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LOK SABHA DEBATES

(Sixth Session)



(Vol. XXIV Contains nos. 21 to 26)

LOK SABHA SECRETARIAT
NEW DELHI

श्री न.प. (इण्डियन)

THIRD EDITION (REPRINT)

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N.B.—The sign + marked above a name of a member on Questions, which were orally answered indicates that the Question was orally asked on the floor of the House by that Member

LOK SABHA DEBATES

6559

LOK SABHA

Saturday, 20th December, 1958

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER in the Chair]

Mr. Speaker: There is no Question Hour today.

PAPERS LAID ON THE TABLE

REPORT ON SECOND GENERAL ELECTIONS IN INDIA, 1957, (VOL I—GENERAL)

The Minister of Law (Shri A. K. Sen): I beg to lay on the Table a copy of the Report on the Second General Elections in India, 1957 (Volume I—General) [Placed in Library. See No LT-1157/58]

NOTIFICATION UNDER ALL INDIA SERVICES ACT

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table, under subsection (2) of section 3 of the All India Services Act, 1951, a copy of Notification No. GSR. 1163 dated the 13th December, 1958. [Placed in Library. See No LT-1158/58]

STATEMENT CORRECTING REPLY TO STARRED QUESTION

The Minister of Education (Dr. K. L. Shrimall): I beg to lay on the Table a copy of the statement correcting the reply given on the 30th August, 1958 to a supplementary by Shri D. A. Katti on starred question No. 695 regarding Government of 303 (A) L.S.D—1

6560

India scholarships to Scheduled Castes and Scheduled Tribe students. [Placed in Library. See No. LT-1159/58].

REPORT OF STUDY GROUP ON SOCIAL SECURITY

The Deputy Minister of Labour (Shri Abid Ali): I beg to lay on the Table a copy of the Report of the Study Group on Social Security [Placed in Library. See No. LT-1160/58]

NOTIFICATIONS UNDER ESSENTIAL COMMODITIES ACT

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): I beg to lay on the Table, under subsection (6) of section 3 of the Essential Commodities Act, 1955, a copy of each of the following Notifications —

- (i) GRS. No. 1129 dated the 28th November, 1958, making certain amendment to the Delhi Roller Flour Mills (Atta Price Control) Order, 1958;
- (ii) GSR. No. 1130 dated the 29th November, 1958, making certain further amendment, to the Orissa Rice (Prohibition of Export) Order, 1957;
- (iii) GSR. No. 1152 dated the 3rd December, 1958, making certain further amendment, to the Rice and Paddy (West Bengal) Second Price Control Order, 1958;
- (iv) GSR. No. 1155 dated the 4th December, 1958;

[Shri A. M. Thomas]

- (v) GSR. No. 1156 dated the 4th December, 1958;
- (vi) GSR. No. 1157 dated the 5th December, 1958 making certain further amendment to the Rajasthan Gram (Prohibition of Export) Order, 1958,
- (vii) GSR. No. 1158 dated the 5th December, 1958 containing the Rice (Uttar Pradesh) Price Control Order, 1958;
- (viii) GSR No. 1158-A dated the 7th December, 1958,
- (ix) GSR No 1160, dated the 8th December, 1958;
- (x) GSR No 1190, dated the 11th December, 1958, and
- (xi) GSR No. 1191 dated the 11th December, 1958 [Placed in Library, See No LT-1161/58].

11-01½ hrs.

COMMITTEE ON GOVERNMENT ASSURANCES

MINUTES OF TENTH SITTING

Pandit Thakur Das Bhargava (Hissar) I beg to lay on the Table the Minutes of the Tenth Sitting of the Committee on Government Assurances held during the Sixth Session.

11-02½ hrs.

COMMITTEE ON ABSENCE OF MEMBERS FROM THE SITTINGS OF THE HOUSE

MINUTES OF TENTH AND ELEVENTH SITTINGS

Shri Mulchand Dube (Farrukhabad): I beg to lay on the Table the

Minutes of the sittings (Tenth and Eleventh) of the Committee on Absence of Members from the Sittings of the House held during the Sixth Session.

11-03 hrs.

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:—

"I am directed to inform the Lok Sabha that the Parliament (Prevention of disqualification) Bill, 1958, which was passed by the Lok Sabha at its sitting held on the 3rd December, 1958, has been passed by the Rajya Sabha at its sitting held on the 18th December, 1958, with the following amendments:—

Clause 3

- 1 That at page 2, line 21, the words 'which is an advisory body' be deleted;
- 2 That at page 2, lines 37-38, the words 'director or member' be deleted; and
- 3 That at page 3, line 9, for the words 'clauses (h) and (i)' the words 'this section' be substituted

I am, therefore, to return here-with the said Bill in accordance with the provisions of rule 126 of the Rules of Procedure and Conduct of Business in the Rajya Sabha with the request that the concurrence of the Lok Sabha to the said amendments be communicated to this House".

11-04½ hrs.

**PARLIAMENT (PREVENTION OF
DISQUALIFICATION) BILL**

**LAI'D ON THE TABLE AS RETURNED BY
RAJYA SABHA WITH AMENDMENTS**

Secretary: I lay on the Table of the House the Parliament (Prevention of Disqualification) Bill, 1958 which has been returned by Rajya Sabha with amendments

Pandit Thakur Das Bhargava: With regard to this Bill, we have not been able to understand the full implications of what has been done by the Rajya Sabha because the words 'director or member' have been deleted. Now does it mean that a person can be a director as well as a member

Shri Ranga (Tenali): He can be a member as well as a director, but not the president

Pandit Thakur Das Bhargava: (Hissar) The words are 'director or member'

Mr. Speaker: I am sure the hon. Member does not expect the Secretary to explain it. It is for hon. Members to construe or send it back as they like

11-06 hrs.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

**LAY-OFF BY ASSAM RAILWAY TRADING
Co**

Shri Muhammed Elias (Howrah): Under rule 197, I beg to call the attention of the Minister of Steel, Mines and Fuel to the following matter of urgent public importance

and I request that he may make a statement thereon.

"The reported lay-off of 800 workers by the Assam Railway Trading Co due to reduced coal allocation"

The Minister of Steel Mines and Fuel (Sardar Swaran Singh): So far as the fact could be ascertained, it appears that workers of Namdung, Ledo and Baragola collieries of Assam Railways and Trading Company, Margherita, went on strike on the morning of December 15, consequent upon the laying off of approximately 800 workers due to a shortfall in the off-take from these collieries during the last two or three months. The North East Frontier Railway are the main consumers of the produce from these collieries and it appears that they could not take the full quota allotted to them from these collieries. During the last one month period they could take only 14,000 tons against the normal allocation of 18,000 tons. This has resulted in accumulation of some stocks in the collieries in question. As soon as this was brought to the notice of the Coal Controller, he took steps to allocate part of the surplus from these collieries to the Tea industry in that region. Further, it is expected that from January, 1959 onwards, the North East Frontier Railway will take 20,000 tons per month. In the circumstances, there was no obvious justification for laying off of workers by the Assam Railways and Trading Company and the consequent strike by the workers. More details of the subject matter of the notice are not yet available, but the latest information shows that the strike was called off on the 17th December, 1958.

11-07½ hrs.

LEAVE OF ABSENCE

Mr. Speaker: The Committee on Absence of Members from the sittings of the House in their Eleventh Report

[Mr Speaker]

have recommended that leave of absence may be granted to the following Members for the periods indicated in the Report —

- 1 Shri U Muthuramalinga Thevar
- 2 Shri B Pocker,
- 3 Shri S C Choudhury,
- 4 Shri Bishan Chandra Seth,
- 5 Shri Laxmi Narayan Bhanja Deo, and
- 6 Shri Keshavrao Marutirao Jedhe

I take it that the House agrees with the recommendations of the Committee

Shri S. M. Banerjee (Kanpur) May I know what has happened to Shri T T Krishnamachari? There is no leave or anything of that sort

Mr. Speaker. Shri T T Krishnamachari comes and goes, as hon Member would be aware

Shri S. M. Banerjee. We did not see him That is why we are asking

Mr. Speaker. Shall I bring him here? Unless leave of absence is asked for, I am not watching the course of events with respect to every individual It is for him to take care of himself?

I suppose there will be general agreement that leave of absence may be granted to the Members whose names I had read out

Several Hon. Members: Yes

Mr. Speaker: The Members will be informed accordingly

11-09 hrs.

