

**Mr. President :** The question is:

“That in amendment No. 225 after clause (2) the following new clause be added:

‘(3) The reservation of seats shall, as far as possible, be secured by single member territorial constituencies’.”

The amendment was negatived.

**Mr. President :** The question is:

“That in amendment No. 225 at the end the following proviso be added:

‘Provided that the members of the scheduled tribes in Assam will not have the right to contest general seats’.”

The amendment was negatived.

**Mr. President :** The question is:

“That proposed article 292 stand part of the Constitution.”

The motion was adopted.

Article 292, as amended, was added to the Constitution.

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### Article 293

(Amendments Nos. 3118 to 3121 were not moved.)

**Mr. Mohd. Tahir** (Bihar: Muslim): Sir, I beg to move:.....

**Shri T. T. Krishnamachari** (Madras : General) : Sir, on a point of order; this amendment is not really germane to the article before the House; it has nothing to do with the subject matter of article 293.

**Mr. Mohd. Tahir :** Article 292 refers to the matter of the reservation of seats. Article 293 says:

“Notwithstanding anything contained in article 67 of this Constitution, the President may, if he is of opinion that the Anglo Indian Community is not adequately represented in the House of the People, nominate not more than two members of the community to the House of the People.”

These are articles where representation is to be fixed and reservation is allowed to different communities. This is the only place where I want that minority communities which are given reservation of seats should also have a chance of getting themselves elected from the general constituencies. The amendment is quite relevant and this is the place where this subject can be introduced so that minorities might have the right to seek election in the general constituencies also.

**Mr. President :** I do not think this question arises under article 293 which relates especially to the representation of the Anglo-Indian community. I do not think you can bring in the right of members of the other communities for whom seats have been reserved to seek elections from the general constituencies in this article. The amendment is not in order.

**Mr. Mohd. Tahir:** I submit to your ruling, Sir.

**Sardar Hukum Singh :** Sir, I beg to move:

“That with reference to amendment No. 3119 of the List of Amendments, for article 293, the following be substituted :—

‘293. Notwithstanding anything contained in article 67 of this Constitution the President may, if he is of opinion that any minority community is not adequately represented in the House of the People, nominate an adequate number of members of that community to the House of the People.’

**Shri R. K. Sidhwa** (C. P. & Berar: General) I rise to a point of order. This amendment seeks that any minority community which is not adequately represented may be given nomination by the President. Sir, the question of election of minorities has been decided by this House. We have decided that there should be no representation for minority communities except the Scheduled Castes, Scheduled Tribes and the Anglo-Indians. Article 67 has decided that. You cannot now go back on what has been decided in article 67. If you allow that article to be again opened, it would lead to complications. If the President feels that some community has not been adequately represented, he should make the choice. You cannot mention that a particular minority shall be nominated by the President. That will go against the decision of this House and it will be a dangerous precedent if you allow this amendment after we have adopted article 67. After we have passed it you cannot allow something to be done by the backdoor. My second reason is that after the House has decided the question of the minorities it should not be reopened.

**Mr. President :** Do you wish to say anything about this point of order, Sardar Hukam Singh ?

**Sardar Hukum Singh :** I do not think there is any force in the point of order raised by my honourable Friend. We are, under article 293, arming the President with powers that when the Anglo-Indian community is not represented adequately, to nominate two of them. My amendment is that it should not be confined to the Anglo-Indian community alone. If that community is adequately represented in the elections and there is another minority that is not adequately represented, it should be open to the President, in the same way as he would look to the interests of the Anglo-Indian community, to see that the other community also gets representation. I do not want to upset the provisions that have been passed. But in this article itself we are providing that the President shall have this power of nomination, I do feel that all these constituencies have been demarcated, We cannot increase their number that has been fixed. But there is this provision in article 293 itself which gives the President power to have two seats in his own hands. Whenever he finds that the Anglo-Indian community is not represented adequately he can nominate two of them. My object is that, instead of saying that only the Anglo-Indian community should be safeguarded in that way, if it is found that any other community which finds itself in that position might be given these nominations to the extent of two, three or four. If it is found that the Anglo-Indian community is properly represented and any other community is not properly represented, should not, in justice, that community be allowed representation by the President ?

**Mr. President :** I am inclined to agree with Sardar Hukam Singh that this amendment seeks only to extend to other communities the privilege given under this article 293 to get nominations for their interests if they are not adequately represented. I think the amendment is in order.

