duplicating the machinery.

The classification in the last instance of certain elements to be nominated by the Governor, such as science, literature, art, cooperative movement and social services, seems to me again to suffer from the same defect of there being absolutely no principle whatsoever by which these items have been chosen and others, which could be put equally on a par with them, are left out.

My Friend Mr. Kamath mentioned, for example, that he would like to add religion. This is the one subject on which I am afraid I have never been able to agree with Mr. Kamath. Representation of religion in a body of this kind seems to me to be utterly uncalled for and out of place. However, it is also a category that might have been suggested, though in what way that category would function I cannot quite imagine, myself. Would you choose the Ministers of religion ? Or would you choose those who profess or speak loudest in its praise ? Or those who follow silently whose number is unknown ? These are categories which if included in the Second Chamber appear to me to be only giving so much more power to the Governor or his Advisers to put for ornament's sake or for the sake of honouring those particular persons who are supposed to represent art, literature, science, co-operative movement and social services. Of all these perhaps the co-operative movement is the only one which may be said to have some definite Organisation. If selection were to be made out of such elements, here is the only one illustration where selection could be made according to some reasonable understandable principles. For the rest, eminence in science, art, literature or social service would be judged more by a person's occupying certain chairs or posts, and having a certain reputation as a publicist; or indications of this character rather than representation of the whole element as such which is not organised, unless, again, it may be the intention to select such people from the Universities for example which are said to represent or embody the faculty of art, faculty of science and so on.

For all these, reasons, it is evident that this compromise draft will not really serve any purpose, let alone the purpose of making the Second Chamber useless in itself and dangerous in its possibilities, and will not make the Second Chamber a part of the machinery that would add weight to our Constitution, to the dignity of the deliberations in the legislative bodies and to the sound working of a democratic system.

Mr. Vice-President : I will now put the closure motion to the House.

The question is:

“That the question be, now put.”

Mr. Vice-President : Closure is accepted.

Some Honourable Members : The Noes were more vociferous.

Mr. Vice-President : May I call again ?

The question is:

“That the question be now put.”

The motion was adopted.

The Honourable Dr. B. R. Ambedkar : Mr. Vice-President, Sir, out of the amendments that have been moved, I am prepared to accept the amendments moved by Mr. Sarwate. I think he has spotted a real difficulty in the draft as it stands. The draft says University in the State. It is quite obvious that there are many States with at present no university. All the same there are graduates from other Universities who are residing in that State. It is certainly not the intention to take away the right of a graduate residing in a State to participate in the elections to the Upper Chamber merely because he does not happen to be a graduate of a University in that particular State. In order therefore to make the way clear for graduates residing in the particular State, I think this amendment is necessary and I propose to accept it. I would only say that the word ‘habitually’ is perhaps not necessary because residence as a qualification will be defined under the provisions of article 149 where we have the power to describe qualifications and disqualifications.

With regard to the other points of criticisms, I do not know that those who have indulged in high-flown phraseology in denouncing this particular article have done any service either to themselves or to the House. This is a matter which has been debated more than one. Whether there should be a Second Chamber in the province or not was a matter which was debated and the proposition has been accepted that those provinces who want Second Chambers should be permitted to have them. I do not know that any good purpose is served by repeating the same arguments which were urged by those Members at the time when that matter was discussed.

With regard to the merits of the proposition which has been tabled before the House, I have not seen any single constructive suggestion on the part of any Member who has taken part in this debate as to what should be the alternative constitution of the Second Chamber. Here and there bits have been taken and denunciations have been indulged in to point out either that that is a useful provision or a dangerous provision. Well, I am prepared to say that this is a matter where there can be two opinions and I am not prepared to say that the opinion I hold or the opinion of the Drafting Committee is the only correct one in this matter. We have to provide some kind of constitution and I am prepared to say that the constitution provided is as reasonable and as practicable as can be thought of in the present circumstances.

Then there were two points that were made, one of them by my Friend Mr. Nagappa. He wanted that a provision should be made for the representation of agricultural labour. I do not know that any such provision is necessary for the representation of agricultural labour in the Upper Chamber, because the Lower Chamber will be in my judgment having a very large representation of agricultural labour in view of the fact that the suffrage on which the Lower Chamber would be elected would be adult suffrage and I do not know.....

Shri S. Nagappa : If that is the case, all other sections also to whom you are giving will also get representation in the Lower Chamber.

The Honourable Dr. B. R. Ambedkar : They are provided for very different reasons agricultural labour would be amply provide in the Lower Chamber.