CORRECTION OF ANSWER TO STARRED QUESTION NO. 563.

The Deputy Minister of Civil Aviation (Shri Mohiuddin): With your permission, I wish to amend the reply given by me to starred question No 563 on 4th December, 1958, in the Lok Sabha In reply to the question whether it was a fact that a large sum was due from Pakistan which was paid by India as their share of contribution to the International Civil Aviation Organisation after independence, I had mentioned that a sum of \$ 15,635 was recoverable from Pakistan and the matter was being pursued through the Secretary-General of International Civil Aviation Organisation In reply to the supplementary question I had mentioned that Pakistan had agreed to pay this share of \$15,635 and that the only question that remained was the method to be adopted for adjustment of the dues We have since received intimation through our Representative on the International Civil Aviation Organisation that the International Civil Aviation Organisation has received the sum of \$15,635 from Pakistan on the 16th September, 1958 I greatly regret that the information I gave to the House on the 4th December, 1958 did not convey the latest position

11-10½ hrs

PREVENTION OF DISQUALIFICATION (AMENDMENT) BILL

The Minister of Law (Shri A K. Sen): I beg to move—

“That the Bill further to amend the Prevention of Disqualification Act, 1953, be taken into consideration”

The House will recollect that this Act was to expire on the 31st December of this year Though we had extended it only up to the 31st December of this year in the thought that in the meantime, the Parliament

(Prevention of Disqualification) Bill which has been passed by this House would be passed by the Rajya Sabha also, yet unfortunately, there have been two amendments passed by the Rajya Sabha as a result of which that Bill has come back, as the Secretary had read out from the message earlier.

So it is all the more important that we extend the life of the parent Act which is now in force for another year. Another year is a matter of drafting, because as soon as the other Bill is passed, by reason of its repealing clause, this Act will come to an end. This extension is necessary because many of the Members of this House and also of the other House would be disqualified if this Act is not extended.

So I submit that we may pass this Bill as quickly as possible.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Prevention of Disqualification Act, 1953, be taken into consideration".

I think this was sufficiently argued the other day Shri Ranga also asked a question

Shri Narayanankutty Menon (Mukandapuram): There is one point on which I want clarification ...

Mr. Speaker: Pandit Thakur Das Bhargava.

Pandit Thakur Das Bhargava (Hissar): We passed this legislation in 1953 and since then every year this is being extended. The extension of this Bill, without passing another Bill for all these years means that we have really been contravening the provisions of the Constitution.

It is true that the Constitution does allow Parliament to declare by law certain offices which are exempted from disqualification, but all the same, it was never the intention of the legislature that without going into the matter fully, the House should

pass a Bill of this kind every year. This means that we are not obeying our own Constitution.

So far as the present Bill is concerned, I understand it has been necessitated by the fact that both Houses have not been able to pass the other Bill. At the same time, so far as that is concerned, who is responsible for the delay. If the hon. Law Minister had brought forward that Bill in time, there would not have been this delay and we would have been able to pass it. This only means that next year also certain persons will be sitting in the House who would otherwise have incurred disqualification on account of their accepting offices of profit, which certainly is not a desirable thing.

It is clear from the statement read out just now by the Secretary that as a matter of fact the Bill we passed has been modified in a very material aspect by the other House. This would practically mean that except for the chairman, all other posts will be open to be accepted by hon. Members of this House. It is very unfortunate that the real object of the Bill which we passed has been frustrated by the other House

Shri A. K. Sen: On a point of order. Is it relevant to discuss the merits or demerits of the amendments the other House has passed until we have taken up the other Bill?

Mr. Speaker: He wants to throw out this Bill. Therefore, he can certainly refer to the delay that is happening, and what, according to him, is going to happen. He is expressing his apprehensions. There is no aspersion cast. He can state that we did one thing and the other House has done something else. Although all the details are not relevant, in so far as the extension of the 'life' of Members here who would otherwise have incurred by reason of their membership of those Committees considered as offices of profit, is concerned, he is quite in order.

[Mr Speaker]

So far as this matter is concerned, we do not know whether there will be many more disqualifications. I think there is nothing wrong in this

Pandit Thakur Das Bhargava: Apart from that, my submission is that if this Bill which is before the House now is not passed, nothing will be lost, because last time when we passed it, it was given out to all the Members—everybody knew—that in the coming six months everybody concerned had to resign. According to me, even extending the 'life' of those Members for six months more, as happened last time, was unfair and unconstitutional. On the contrary, I suggested then that the Bill may be brought and within six months all the committees may be gone into and we might try to have a complete and comprehensive Bill. But that was not accepted by the hon Law Minister then.

Now, I am bound to say that as a matter of fact, the manner in which the entire thing has been done is very objectionable. I was referring to article 102 of the Constitution which says that so far as offices of profit are concerned, every person concerned is disqualified except in cases when Parliament by itself by law declared that they were not disqualified. That would have been a very exceptional thing. According to what fell from you then, the Law Minister should have taken a hint. You were pleased to give guidance, that only in those matters where such declaration was not all objectionable, the declaration may be made. That was the view which was also held by the late Speaker, Shri Mavalankar. That was also what the late Dr Ambedkar and Shri C C Biswas told us in the House. Not only that. I understand that all the Members of the House, very respectable Members, who spoke on previous occasions took the view that as a matter of fact, the independence of Parliament should remain intact and people should not be allowed to be seduced, and hon Ministers ought not to exercise the power of nepotism. It was to secure such independence of the

Bill

Ministers as well as of the Members of this House that this House expressed on many occasions that the independence of the Members should be kept intact.

But what do we find now? When the Bill was brought forward, the only point the hon Law Minister wanted to emphasise was that the sole consideration ought to be the quantum of compensatory allowance. That was in the original Bill. To that we did not agree. Then we appointed a Select Committee to consider the whole matter. I am very glad that the Select Committee did its work and we produced a Bill which was in consonance with the spirit of the Constitution as well as the spirit of the speeches that were already made. It was also in keeping with the tradition of the Mother of Parliaments.

Now, so far as that aspect is concerned it has been totally ignored. I am very grieved to see that in this matter the Law Minister and several other Ministers were influenced by other considerations. They thought that the whole country and the whole process of development would go to pieces if we did not allow Members to go to those Committees. I value that opinion, at the same time, I am very sorry to say that the hon Ministers—incorruptible perhaps as they are—do not know what corruption is. That is the difficulty. The Mother of Parliaments took the view in 1957 that there were many committees, many organisations, of which even membership was taboo. No Member of Parliament may be appointed even as a Member. But what do we find here? The view expressed by the hon Law Minister and other Ministers is that unless the Members go and are allowed to serve on those Committees, Corporations etc, no Corporation or Committee would succeed. This is entirely a false idea. At the same time, it is against the provisions of the British House of Commons Act which has got the experience of centuries.

Mr. Speaker: Except casually referring to the other Bill which will be

coming back, the hon Member will confine himself to what can be done now

Pandit Thakur Das Bhargava: My humble submission is that this Bill before us is unnecessary. Now the other House has made some amendments. If we concurred with them, then only the question of the assent of President would have been there. So nothing would be lost if this Bill extending the life of the Act by one year had not been proceeded with now. If Parliamentary standing committee could perhaps go into the question and finalise the recommendations of all committees within three months, that would not have been difficult. They can even appoint a committee beforehand.

Mr Speaker. The hon Minister has stated that as soon as the other Bill is enacted and comes into operation, this will lapse.

Pandit Thakur Das Bhargava. Suppose we extend it for one year. They will not appoint a committee for six months. So another year will be lost. I am anxious that even without passing this Bill the committee may be appointed by you as well as by the Chairman. The committee will go into the various committees and finish everything within three months. Why should we wait for one year? I want that all those Members who come within the mischief of the Act may resign all at once, because we do not want that Parliament may be composed of Members who held offices of profit. This is the principle and it must be adhered to. No time should be lost. We should not allow one year to go by. If you allow them for one year, the committee may not be there for 9 months and then within 3 months they may go into the question. The committee can be appointed now, without this Bill being passed, by the Speaker and the Chairman.