**Sardar Hukum Singh :** Sir, I may in the beginning say that I do not grudge this concession being given to the Anglo-Indian community. I do realise that they are in very small numbers. I am also conscious of the fact that they are diffused over different parts of the country. I do feel that there is little likelihood

of their being returned and I agree that they should have the first choice and the first concession. I do not even oppose instructions being given to the President that their case might be considered first of all. But what I want to submit is that when their interest are safeguarded, we cannot exclude this possibility that they might be returned according to their population—when we are aiming at a secular State where everybody could stand and could vote, there will be some possibilities where even this small community might get representation in certain cases—if some other community is not represented properly. I feel justified in saying that the President should have power to give it some representation at least. We are depending upon the vagaries of the voters. Any responsible man can see that the voters do not care whether some community gets justice or not. In these special circumstances, I want to submit that the power should be given to the President to use in whatever way he likes, though the consideration might be uppermost in his mind that this (Anglo-Indian) community should be given preference. I do not grudge them this concession. But this power should be general that any community which is not properly represented it should be open to the President to give some representation to.

**Mr. President :** There is then notice of an amendment by Mr. Sahu (No. 104) that this article be deleted. That is not an amendment which can be moved, The honourable Member may vote against the article. Then there are two amendments in the Printed List of 10th July 1949. I understand that they are not being moved. Any Member who wishes to speak may do so now.

**Shri R. K. Sidhwa :** Mr. President, Sir, this article deals exclusively with the Anglo-Indian community. It says that notwithstanding anything contained in article 67 the President may, if he is of opinion that the Anglo-Indian community is not adequately represented in the House of the People, nominate not more than two members of that community to the House of the People. The article relates to one community and also the number is specified. The President cannot nominate more than two. As regards the other communities, my friend says that if any community is not properly represented, then the President shall have the right to make nominations from that community. Sir that will be going against the very spirit of the decision that we have taken in this House. We have taken the decision that minorities voluntarily gave up their rights to special representation and now to ask the President to nominate members from those minority communities, that too in the Constitution itself, is to negative the very spirit of the decision of this House I feel strongly that if we allow this article to be inserted in the Constitution and if we accept this amendment, it will mean that, although the right to special representation has been voluntarily given up by the various communities, the House desires that the President may nominate persons from those communities, which is not the desire of the House. The House has rejected nominations and reservations of seats. They have allowed nomination to the Anglo-Indian community as a special case. Having decided that, if we accept this amendment now, it will go against the spirit of the decision we have already taken and I do hope that the House will reject it summarily.

There are other amendments coming. My Friend, Mr. Nagappa, is also trying to open up the question of minority communities if they are not represented properly. The Minorities Committee considered this question and came to the unanimous conclusion, the House came to the unanimous conclusion that there should be no nomination and no reservation of seats for the minority communities, and we should not go against the spirit of that decision. I submit that this amendment should be summarily rejected.

**Shri M. Ananthasayanam Ayyanagar** (Madras: General): Sir, if we accept the amendment of Sardar Hukum Singh, the whole House of the People will

[Shri M. Ananthasayanam Ayyanagar]

be dominated by members who are nominated. This article provides for an exception. The nomination of members of the Anglo-Indian community to the House of the People is an exception. I do not think it is intended to perpetuate this exception or enlarge the scope of this exception to other communities. The article says—

“Notwithstanding anything contained in article 67 of this Constitution, the President may, if he is of opinion that the Anglo-Indian community is not adequately represented in the House of the People, nominate not more than two members of the community to the House of the People.”

In regard to the others, if there is any constituency where there are five lakhs of people, that constituency is entitled to elect one member to the House of the People. The other communities, the Muslim community, the Indian Christian, community or the Sikh Community of this country are not so small as would go unrepresented on this basis. It would not be so in the case of the Anglo-Indian community. Their whole population would not be even five lakhs for the whole of India. You cannot point out to any constituency where they will be in a majority. Therefore this exception has had to be made, because they may not come in through the process of election. Article 292 originally stated that there would be reservations for the Muslim community, for Indian Christians and others. But they have voluntarily given that up and reservation, is now only to be made for the Scheduled Castes, and scheduled tribes. The latter may not be able to come in normally in elections. Therefore some reservation is made for them. I would submit that the Anglo-Indian community stands on a special footing. The Anglo-Indians are highly advanced, but they are not numerous. They were once part-rulers of this country and therefore they should be shown some partiality for some time to come. Nomination has been provided for in the Upper House for certain interests but the Upper House has been made innocuous, and so far as the Lower House is concerned, there ought to be no nominations. The case of the Anglo-Indian community is an exception and there is no reason why it should be extended in favour of the other communities and why those communities should try to get by nomination what they have voluntarily given up. Not more than two is an insignificant figure in the Lower House. I oppose the amendment.

**Mr. President :** Dr. Ambedkar.

**The Honourable Dr. B. R. Ambedkar :** I do not think it is necessary to say anything.

**Mr. President :** The question is

“That with reference to amendment No. 3119 of the List of Amendments, for article 293, the following be substituted :—

‘293. Notwithstanding anything contained in article 67 of this Constitution the President may, if he is of opinion that any minority community is not adequately represented in the House of the People, nominate an adequate number of members of that community to the House of the People.’”

The amendment was negatived.

**Mr. President :** The question is :

“That article 293 stand part of the Constitution.”

The motion was adopted.

Article 293 was added to the Constitution.