My Friend Shri Muniswami Pillai by an amendment raised the question that there should be special representation for the Scheduled Castes in the Upper Chamber. Now, I should like to point out to him that so far as the Drafting Committee is concerned, it is governed by the report of the Advisory Committee which dealt with this matter. In the report of the Advisory Committee which was placed before the House during August 1947 the following provision finds a place :—

“(c) There shall be reservation of seats for the Muslims in the Lower House of the Central and Provincial Legislatures on the basis of their population.”

“3. (a) The section of Hindu community referred to as scheduled Caste and defined in scheduled 1 to the Government of India Act 1935 shall have the same rights and benefits which are herein provided for etc., etc.”

which means that the representation to be guaranteed to the Scheduled Castes shall be guaranteed only in the Lower Houses of the Central and Provincial Legislatures. That being the decision of the Constituent Assembly, I do not think it is competent for the Drafting Committee to adopt any proposition which would be in contradiction to the decision of the House. I might say, although I do not want to injure anybody's feeling, that if any one was vociferously in favour of this decision, it was my Friend Mr. Muniswamy Pillai and I think he ought to be content with what he agreed to abide by then.

Mr. Vice-President : Dr. Ambedkar you have to formally withdraw amendment No. 2.

The Honourable Dr. B. R. Ambedkar : Yes, I have to withdraw it.

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

Shri H. V. Kamath : I beg leave of the House to withdraw amendment No. 3.

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

Shri S. Nagappa : In view of the explanation given by Dr. Ambedkar, I beg leave to withdraw amendment Nos. 66, 67, 68, 70 and 71.

The amendments were, by leave of the Assembly, withdrawn.

Dr. Manmohan Das : I beg to withdraw amendment No. 69.

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

Shri V. I. Muniswamy Pillay : I beg leave of the House. to withdraw my amendment, and I do not agree with the observations of the Honourable Dr. Ambedkar.

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

Mr. Vice-President : The question is:

“That in amendment 1 (List I Fourth Week), the proviso to clause I of the proposed article 150 be deleted.—

The amendment was negatived.

Mr. Vice-President : The question is:

“That in amendment 1 (List I Fourth Week), in clause of the proposed article 150. the words ‘Unless Parliament by law otherwise provides’ be deleted.”

The amendment was negatived.

Mr. Vice-President : The third amendment is for the deletion of the words “co-operative movement” in clause (5).

The question is:

“That in amendment 1 (List I Fourth Week), in clause 5 of the proposed article 150 the words ‘co-operative movement be deleted.’

The amendment was negatived.

Mr. Vice-President : The question is:

“That in amendment 1 (List I Fourth Week), in clause 5 of the proposed article 150, before the word ‘literature’ the words ‘religion, philosophy’ be inserted.”

The amendment was negatived.

Mr. Vice-President : I now put Mr. Sarwate’s amendment to the House.

The question is:

“That in sub-clause (b) of clause (3) of the proposed article 150, after Words ‘consisting of persons, the words ‘resident in the State, be added, and for the words in the the words ‘in the territory of India’ be substituted.”

The amendment was adopted.

Mr. Vice-President : I now put amendment No. 2284 of the Printed List. Volume 1, that the word “medicine” be inserted in clause (5).

The question is:

“That in clause (5) of article 150, after the word ‘art’ the word ‘medicine be inserted”.

The amendment was negatived.

Mr. Vice-President : I now put the amendment No. 2287 in the printed volume 1, for the addition of the words “engineering and commerce” in clause (5).

The question is:

“That in clause (5) of article 150, before the word ‘engineering’ the word ‘commerce’ be added.”

The amendment was negatived.

Mr. Vice-President : Now I place before the House article 150, as amended. The question is:

“That article 150, as amended, stand part of the Constitution”.

The motion was adopted.

Article 150, as amended, was added to the Constitution.

PART VIII-A

Article 215-A

The Honourable Dr. B. R. Ambedkar : Sir, I move my amendment No. 6, List 1, Fourth Week.

“That after Part VIII, the following new Part be inserted:—

“PART VIII-A

THE SCHEDULED AND TRIBAL AREAS

215 A. In this Constitution—

- (a) the expression ‘scheduled areas’ means the areas specified in pars I to VII of definitions the Table appended to paragraph 18 of the Fifth Schedule in relations to the states to which those Parts respectively relate subject to any order made under sub-paragraph (2) of that paragraph;