Therefore, I humbly submit that this Bill is absolutely unnecessary so

far as extension for one year is concerned. The period can be reduced to six months or three months, if they want to have it though, according to me, it is not necessary at all to pass the Bill. Also, holders of offices of profit can resign at once. They know about the provisions of the Bill. Supposing this Bill did not come now, they would have had to resign. But the hon Minister has given the Members more life, unnecessary life, which they did not deserve. We do not want to go to committees which are taboo. Therefore, my submission is that nothing will be lost if the Bill is not passed or if the period is reduced to, say, six months. At the same time, I must emphasise that the words that fell from you must be respected by the House. You said that only in exceptional cases all these directorships and membership of these bodies should be exempted. To that I will advert again. My humble submission is that either the Bill may not be passed or its life may be reduced to as little a period as possible.

Shri Ranga (Tenali): Mr Speaker, Sir, I am sorry that on this occasion I am not able to agree with my hon friend Pandit Thakur Das Bhargava. I am anxious that this Bill should be passed immediately without any delay because it would not be right. If it had been right to appoint so many of our hon Members to so many of these committees, boards and councils and if they could have continued all these 7 years, the Heavens are not going to fall if we allow them to continue for another 3 or 4 months. It would be wrong to ask them straightaway to cease to play the role which they have been playing simply because we want to save the canon of legal conscience or whatever it may be.

Secondly, the hon Minister has already given us an assurance the other day in this House—and he has repeated it today—that he does not expect that this particular Bill when it becomes law would have its full course of life of one year. He would attach

[Shri Ranga]

an enabling clause or whatever it is in the other Bill that is already before Parliament to see that as soon as that is passed and becomes an Act this would become ineffective

Shri A. K. Sen: It is already there:

Shri Ranga: So, it is already there; and it is not necessary that we would have to wait for one year before this question is given its final consideration.

Thirdly, I do not think it is necessary for us to be very suspicious of the Ministry, in regard to this particular matter. Since the Ministry has given so many assurances and has already incorporated that particular clause in the other Bill and as Parliament is already seized of it—and not even an autocratic or irresponsible government can possibly withdraw a Bill which has reached such a high stage of consideration at the hands of both Houses of Parliament, and, certainly, we cannot expect this Ministry which we consider to be a democratic Ministry and a responsible Ministry to commit such an irregularity—it can only be a matter of a few months. During the next session, I am sure, it might possibly be the very first one or two items on the agenda, and it is sure to be passed in the course of a day.

Therefore, I sincerely hope that my hon. friend, Pandit Thakur Das Bhargava would excuse us if we do not fall in line with the canon of legal conscience which he considers to be so very necessary that he should be placing it before us in a such beautiful manner on this occasion also. I hope the House would agree to the passing of this Bill passed giving further lease of life for a few months to the original Act.

Shri Narayanankutty Menon: Sir, during the third reading of the other Bill, I submitted before the House and I appealed to the hon. Law Minister that, in view of the magnitude of the controversies raised in this House and

also the complete lack of unanimity as far as opinion is concerned which cut partywise that Government should further consider the proposals contained in the Bill. Now the House has passed that Bill and it had gone to the Rajya Sabha which has suggested certain amendments to it. Therefore, it has become necessary to support this Bill because it gives some more time to give further consideration for the Government to assess the impact of the opinions expressed in this House and also in the Rajya Sabha. Assessing that the Government should still consider whether there is any necessity of introducing the Bill in this House as it has been passed by the Rajya Sabha.

I once again appeal to the hon. Minister that the provisions of the Bill both as passed by this House and as amended by the Rajya Sabha are still very dangerous and it is far better to show more wisdom at this stage when the Rajya Sabha has curtailed certain dangerous and injurious provisions of the Bill. I utilise this occasion once again to appeal that the Bill as it is amended by the Rajya Sabha should be further considered by Government and the dangerous character of those provisions should be completely assessed and Government should refrain from coming forward in this House with the dangerous provisions already contained in that Bill.

Today this Bill is being considered because of the amendments introduced in the Rajya Sabha and the original Act will expire by the 31st December. So, it is a *sine qua non* that this Bill should be there before some other legislation is there as far as this particular subject is concerned. This occasion gives an opportunity to the entire House to see why as far as the provisions of that Bill are concerned, the Rajya Sabha had to amend certain provisions which we had passed and why there should be room for reconsideration as far as some of the provisions of that Bill are concerned.

Mr. Speaker: We need not go into all this. The hon. Member has said that the Government must have some more time to consider and that is why one year is necessary. Let us not go into details of the other Bill.

Shri Narayanankutty Menon: Therefore, my humble submission is that this one year period which the Government is getting today should be utilised for assessing the situation. The example of the British Parliament was quoted. There was so much of discussion as far as the British practice is concerned and because of certain steps taken by successive Governments in Britain from 1941 onwards, those very hon. Members of the British Parliament—the leaders of the Labour Party themselves—in the year 1951, when they came to assess the disastrous results of their own viewpoints which they took in 1941, had to change their views. We should be able to benefit by their experience how they were compelled to change their views as far as the nationalised industries were concerned.

So, I would appeal to the Minister that he should not be guided by the Report of the Select Committee of the House of Commons in 1941 because after submitting that report in 1941, the British House of Commons took 14 years to incorporate the provisions into a Bill and by that time whatever they tried in the Select Committee had to be thrown overboard. Therefore, what he should consider is not the 1957 Act which incorporated the Select Committee Report but the woeful results of the British nationalisation and the running of the public sector. He should come forward with a comprehensive Bill without any dangerous provisions and the Government should utilise this one year in order to benefit by the views expressed both in this House and in the other House. I would desire that Government should make their opinion sufficiently clear as a result of which either in the next session or in any other coming session within one year we will have a Bill

which will not have all these bad features but a Bill which conforms to article 102 of the Constitution,

श्री० रघुबीर सिंह (रोहतक) : अध्यक्ष महोदय, मैं अपने साथी पंडित ठाकुर दास भार्गव के साथ सहमत होता हूँ और मैं यह मानता हूँ कि जो सदस्य कुछ कमेटियों में हैं वे वहाँ पर सिर्फ अपनी जाती अथवा राज के लिये हैं। और मैं यह मानता हूँ कि यह अच्छा तरीका होगा कि वह इस्तीफा दे ताकि हमें उन की मेम्बरी को बनाने के लिये कोई कानून पास न करना हो। लेकिन मैं उन से इस बात से सहमत नहीं हूँ। क्योंकि मैं मानता हूँ कि वह उन कमेटियों में देश के हित के लिये हैं।

दूसरा सवाल है समय की अवधि का कि आया दो तीन महीने या एक साल जरूरी है या नहीं। मैं समझता हूँ कि एक साल बहुत जरूरी है और वह इसलिये कि हो सकता है कि जो निफारिश की गई है और जिसे राज्य सभा ने पाम किया है, यह सदन उस से सहमत न हो।

अगर लोक-सभा राज्य सभा के संघोषण में सहमत न हुई तो हो सकता है कि ज्वाइंट मेशन बुलाना पड़ जाय या इस के लिये किसी एक कमटी के बनाने की राय बन जाय। इसलिये इस की लाइफ एक साल के लिये बढ़ाना बहुत जरूरी है। साल से कम में शायद काम न चले। इस पर विचार करने के लिये पहले जो सेलेक्ट कमटी बनी उस ने काफी अग्रे तक इस पर विचार किया, १३०० कमेटियों के बारे में विचार हुआ और उस ने अपनी रिपोर्ट दी लेकिन इस सदन को या राज्य सभा को कमटी की फ़ाईंडिंग से सहमत नहीं करा सकी और इस से यह चीज साफ़ जाहिर हो जाती है कि यह सवाल किन्ही खास सदस्यों की मेम्बरी को क्रायम रखने का नहीं बल्कि देश के अन्दर आज जो बाधा चलता है उस को सही तरीके से खसाने का है।

[श्री० रणवीर सिंह]

