

The Honourable Dr. B. R. Ambedkar : These amendments have been brought after consultation with the Drafting Committee.

Shri T. T. Krishnamachari : The amendments merely say that the President's powers are subject to parliamentary legislation. They do not detract from the contents of the article and we need not be too finicky about the procedure at this stage.

Pandit Hirday Nath Kunzru : Even if there is to be further discussion, I think we should know how Dr. Ambedkar proposes to meet the difficulties that have been pointed out. He should therefore be allowed to put forward his suggestions.

Mr. President : That is why I allowed him to move these amendments. After they are moved we shall decide whether to discuss them now or at a later date.

Shri K. M. Munshi : The amendments only say that acts, done should be subject to the laws of Parliament. That is already covered by amendment 123.

Mr. President : Let the amendments be moved.

The Honourable Dr. B. R. Ambedkar : My next amendment is:

“That in the beginning of clause (4) the following words should be inserted:—

‘subject to the provisions of any law made in this behalf by Parliament’.”

The Honourable Shri K. Santhanam : Sir, this is a material amendment because the President's discretion may be fettered by parliamentary law.

Mr. President : I do not think any further discussion is necessary; let these be moved.

The Honourable Dr. B. R. Ambedkar : You cannot deal with a constitution on technical points. To many technicalities will destroy constitution-making.

Shri H. V. Kamath : Sir, you ruled some days ago that substantial amendments would be postponed.

Mr. President : If these are considered to be substantial amendments they will be held over. As there seems to be a large body of opinion in the House in favour of postponement, the discussion will be held over.

New Article 289-A

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

“That with reference to amendment No. 110 of List I (Fifth Week), for the proposed new article 289-A, the following article be substituted:—

289-A. There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for inclusion in, or claim to be excluded from, any such roll on grounds only of religion race, caste, sex or any of them.”

Sir, the object of this is merely to give effect to the decision of the House that there shall hereafter be no separate electorates at all. As a matter of fact this clause is unnecessary because by later amendments we shall be deleting the provisions contained in the Draft Constitution which make provision for representations of Muslims, Sikhs, Anglo-Indians and so on. Consequently this is unnecessary. But it is the feeling that since we have taken a very important decision which practically nullifies the past it is better that the Constitution should in express terms state it. That is the reason why I have brought forward this amendment.

Mr. President : Do I take it that only for the purpose of discussion you have brought it up and that you do not want it to be passed?

The Honourable Dr. B. R. Ambedkar : No, Sir, not like that. I have moved the amendment. I was only giving the reasons why I have brought it up.

I shall move the other amendment also for inserting new article 289-B. I move:

“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 it 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’.”

Shri Brajeshwar Prasad (Bihar: General): Mr. President, Sir, I rise to oppose article 289-B. I am opposed to adult franchise on grounds both theoretical and practical. I am opposed to adult franchise because it is a gross violation of the tenets of democracy. Adult franchise presupposes that the electorate is enlightened. Where the electorate is not enlightened there cannot be parliamentary democracy.

Mr. President : Is that open to objection now? We have already passed article 149 in which it is expressly stated that the election shall be on the basis of adult suffrage. It was passed in the winter session.

Shri Brajeshwar Prasad: Sir, I will submit to your ruling. I was not present when that article was passed.

Mr. President : Then you cannot oppose it at this stage.

Shri T. T. Krishnamachari : This new article is actually redundant. It may be that the Drafting Committee will subsequently have to take it away.

Mr. President : That is what he has also said. When the time comes for rearranging the sections it may not be necessary to have this section in this form. But it has been moved.

Shri T. T. Krishnamachari : The principle is one which has been accepted by the House.

Mr. President : That is what I say. The principle has already been accepted.

The question is:

“That with reference to amendment No. 110 of List I (Fifth Week), for the proposed new article 289-A, the following article be substituted:—

289-A. There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for inclusion in, or claim to be excluded from, any such roll on grounds only on religion, race, caste, sex or any of them’.”

No person to be ineligible for inclusion in, so to claim to be excluded from, the electoral roll on grounds of religion, race, caste or sex.

The amendment was adopted.

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:—

<p>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.’ ”</p>	<p>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.’ ”</p>
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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:—

<p>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.”</p>	<p>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.”</p>
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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