

[Shri Jaspat Roy Kapoor]

apprehensions that I have raised are in any way removable by some interpretation of article 289 that Dr. Ambedkar may give, that is another thing.

Mr. President : I may point out that no explanation need be given. You are assuming that in all these elections members will give votes while sitting in Parliament. But they will not be sitting in Parliament; they will vote as voters of that particular constituency.

Shri Mahavir Tyagi : What will happen as regards disputes, and the filing of nomination papers before the Speaker?

Mr. President : It will be for the Election Commission to decide who the returning officer for this election will be. The whole argument is based on the assumption that when members of the legislatures who are entitled to vote for the election of the President sit, they sit in a session of the Assembly. They are not going to do that. They will be members of an electoral college and they will vote in that capacity.

Shri Mahavir Tyagi : In the case of the election of Vice-President, the names are to be proposed in the House by honourable Members, then it will be seconded and nomination papers are to be filed, etc.

Mr. President : You are again assuming that it will be a session of the House.

Shri Jaspat Roy Kapoor : My submissions were based on that assumption surely, but I do not know if there can be any other assumption. We find everywhere that members shall be electing the President, Vice-President and members of the Council of States as members of the legislature and in no other capacity. For instance, we find in article 55 that the Vice-President will be elected by members of both Houses of Parliament in a meeting.

The Honourable Dr. B. R. Ambedkar : The wording is “at a joint meeting” and not “sitting”.

Shri Jaspat Roy Kapoor : It will be all right if that point is authoritatively stated on the Floor of the House so as to avoid the possibility of this article being interpreted differently, for in articles 80(3) and 164(3) the word ‘meeting’ has obviously been used in the sense of a sitting of the legislature and not in the sense of merely a congregation of the members. The same word cannot be interpreted differently in different article unless definitely specified therein. There is all I have to submit.

Sardar Hukam Singh (East Punjab: Sikh): Sir, article 289 as has been lately amended is surely a very important provision for the safeguarding of—as the Mover said, cultural, racial or linguistic minorities. It is conceived with the very laudable idea that it will give protection to them against any provincial prejudices or whims of officials. But there is one thing that I am afraid of. Whereas sufficient protection has been given against injustice to racial, cultural or linguistic minorities so far as provincial prejudices are concerned, it has been assumed that the Centre will not be liable to corruption at any time. We are perhaps obsessed with the feeling that our present leaders, who are noble and responsible people and are at the helm of affairs now, will continue for ever or that their successors will be as responsible as they are. My fear is that in future that may not be so and with a little prejudice or unsympathetic attitude at that time the minorities may be in great danger. I am certainly against centralisation of powers and I feel that in this Constitution we are reducing the provincial Governments to the position of District Boards by centralising all power here. But I am not opposing the present amendment because we have been assured that it is to safeguard the interest of these minorities. I rather wel-