आप जानते हैं कि इस विषय में सदस्यों में पूर्ण मौन्य नहीं है। दो किस्म के खयालात के सदस्य हैं। कुछ सदस्यों का तो यह मत है कि प्राइवेट सैंक्टर के अन्दर भले ही उन का सहयोग हो और वे चेम्बरमैन अथवा डाइरेक्टर्स हो तो भी वे पार्लियामेंट के सदस्य बन रहे सके और डिस्क्वालिफाइड न हो जबकि कुछ माननीय सदस्यों का ऐसा खयाल है कि अगर उन के पास इम्पोर्ट या एक्सपोर्ट का लाइसेंस भी हो तो भी उन को पार्लियामेंट का सदस्य नहीं रहना चाहिये। अब इस सम्बन्ध में मेरा निवेदन है कि हम को पुराने अंग्रेजी राज के ढंग से मुकाबला नहीं किया जा सकता और आज के बदले हुए युग को हमें ध्यान में रख कर विचार करना होगा। पहले तो यह सब कारखाने वगैरह प्राइवेट सैंक्टर में प्राइवेट सैंक्टर वाले ही चलाते थे लेकिन अब वह हालत नहीं रही है और अब इस देश के अन्दर सरकार की बड़ी बड़ी ६१ कम्पनियाँ और कारखाने चल रही हैं, पब्लिक सैंक्टर काफी बढ़ गया है और सरकार का जितना खर्चा ला एंड आर्डर के लिये होता है उस कहीं ज्यादा रुपया डेवलपमेंट के लिय खर्च हो रहा है इसलिये यह देखना बहुत जरूरी हो जाता है कि राष्ट्र का जो खर्चा होता है वह नहीं तरीके से खर्च हो और इस के लिये जरूरी है कि यह एक माल की मियाद बढ़ाई जाय क्योंकि हो सकता है कि राज्य समा क सिफारिश से यह सदन इतिफाक न करे और फिर ज्वाएंट सेशन हो या कोई नया बिल या कोई दूसरी कमेटी बनाने की तजवीज आये।

Mr. Speaker: Except in cases where any Bill is here and the hon. Minister who is in charge of a Bill would like to consult any person in the Official Gallery, I would not like any hon. Member to carry on conversation with people in the Official Gallery. It disturbs the House and takes away

its decorum. I hope even Ministers would not carry on conversation there except in cases where they have to consult the officials there while a Bill or Resolution or any other matter is pending before the House. Otherwise, if they want to carry on conversation, let them go into Lobbies and do so.

Shri Naushir Bharucha (East Khandesh) Sir, I desire to take only two minutes. There is no doubt that this Bill is a logical corollary to the events in which we find ourselves today. If we do not extend the life of section 4 till 31-12-1959, many hon. Members would immediately incur disqualification and would be subjected to exclusion from this House. The point I desire to make is this Section 4, the life of which we seek to extend, mentions this

"It is hereby further declared that the following offices shall be deemed never to have disqualified and shall not, if held for any period not extending beyond the 31st day of December, 1958, disqualify the holders thereof for being chosen as, or for being members of Parliament."

I hope that in the new Bill a retrospective clause will be inserted. As the Bill was referred to Rajya Sabha, to my mind, there is no such clause to give retrospective effect. So, the passing of this Bill merely will not protect the people once this Bill lapses. Therefore, I appeal to the hon. Minister to see that the retrospective effect of the present Bill is retained in the new Bill, for that purpose a retrospective clause is absolutely necessary. Otherwise, it will give protection so long as it lasts and with its lapse the retrospective effect will lapse and the Members will be disqualified. I would request the hon. Minister to bear that point in mind.

Shri A K Sen: Sir, it is not necessary, with due respect to Pandit Thakur Das Bhargava, to deal with his arguments because he has been very pronounced in his views with regard to exemptions granted either under the Act which is in operation now or under the new Bill which has now come back from Rajya Sabha. He has accused us of delay and it is necessary, therefore, to answer that charge a little. The House would remember that the other Bill was introduced long before this Act was going to expire on 31-8-1958. Then it went to the Select Committee which took more than nine months to report. In the meantime we were told by Pandit Bhargava himself to extend the life of the original Act by six months. It has been found that even by extending it by six months, we have not been able to get it passed by both the Houses. In the meantime, he certainly does not want that those hon. Members who have been serving in various committees under exemptions granted under the Act to suddenly become disqualified on 31-12-1958 for no fault of their own. It has not been suggested that they have been functioning independently or that they have not discharged any useful functions.

With regard to the point raised by Shri Bharucha, there is a provision in the Bill which has been passed by Rajya Sabha and this House which says that six months are allowed to all existing Members who are exempted under the present Act. They will get more or less six months holiday, exactly to serve the purpose he has in view. I do not think any further amendment of this Bill or the other Bill is necessary. So, I submit that this Bill may be passed.

Mr. Speaker: The question is:

"That the Bill further to amend the Prevention of Disqualification Act, 1953, be taken into consideration."

The motion was adopted

Mr. Speaker: The question is:

"That Clauses 1, 2, the Enacting Formula and the Long Title stand part of the Bill"

The motion was adopted

Clauses 1, 2, the Enacting Formula and the Long Title were added to the Bill

Shri A K. Sen: Sir, I beg to move

"That the Bill be passed"

Mr. Speaker: The question is

"That the Bill be passed"

The motion was adopted

11.38 hours.

FOREIGN EXCHANGE REGULATION (AMENDMENT) BILL

The Deputy Minister of Finance (Shri B. R. Bhagat): Sir, I beg to move

"That the Bill further to amend the Foreign Exchange Regulation Act 1947, be taken into consideration"

The amendment is a simple one, intended merely to define more precisely the powers conferred by the Act so that there is no room for misapprehension in India or abroad. Section 13A of the Foreign Exchange Regulation Act empowers Government to prohibit the holder of a notified security payable outside India in a notified country from having the payment of such security made in India.

This Section, it will be noticed, was couched in very general terms. Actually Government needed the powers, in order to regulate the transfer to India of Government of India securities issued before the 15th August, 1947 and encased for payment outside India. In fact also

[Shri B. R. Bhagat]

the powers conferred by the Act have been utilised for this limited purpose, under a notification issued on the 19th October, 1957, empowering the Reserve Bank to regulate the transfer of such securities and to ensure that no transfer of these securities to India takes place except with the consent of the Reserve Bank and under general arrangements agreed to between the Government of India and the Government concerned with the transfer.

11.39 hrs.

[PANDIT THAKUR DAS BEARGAVA
the Chair.]

It is not the intention, therefore, to make use of the powers conferred by the Act except for regulating the transfer of Government securities issued before the 15th August, 1947. The 1957 Act itself did not however specify precisely the class of securities coming under the restriction and merely mentioned securities generally

The matter, however, has been reconsidered in the light of the following circumstances. A loan made by foreign investors to an Indian company payable outside India may be in the form of bonds, debentures or debenture stocks and would thus be a security within the meaning of the Foreign Exchange Regulations Act. As the Law now stands, which deals with securities generally, it is theoretically open to India, although it is not our intention to do so, to notify at any time that no payment of such a loan (including the payment of interest) can be made in India without the Reserve Bank's permission. It has been suggested that foreign investors are not likely to be aware of the limited reasons for the enactment of this provision and since the Section is expressed in broad terms, may believe that there is some unexpressed intent to keep a check on the payment of obligations to foreign

investors in India. Such a misapprehension, if it is created, might stand in the way of possible foreign investments, which it is our policy to attract on reasonable terms and for approved purposes. The purpose of the amendment proposed in this Bill is to remove possible doubts by identifying precisely the Government securities to which alone the Section will then be applicable. The amendment will have the effect of restricting the powers vested in Government to the regulation of Government securities as defined in the Public Debt Act, 1944, relating to the loans floated before the 15th August, 1947 and payable outside India in any country or place notified by the Central Government. I have every hope that hon. Members will extend their support to this legislation, and I commend the motion to the House.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Foreign Exchange Regulation Act, 1947, be taken into consideration."

Shri Narayanankutty Menon (Mukandapuram): Sir, I am sorry that the hon. Deputy Finance Minister simply read out the objects and reasons which in themselves were un-understandable to anybody who reads them. If you look into the original provision of Section 13, Sir, you will find that even in the event of an extra-ordinary construction, as far as anybody in India is concerned, there was no room for any doubt. But the hon. Deputy Finance Minister was frank enough to say that there are certain apprehensions in the minds of foreign investors of capital in this country and this amending Bill is introduced in order to remove the apprehensions still hanging in the minds of foreign private investors. I do not know whether the apprehension has been gathered by the hon. Finance Minister during his tour of

the United States of America, because a series of apprehensions have been the subject matter of discussion in the Press both in the United States of America and in the Continent. Anyway, following up the utterances and pronouncements, and also the guarantees made in public by the Finance Minister both at montreal and also in Washington, he should be congratulated for keeping his promise of coming before the House to guarantee them anything that they might ask for.

Shri C. D. Fande (Naini Tal): That is of interest to us also.

