

Of these, we have now decided to omit the project for the purchase of railway equipment, as we find that we shall be able to purchase most of the equipment in the non-dollar area.

Shri Bhagwat Jha: May I know, Sir, if during the discussions, Kosi project was taken up at any stage?

Shri C. D. Deshmukh: I have given the names of the projects on which discussions centred.

Mr. Speaker: Question No. 69.....

For the moment, I will pass over this question. But I am sorry that the hon. Minister is not present in the House. He is expected to be present when the question is called. We will proceed to the next question—but that also relates to the Law Minister.

The Prime Minister (Shri Jawaharlal Nehru): I am exceedingly sorry that my colleague the Law Minister is not here. He is engaged in the other House. May I send for him from the other House, Sir,

Dr. Katju: I am in charge of this question, Sir.

Mr. Speaker: I am not insisting on the presence of any particular Minister. The hon. Prime Minister, perhaps, thought that I am insisting on the presence of the Law Minister. Of course it would be better if he were here, because he could answer the supplementaries better. But in case of his absence from this House for unavoidable reasons (such as his presence in the other House) somebody should be in charge of his question.

Dr. Katju: I am in charge of it.

Mr. Speaker: That I did not know—nor did the hon. the Prime Minister mention it. It is better in such cases that the Secretary is informed in advance so that I may call upon the Minister who represents the absent Minister.

So we will take up Question No. 69.

Shri Velayudhan: Does that apply to the Members also?

Mr. Speaker: No.

RETURNS OF ELECTION EXPENSES

*69. **Shri S. N. Das:** Will the Minister of Law be pleased to state:

(a) the number of persons who failed to lodge with the returning officers the returns of their election expenses within the stipulated time 40PSD.

and in the manner prescribed by law in the last general election;

(b) the number of such of them as were considered by the Election Commission to have incurred disqualification under Clause (c) of section 7 or under section 143 of the Representation of the People Act;

(c) the number of such of the above persons as submitted representations to the Election Commission for the removal of the disqualification referred to in sub rule (4) of rule 114 of the Representation of the People (Conduct of Election and Election Petitions) Rules 1951; and

(d) the number of cases in which disqualifications incurred by the candidate or the election agent were removed by the Election Commission under sub rule (7) of rule 114 of the above-mentioned rules?

The Minister of Home Affairs and States (Dr. Katju): (a) to (d). The information asked for is not readily available and will take some time to compile. In any case, such information as the Election Commission has in its possession is incomplete, because reports as to the lodging of election expenses returns have still to be received from certain Returning Officers. The Election Commission will however compile the statistics asked for as soon as all Returning Officers have submitted their reports under rule 114 (1) of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, and the same will be laid on the Table of the House in due course.

Shri S. N. Das: May I know whether the Election Commissioner has laid down any procedure for the enquiry which he is required to make in regard to the removal of disqualifications?

Dr. Katju: I think he takes into consideration every single case on its merits.

सेठ गोविन्द बास : क्या यह बात सही नहीं है कि गये चुनाव में भी चुनावों का खर्च दाखिल करने में इसी प्रकार की अड़चनें आई थीं और क्या माननीय मंत्री जी को यह बात मालूम है कि उस समय इस तरह की जितनी अड़चनें आई थीं, उन को दूर कर दिया गया था और

उन लोगों के ऊपर से इस प्रकार की पाबन्दी हटा दी गई थी ?

[Seth Govind Das: Is it not a fact that even in the last general elections similar disqualifications were incurred by candidates in submitting the returns of their election expenses and does the hon. Minister know that all such disqualifications and the restrictions resulting therefrom were removed at that time?]

डा० काटजू : यह सवाल तो आप का ऐसा गोल है कि जिस का कोई जवाब नहीं। मुझे नहीं मालूम क्या अड़चने आई थीं और किस तरीके से उन को दूर कर दिया गया। अब आज कल की कौफियत यज्ञ है कि रिटर्निंग अफसर इत्तला देता है इलेक्शन कमीशन को, कि या तो पन्द्रह दिन के बाद वह इलेक्शन एक्सपेंसेज दाखिल हुए, या उन में कुछ गलतियाँ रह गई हैं, इस वजह से वह कायदों के मुताबिक नहीं और फिर इलेक्शन कमीशन इस की इत्तला देता है और गजट करता है कि आप उस उम्मीदवार को जो चाहे कामयाब हुआ हो या नाकामयाब हुआ हो वह इम देरी और बेकायदगी की वजह बतलाये और वह उम्मीदवार वजह देता है, इलेक्शन कमीशन मेरे या मेरी मिनिस्ट्री का ताबेदार नहीं है, वह बिल्कुल एक इंडिपेंडेंट और खुदमुस्तार अफसर होता है और वह हर केस को देखता है और अगर वह समझता है कि उम्मीदवार ने जो वजहें बयान की हैं, वह मुनासिब हैं तो वह उन की डिस्क्वालिफिकेशन दूर कर देता है।

[Dr. Katju: Your question is so vague that it could hardly be answered. I do not know what were the disqualifications and in what manner they were removed. But the present position is that the Returning Officer informs the Election Commission that such and such candidate has not submitted returns of his election expenses in due time i.e. fifteen days, or that certain discrepancies have arisen which are not in conformity with the existing election

rules. The Election Commission in its turn asks the candidate, whether he may have succeeded or failed, to state reasons for the delay and the irregularities. This is also notified in the Gazette. The candidate submits his reasons. But the Commissioner is not under me or my Ministry. He is altogether an independent officer. He examines every case on its merits and if he thinks that the reasons as given by the candidate are sufficient, he removes those disqualifications.]

सेठ गोविन्ददास : मैं यह पूछ रहा था कि

[Seth Govind Das: I was asking.....]

Mr. Speaker: Order, order. We are now entering into an argument. The hon. Minister has not got the information he wants.

Seth Govind Das rose—

Mr. Speaker: No explanations are necessary now.

Shri N. S. Nair: Are Government aware that some of these rules are so technical and unreasonable that they almost border on absurdity?

Mr. Speaker: Order, order. He is expressing an opinion and entering into an argument.

ELECTIONS

*70. Shri S. N. Das: Will the Minister of Law be pleased to state:

(a) the number of cases in which inquiries were made and prosecutions instituted under section 137 of the Representation of the People Act arising out of the first general election; and

(b) the number of such cases in which there were convictions?

The Minister of Home Affairs and States (Dr. Katju): (a) Inquiries were made in a number of cases in Punjab and Travancore-Cochin and in one case in the Uttar Pradesh but no prosecution was sanctioned in any of these cases. In two cases, one in Bombay and the other in Rajasthan, inquiries were made and sanction to institute proceedings under section 137 of the Representation of the People Act, 1951 was given. No inquiries were made or prosecutions sanctioned under this section in other States except West Bengal, PEPSU and Manipur, from where details have not so far been received by the Election Commission.