Shri Narayanankutty Menon: It may be of interest to certain people in this country.

Shri C. D. Fande: To all.

Shri Narayanankutty Menon: But I should like to state categorically before the House that this is not a matter of any interest as far as the people of India is concerned; because, even though this particular Bill, according to the Deputy Finance Minister, is innocuous and only the formal sanction of the Reserve Bank is required as far as transfer of securities is concerned, the Bill contains more meaning and more assurances as far as foreign capital is concerned. Therefore, I appeal to the hon. Members not to take the hon. Deputy Finance Minister's words characterising this piece of legislation as an innocuous one and of a simple character. It is of a more serious nature, which gives more assurances and more guarantees as far as foreign private capital is concerned.

Sir, when a provision is introduced in the Bill that the Reserve Bank gets certain powers of deciding this thing this way or that way, it is very highly necessary for this House to go into the whole question as to what are the powers of the Reserve Bank

in deciding and scrutinising the transfers of money from this country to foreign countries and also from a foreign country to this country. When we look into the other provisions of the Bill and also the experience that we have got as far as transfer of money by the Reserve Bank from this country to other countries is concerned, that experience is a very sorrowful experience. Whatever power the Reserve Bank has got is only a nominal power, and the Reserve Bank even today has no idea about the nature, extent and quantum of money that is being transferred from this country overseas.

On the 24th of September, when I put a question to the hon. Minister for Steel, Mines and Fuel about the nature of the money that is transferred by the oil companies from India overseas, Sardar Swaran Singh had to say that there is some lacuna in the legislation, and we are not able to scrutinise the entire quantum and nature of money that the oil companies are transferring overseas. The hon. Home Minister, who was officiating as Prime Minister at that time, intervened to assure the House that if necessary the whole question will be enquired into and legislation, if at all necessary, will be brought in order that a complete scrutiny of the accounts of these foreign companies will be available to the Government of India. May I ask the hon. Deputy Finance Minister whether the Government of India or the Reserve Bank or the Registrar of Joint Stock Companies in India have got any idea today as to how much money is being transferred by these foreign companies from India overseas? If this amount of money is being transferred, do they know the nature of the money and whether that is in terms of profit earned in this country in the regular course of business or by means of excessive profits?

[Shri Narayanankutty Menon]

Very recently, Sir, the Government of India appointed a committee of accountants to go into and scrutinise the accounts of oil companies for the purpose of fixing the price of oil taking into account the accounts of the companies for the last six or seven years. The accountants of the Government of India went to the offices of these companies, but what sight they saw as far as the accounts are concerned will look to you, Sir, like a fairy-tale. When in the years 1956 and 1957 the Government of India tried to have a little probe into the accounts of these oil companies, they proved to be more clever than the Government of India, and they changed their entire accounting system all of a sudden. Go to any oil company today, you will not find Indian accountants preparing their accounts but you will find slotting machines there and innocent girls operating these slotting machines with codes. Recently I came across an account of Rs 56 lakhs under code D to be settled in the New York office of the Standard Vacuum Oil Company, because code D names miscellaneous in New York accounts." I ask the Deputy Finance Minister whether he is entitled today under any foreign exchange regulations to ask the Standard Vacuum Oil Company, what these miscellaneous expenses are that they incurred to the extent of Rs 56 lakhs and what is the nature of the expenses in India? I can assure the House that neither the Deputy Finance Minister nor the Finance Minister can ask the oil companies how these people have spent Rs 56 lakhs under the miscellaneous account. What is the result? The result is that the whole accounts are given to the people of India, to this Parliament and also to the Registrar of Joint Stock Companies in such a form that the Government will be compelled to believe that so much is the expenditure, so much is the income and so much is the profit that they are getting. What is the result? The result is that, unauthorisedly, with-

out the knowledge of Parliament and without the knowledge of the Government of India, these people are transferring huge amounts of money which are never termed as their profits and which, therefore, will not come in the balance sheet and profit and loss accounts of those companies. This is one instance of the oil companies.

Secondly, on the same day, I pointed out that because of the transference of the inter-company bonds and debentures so much of money is being taken away from this country. One instance can be pointed out. Now, there are two oil companies functioning Caltex and Burmah Shell and again there is the Standard Vacuum Oil Company. The Standard Vacuum Oil Company borrows six-lakh tons of oil from the Caltex company's refinery, puts a code there and the code accounts, which is called Z, is settled in the New York office. The whole payment for the borrowing of the six-lakh tons of oil is made in New York. That means the value of the six lakh tons of oil is paid without any customs duty, or without any other tax and is adjusted in New York. The Government simply sits there without knowing what exactly has happened between Caltex and the Standard Vacuum companies.

Mr Chairman I do not want to interfere but I must say that I am afraid that the hon. Member is going outside the scope of this Bill. The scope of the Bill is very restricted. It amends section 13A of the existing Act, limiting its applicability specifically to Government securities in regard to the loans floated before the 15th August, 1947. The intention was that they could not be transferred to India except with the permission of the Reserve Bank. This is a simple Bill. All other aspects of the matter, important though

they may be, are not germane so far as this Bill is concerned. I would request the hon Member to confine himself to the scope of this Bill.

Shri Narayanankutty Menon: I submitted all this because the amendment is introduced for the purpose of having a little more control for the Reserve Bank as far as the transactions are concerned.

Shri C. D. Pande: Is there any objection to that restriction?

Mr. Chairman: The Bill is restricted in scope. It relates to the payment of principal and interest in respect of certain securities which were issued before the 15th August, 1947. The Bill seeks to lay down that no payment can be made without the general or special permission of the Reserve Bank. That is all.

Shri Narayanankutty Menon: I understand the provisions of the Bill, and my whole point was, if the Government have come before this House to amend the Foreign Exchange Regulation Act and to give a certain amount of control, whatever might be quantum of that control as far as the securities are concerned, the Government is penny-wise and pound-foolish.

Mr. Chairman: That is a matter of general policy. That cannot be considered at this stage so far as the Bill is concerned. The Bill is restricted in scope, and I will certainly allow the hon Member to continue his speech in so far as that restricted scope of the Bill is concerned. But we are not concerned with any question that is outside the scope of the Bill.

Shri Narayanankutty Menon: I am not commenting on the general control at all. If the Government is satisfied at any time that section 13 or any other provision of the Foreign Exchange Regulation Act has to be

amended, my submission before the House is that the Government has come out with this amendment which is not going to produce any result at all.

Mr. Chairman: We are not concerned even with section 13. We are only concerned with section 13A which is very restricted in scope.

Shri Narayanankutty Menon: I fully understand your point that it is very restricted in scope. But my whole point is that the Government ought not to have come before this House with such a restricted scope if at all they really wanted any control over such transactions.

Mr. Chairman: Therefore, what he has said is enough. If he says that the Government should have more control, I will certainly allow him to speak about that point. On that point, however, he has already spoken too much. So far as this Bill is concerned, as he himself admits, it is very restricted in scope, and he must confine himself to the scope of this Bill.

Shri Narayanankutty Menon: I will not go into the question of general control. What I wanted to impress on the Government was that by this Bill nothing is going to be achieved. The real danger is somewhere else.

Mr. Chairman: Quite right. The hon Member himself admits that the real danger is somewhere else and we cannot go into that real danger. So far as this Bill is concerned, it is very restricted in its scope, and I am bound to see that the scope of the arguments is not stretched out so wide as to bring in aspects which are outside the scope of this Bill. What is the use of bringing in here the entire question of control? Not that the entire question is not important; it is important. But, at the same time, so far as this Bill is concerned, we cannot travel outside its scope. I

[Mr. Chairman]

would again request the hon. Member to restrict his remarks to the scope of the Bill.

Shri Narayanankutty Menon: I will restrict my arguments to the scope of this Bill alone. The hon. Deputy Minister's argument in bringing in this piece of legislation was to clear the apprehension in the minds of certain people overseas. I am taking a fundamental objection to that itself, because, when the Government found that there are certain apprehensions in the minds of foreign investors in this country, and the Government took time to bring in a piece of legislation to remove those apprehensions in the minds of foreign investors, I have got every right to point out that the real apprehension is not today in the minds of the foreign investors, but that the real apprehension is in the minds of the Indian people. Further, it is not that there are more restrictions as far as foreign capital is concerned but that more restrictions ought to be there as far as transfers of those monies are concerned.

Mr. Chairman: There may be some other Bill to remove the apprehensions in the minds of the Indian people. But this is only for removing the apprehension in the minds of the foreigners, about the security, etc.

Shri Narayanankutty Menon: I will confine to that point, namely, whether there is anything done today to remove any apprehension in the minds of the foreign investors. But there is nothing. The prime need in this country today is not that any apprehension in the minds of the foreign investors should be removed, because they have no reason, under the circumstances existing in the country today, to have any apprehension at all, for, they are given almost a free hand to bring in money and to transfer money. There is absolutely no control at all, as far as the transfer of the money is concerned. So, there is no need for

this so-called apprehension. When there is no time even in the House, on the last day of this session, to go through the business though there are so many important pieces of legislation . . .

Shri B. E. Bhagat: May I correct the hon. Member, because he is using that expression again and again—that there is no control over the transfer of money? That is what he said. I want to correct him and say that there is an absolute, 100 per cent control over any transfer of money outside India.

Shri Narayanankutty Menon: The other day, the hon. Speaker had to intervene when the Minister of Steel, Mines and Fuel said that though there were certain figures shown in the balance sheets of the Burmah-Shell Oil Storage and Distribution Co., Ltd., they did not know exactly what transfers were made. The hon. Speaker had to intervene and say that the Government of India should know the nature of the transactions and transfers. I assert that . . .

Mr. Chairman: I am very sorry to interfere again. The hon. Member has made a point to which the hon. Deputy Minister has replied, that is, there is every kind of control. As a matter of fact, the question of general control is out of the province of this Bill. I cannot allow the hon. Member, and the hon. Deputy Minister also to say that there is full control. Then the whole thing widens out. I want the hon. Member to restrict his argument to the scope of the Bill and not to introduce the question of general control. Otherwise, we will be on the sea.

Shri V. P. Nayar (Quilon): The hon. Deputy Minister also cannot be allowed to interfere and say what he did say.

Mr. Chairman: He only replied to what the hon. Member pointed out

He did not proceed with any argument. The hon Member pointed out that there are certain defects so far as the control is concerned, and the hon Minister got up and said that there is full control. But then, the province of this Bill will be so widened, and the entire purpose of this Bill which is restricted in scope, will be wasted away. I would request the hon Member to confine himself to the scope of the Bill.

Shri Narayanankutty Menon. I will have to submit before this House that the piece of legislation that they have brought now is so infructuous, ineffective and, to a certain extent, creates a misapprehension in the minds of the hon Members that the Government is very serious about controlling the transfer of money both into India and outside India. I will have to tell the hon Members that this piece of legislation, though innocuous it may be according to the hon Minister, is so infructuous in its character that there are absolutely no bona fides in the mind of the Government to prevent really any transfer both inside and outside India.

Therefore in support of my argument I would like to add that if the Government really wanted to have any control either regarding the transfer to India or outside India, so far as the very little purpose of bonds and securities is concerned, the Government ought to have come forward with a comprehensive piece of legislation. I oppose this piece of legislation in the sense that, even though the little power that the Reserve Bank of India is getting is a welcome feature, this will be a misleading Bill. Therefore the Bill will have to be opposed.

12 hrs

What prevented the Government from bringing forward a comprehensive piece of legislation when it decided that there should be some sort of a definition or some sort of clarity so far as section 13A was con-

cerned? Was the Government forgetting the dangers inherent in the transfer of money? I cannot submit that the Government was forgetful about that or that it was ignorant about that. Every time during the last Session and also in the Session previous to that, as far as the transfer of securities, bonds and profits is concerned, many questions arose and leading members concerned of the Government came forward to say that there was a lacuna in the legislation. When a Bill, as you know, is sought to be amended in order to remove our apprehensions or to fill up a gap, essentially a debate takes place in the House as to whether the amendment is proper or whether it satisfies the purpose of filling up the gap in the Act. My submission is relevant to the discussion in that that this Bill does not satisfy the purpose of filling up the gap already existing.

The one appeal that I have got to make to the hon Finance Minister is that let him not come forward before this House with a little provision which will not really forestall the danger already inherent in the whole transaction regarding foreign exchange, both in the case of foreign exchange being taken out of the country and brought into the country. It is almost agreed that there is no control today as far as the transfer of securities is concerned. He wants a little control by the Reserve Bank. I am speaking of that type of control and it is very material and cogent as far as this discussion is concerned that even if this control is given to the Reserve Bank, that control will be ineffective and infructuous because the nature of the control is never defined. In many places in the parent Act, the word 'control' is there. In the amending clause of section 13A the word 'control' is there. But what is the nature of the control? The Reserve Bank will get returns. That is the nature of the control that the Reserve Bank exercises. I am submitting that whatever control is there as far as the Reserve Bank is concerned, it is absolutely no control in effect because in spite of

[Shri Narayanankutty Menon]

the fact that the Reserve Bank may control everything the control boils down to this that a return is received by the Reserve Bank and some sort of statistics are maintained by the Reserve Bank. If the Government desires to have real control over this, the control of the Reserve Bank will have to be defined

Mr. Chairman: I am sorry to say again that the general question is being gone into again. I have already submitted that so far as the present Bill is concerned, we cannot go into the question of general control except for the purpose of just making a comment that this Bill is not necessary. Only to that extent a comment can be made and I have allowed it already. So far as going into the question of general control and getting a reply that full control is there and going into the provisions of the Foreign Exchange Regulations is concerned, that will not be germane to the purpose of this Bill. I would, therefore, request the hon Member, if he has to say anything more, to restrict himself only to this particular provision, i.e., section 13A

Shri Narayanankutty Menon: I have got only one more point. I respect your ruling and according to that I am not going into that question, but if the hon. Minister comes forward and says that there is apprehension in the minds of foreign investors and that in order to remove that apprehension we are moving this piece of legislation, is not the House entitled to go into the question whether there is actually any apprehension or whether the apprehension is to the contrary? My submission is that the House should be satisfied first of all that there are reasonable grounds for any apprehension in the mind of foreign capital, as far as foreign investors are concerned. If according to the statement of objects and reasons of the Bill and also according to the hon. Minister when he introduced the Bill the purpose of the Bill was to

remove an apprehension in the mind of foreign capital, the House will have to be satisfied first of all that there is a reasonable ground for apprehension in the mind of foreign capital. My whole submission was that there was no ground, as far as foreign capital is concerned, for any apprehension or misapprehension. Therefore there is no necessity for this amendment at all.

Secondly, the anxiety of the hon. Minister and the anxiety of the Government of India to search for apprehensions existing in the mind of foreign capital is going too much now-a-days. This Bill is a result of the Government's over-anxiety to satisfy in place and out of place foreign capital, without any reason at all. Why should the Government go into the question that this little apprehension exists in the mind of foreign capital and give them assurances after assurances?

An Hon. Member: Because they are asking for it

Shri Narayanankutty Menon: We are inviting foreign capital today in this country on very reasonable terms. There is absolutely no justification for any apprehension in the mind of foreign capital because we are not expropriating foreign capital here. A reasonable amount of freedom as regards movement of capital, movement of profit and everything is given in this country. As I have submitted earlier, it is relevant to the point, there is too much of freedom as far as foreign capital is concerned in this country today. Why is the Government more anxious to come forward with a piece of legislation in order to remove the anxiety of the foreign capital alone? My only submission in this connection is that this Bill, as I have submitted earlier, is a result of certain representations made to the hon. Finance Minister when he was having his tour in the United States of America. He comes back

from there and comes to this House in order to substantiate or fulfil the assurances that he has given in the United States of America. My submission, which is again relevant to the point, is that instead of the hon Finance Minister coming before this House to fulfil this assurance that he has given he should have come here in order to see that the lacuna already existing, as far as our existing foreign exchange regulations are concerned, is removed and at the same time a guarantee is given for legitimate business in this country.

Lastly, I wish to point out that as far as foreign companies are concerned, it is a flowing in of their capital into the country and flowing out of the profits from this country. Regarding the entire question of foreign exchange, there are serious difficulties as far as the Bill is concerned and the mere existence of the Foreign Exchange Regulation Act today is a misnomer because both in the case of foreign companies and in the case of Indian companies, the Government is unable completely to control any sort of foreign exchange transactions in respect of both flowing out and flowing in. I am pointing this out today because, as you have suggested, the necessity for bringing in a comprehensive piece of legislation is all the more their desire even though this is confined to foreign capital. What is happening regarding Indian capital is a more relevant question. Even though the Government by this Bill desires to have a little control with the Reserve Bank, I again submit that the dangers are not in section 13A but in every section of the Foreign Exchange Regulation Act there is a danger. That danger is being utilised by everybody, both by foreign companies and by Indian companies. Because you have taken a particular view regarding that matter, I am not going into that question in detail, but I feel it my duty to point out the dangers in other sections also though not in detail.

The Government knows very well

from a case which is already pending—I am not making a reference to it because, even though it is not exactly *sub judice*, the Government mentioned that it is pending investigation—that large amounts of foreign exchange have been earned by Indian industrialists which are being blocked up in foreign banks. What can you do under this Act? In that case also the Government said that they cannot do anything. The Reserve Bank of India cannot do anything. The Reserve Bank of India does not know anything about this foreign exchange. What is the Government going to do as far as the smuggling of this foreign exchange in the country is concerned? If any Indian industrialist can hold foreign exchange in foreign banks today without the knowledge of the Government of India and without the knowledge of the Reserve Bank, is it not pertinent that the Foreign Exchange Regulation Act will have to be amended not in this particular fashion, i.e., by amending section 13A alone, but by amending other provisions also? Therefore my appeal is that this Bill, which is innocuous as he has said, does not fulfil the purpose of filling up the gap that exists in the Foreign Exchange Regulations Act. A Bill, so unsatisfactory in character is brought without any *bona fides* at all. It is brought only with the particular intention of satisfying the whims and fancies of certain industrialists abroad in order that the hon Finance Minister can again assure them that “I am capable of fulfilling the assurance that I have given you during my tour of the United States on the floor of the Indian Parliament also.” That is the only purpose of bringing forward this Bill. Therefore I submit that because this Bill will not in any way satisfy the real requirements of the Foreign Exchange Regulation Act, even though this Bill is passed today, the Government should come forward if there are any *bona fides* behind their intention with a more comprehensive Bill which will replace the most ineffective foreign exchange regulations that exist today and which will be the real Foreign Exchange Regulation Act, which

[Shri Narayanankutty Menon]

will regulate the flow of foreign exchange both from this country to outside and from outside to this country

Shri Saswara Iyer (Trivandrum)
Sir, I shall not go into the desirability of a comprehensive legislation in respect of foreign exchange, but I shall confine my remarks to the question of the present Amending Act

A reading of the present Amending Act would show that it deals with Government securities as defined in the Public Debt Act, 1944, created and issued for the purpose of raising a public loan before the 15th day of August, 1947. This Bill, therefore, confines itself to the case of public securities within the definition of the Public Securities Act which have been issued prior to a particular date, that is, 15th August, 1947. The section as it originally stood, as I understand it, was to apply to all public securities without reference to any particular date. The necessity for confining this restriction of getting the consent or permission of the Reserve Bank is felt according to the Government, with respect to the securities issued prior to 1947 and therefore, they have come forward with an Amending Act saying, let us fix it with reference to a particular date in 1947. The reasons I cannot understand

I am particularly concerned with the reason why such a restriction as to payment of interest or otherwise in respect of public securities should be restricted with respect to public loans issued prior to 1947 and not with respect to all kinds of loans floated. The reason given seems to be, as the hon. Deputy Minister said, that the foreign investors are feeling some apprehensions. Why should they feel some apprehension? We are not given the grounds for such an apprehension. From where did he get the information

that foreign investors are shy of investing? Just because the payments of loans or interest are not made with respect to loans issued prior to 1947, why should not the restriction be there in respect of the loans issued subsequent to 1947 also? Why should not the Reserve Bank go into all this? I cannot understand and I must confess to a sort of bewilderment why the Reserve Bank's permission should not be obtained, which, according to the Deputy Minister, is only a formal or informal thing. Why should not that restriction be there with respect to even loans issued subsequent to 1947, so that we may know what is the nature of the foreign investment that has been made? If the Reserve Bank is there to give permission in respect of payment of interest or payment of principal with respect to loans subsequent to 1947, it will facilitate the matters for the Reserve Bank to keep track of all these things. Why we should exempt is a matter for which I cannot find an explanation.

The Statement of Objects and Reasons would say, it is a misapprehension or apprehension on the part of the foreign investors, let us be good to them. Why should it be so? Has the Deputy Minister of Finance or the Finance Minister given any reason for this apprehension? Perhaps his tour round America might have given him this apprehension, or some of his friends in America may apprehend certain dangers. Do we say that with respect to the issue of public loans we will not return the loans? All that we have said is, in respect of principal of a loan that has to be paid or the interest that has to be paid with respect to an investment made by foreign investors, they should get the permission of the Reserve Bank. The Reserve Bank as the controlling authority of finance must keep track of all these things. This is a very desirable provision. I cannot understand the necessity or expediency of such an amendment. I would only

say that the original section as it stands, must stand and I would respectfully submit to this House that this Bill is highly inexpedient and it must be thrown out.

Shri Achar (Mangalore): Mr Chairman; the purpose of the Bill is so clear and I was really surprised at the confused way of attacking the Bill

Shri Easwara Iyer: There is no confusion

Shri Achar: Section 13A is so very clear about the point as to the misapprehension. The Statement of Objects and Reasons has clearly stated the position. Anyhow, for the benefit of the House, I may read that portion of it

"Section 13A was, however, couched in very general terms and it has been pointed out that it is open to Government under the powers vested in them by this section to notify at any time that repayment of a loan made by a foreign investor to an Indian company would not be permitted even in India without the specific approval of the Reserve Bank"

This seems to be a clear explanation of section 13A. There can be no doubt about that. Section 13A reads

"Notwithstanding anything contained in any other law or in any contract, agreement or other instrument, the holder of any security or class of securities notified in this behalf by the Central Government in respect of which the principal or interest or both is for the time being payable outside India in any country or place so notified shall not be entitled, except with the general or special permission of the Reserve Bank to have any such payment made at any place in India"

Shri Easwara Iyer: There is no prohibition

Shri Achar: There can be no doubt that the section as it stands will create a misapprehension in the foreign investors' mind.

So far as the present situation is concerned, we know very well, we require foreign aid. We are inviting foreign capital. The other day, I referred to the position of the tea industry, for example. We have an example of capital going out of the country. In fact, I asked the Government a question whether the Government has made any enquiry about this fact and whether they have got facts and figures because we hear so much in the papers. On behalf of the Government, it has been stated that they have no figures and they are trying to ascertain it. There is no doubt, there is a sort of apprehension that investment in India is not quite safe and they would like to transfer their capital out of the country. When that is the situation, when we want investment from foreign countries, I can very well understand Government's apprehension that any reasons which would give cause for foreign capital to be shy should be removed and so, they would like to amend such portions of the Acts. Here, it is clearly stated, "except with the general or special permission of the Reserve Bank". This policy is there. The Reserve Bank may grant or may not grant permission. There is that situation also. The persons who invest from foreign countries would see this danger and they may not be willing to invest. When the provision is so clear and when they have to depend on the permission of the Reserve Bank, it is but natural that foreign investors may have some apprehension.

The Bill has not dealt with any other aspect of the position with regard to foreign exchange or foreign capital. With regard to this particular point, I submit that the section

[Shri Achar]

creates that impression, and is a cause of apprehension in the mind of the foreign capitalists. There is absolutely no harm in having certain amendments to clarify the law. I would not like to go into any other aspect of the question and I support this Bill

Shri B. R. Bhagat: I am surprised that controversy has been created over a matter where actually there need be no controversy. I can understand some hon. Members trying to raise political red herrings to distract attention from the genuineness and simplicity of the measure. That is quite understandable, but I would like to explain some of the points or some of the misapprehensions which the hon. Members have tried to raise

The point made by the hon. Member, Shri Narayanankutty Menon, about the question of the transfer of money abroad, as you have ruled, is quite beside the point, and I will only repeat what I said that under the present Act there is not only the power, but it is also the practice of the Reserve Bank to control all transfers. Actually, nobody can make any transfer without the permission of the Reserve Bank, and we have full knowledge of every pie that is transferred outside the country.

If I may explain again what I said while making the motion, the Bill as it is does not give any fresh guarantee or any concessions to the foreign investors. It only incorporates what is the present practice in a different way, by defining more precisely the term "security". Under the existing Act, it is security as notified by the Government from time to time. We have a notification, as I mentioned in my speech, of 19th October, 1957 under the Act, which defines "security" precisely, and what we are actually doing now is to put the same definition that exists in the notification into the present Bill. So, there is absolutely no fresh guarantee.

The apprehension in the mind of the foreign investors is this. Their lawyers, when they are finalising the terms of the contract, are only aware of the Act as it is. Many of them, or a large number of them, are not aware of the large number of notifications that may be there. So, it was suggested informally . . .

Shri Prabhat Kar rose—

Shri B. R. Bhagat: If the hon. Member has any questions, he may ask afterwards and I will answer them

So, we thought it would be rather better to put the definition that is in the notification into the Act itself. That is the only thing that we are doing, and that is why I said it was a simple and innocuous measure and that it need not raise any controversy

The point was raised by Shri Menon. Why should it be only in respect of pre-1947 securities? The simple reason is that only pre-1947 securities are encased for payment outside India. All post-1947 securities are only encased for payment inside India. So, the Bill takes care of those securities which are encased for payment outside India and which may be transferred to India for payment in India. It is for these securities only that we want that there should be control and regulation by the Reserve Bank. So, any question of later securities does not arise.

As I explained, the Bill as it is should not arouse any controversy, and it is not with any other purpose or to make any concession that we have tried to come with this amendment. It is actually to incorporate in the Act itself what is existing in the notification.

Shri Prabhat Kar (Hooghly): I want to put only one question. It is stated

in the Statement of Objects and Reasons:

"Section 13A was, however, couched in very general terms and it has been pointed out that it is open to Government under the powers vested in them by this section to notify at any time that repayment of a loan made by a foreign investor to an Indian company would not be permitted even in India without the specific approval of the Reserve Bank. This might create some misapprehension . . ."

That was in general terms, and now the hon. Deputy Minister has come forward with a Bill to amend it. The question is, has there been any actual case where any foreign investor has pointed out that because of this particular section which is worded so generally, he is not in a position to invest, or did it only occur to the Government that there might be such a misapprehension.

While making the motion the hon. Deputy Minister did not mention what exactly was the reason. Is the Government finding any difficulty, or have any foreign investors pointed out any difficulty to the Government, or is it simply in the mind of a particular Minister that there may be some misapprehension and so they are coming forward with this amendment? If he makes the point clear stating these are the specific cases where Government has found it difficult to bring in the foreign investor, then this point can be considered, but no such point has been made by the hon. Deputy Minister.

Shri B. E. Bhagat: This is a very simple matter, and it is a matter of commonsense which the hon. Member should understand. The word as it was "security". In the notification the conditions are mentioned that this relates to Government securities as

defined in the Public Debt Act and to loans floated before 15th August, 1947. But these facts are not known to investors all over the world. So, naturally in their negotiations they raise such points. Their legal experts raise certain legal points. Unnecessarily such misapprehensions are created. Actually, what we are trying to do is to bodily lift the provision in the notification and incorporate it in the Act. It does not make any fresh concession, but only clarifies the point. So, what is the objection?

Shri Easwara Iyer: Give us one instance of a foreign investor who sought this clarification.

Shri B. R. Bhagat: It is very difficult for me to quote the names and other things, but I think it should be left to the Government to exercise commonsense and intelligence. We feel there is a misapprehension about certain things unnecessarily.

Shri Nagi Reddy (Anantapur): Who were the people who were under a misapprehension?

Shri B. R. Bhagat: I do not think there is any legitimate ground for the hon. Members to feel that we are unnecessarily making a concession. We are making no concessions, rather we are clarifying the position.

Mr. Chairman: The question is:

"That the Bill further to amend the Foreign Exchange Regulation Act, 1947, be taken into consideration."

The motion was adopted.

Mr. Chairman: There are no amendments.

[Mr. Chairman]

The question is:

"That clauses 1 and 2, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

Clauses 1 and 2, the Enacting Formula and the Long Title were added to the Bill.

Shri B. E. Bhagat: I move:

"That the Bill be passed"

Mr. Chairman: The question is:

"That the Bill be passed"

The motion was adopted

12.29 hrs.

COST AND WORKS ACCOUNTANTS BILL

MOTION TO CONCUR WITH RAJYA SABHA re. JOINT COMMITTEE

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): I beg to move:

"That this House concurs in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Cost and Works Accountants Bill, 1958, made in the motion adopted by Rajya Sabha at its sitting held on the 10th December, 1958 and communicated to this House on the 12th December, 1958, and resolves that the following members of Lok Sabha be nominated to serve on the said Joint Committee, namely.

Shri Nibaran Chandra Laskar, Shri Etikala Madhusudan Rao, Shri Bholi Sardar, Shrimati Jayaben Vajubhai Shah, Shri Radhe-lal Vyas, Shri C. R. Narasimhan, Shri S. A. Agadi, Shri Satish Chandra Samanta, Lala Achint Ram, Shri Radheshyam Ramkumar Morarka, Swami Ramanand Shastri, Shri Padam Dev, Shri Sunder Lal, Shri Prabhat Kar, Shri Rajendra Singh, Shri Jaipal Singh, Shri Karsandas Parmar, Pandit Braj Narayan "Brajesh" the Mover and Shri Lal Bahadur Shastri."

I commend for the acceptance of the House the recommendation of the Rajya Sabha that the Cost and Works Accountants Bill, 1958, be referred to a Joint Committee of the two Houses.

The Bill is intended to set up an Institute of Cost and Works Accountants, which is to be entrusted with the functions of regulating the profession of cost accountancy. There is a general recognition of the fact that without a sound system of cost accounting, the evaluation of the progress of the working and development of industries in the public sector, where the ordinary forces of competition may not always operate effectively, is considerably hampered.

The Tariff Commission has repeatedly emphasised the need for a proper system of costing so far as the protected industries are concerned, not only from the point of view of ascertaining the fair price of the products of protected industries but also of assessing their progress periodically.

The Estimates Committee in their Ninth Report on Administrative, Financial and Other Reforms, have recommended

" Government should take early steps to set up an Institute of Costs and Works Accountants and to train sufficient number of men in this line with the modern and up-to-date methods suited to the various types of undertakings. Meanwhile, every endeavour should be made to tap the existing manpower trained in this line in order that Cost Accounting Units are introduced where not already done or are improved where such units are in existence."

Their report for 1954-55 on organisation and administration of nationalised industrial undertakings refers to the early adoption of the costing system as under:

"That Committee have noticed that the importance of cost accounting is not appreciated in some of these nationalised undertakings. In the

absence of cost accounting, control of expenditure and efficient working are difficult. The Committee would, therefore, urge that even from the outset, cost accounting should be introduced as a matter of course."

The Public Accounts Committee too have stressed from time to time the necessity to have a system of modern cost accounting in industrial undertakings run by the Government

Costing and cost accountancy have assumed great importance in the present discussions on industrial management, consequent on the fast pace of industrialisation in the context of our planning. Problems of production and employment cannot be considered merely in terms of simple aggregates of output or of labour force employed, but have to be viewed in the light of the quality and unit costs of the end-products of industry, and the nature and the quality of employment created. These problems can be solved satisfactorily only by a combination of productive skill and efficient management. But neither of these can be effected without efficient technical guidance. There has to be a carefully contrived balance between all the functions of industry, and this can be brought about by skilled direction, by the knowledge of where and how to exert pressure to obtain better results, and by research into the fundamentals of labour and material utilisation. It is here that cost accounting has its special part to play in industrial management. There is no law at present imposing any obligation on industrial undertakings in regard to the maintenance, certification or publication of cost accounts. Unlike the profession of general accountancy, which has been in the field for a long time and has been subject to some form of statutory regulation for about forty years, by virtue of the provisions in the Companies Act, the cost accountancy profession is of comparatively recent origin in this country.

The first prerequisite for development of the profession is, therefore, its organisation on a sound and systematic basis, so as to assure a constant flow of well-qualified accountants to meet the needs of the industry both in the public and the private sectors.

The question of undertaking legislation in this regard, especially, in the light of the recommendations of the Estimates Committee, the Tariff Commission, the Public Accounts Committee, etc., has been under consideration of Government for some time. A Bill was actually drafted for this purpose in 1956, but due to the necessity for consulting professional opinion, as at present represented by the Institute of Cost and Works Accountants, Calcutta, the various Ministries concerned in the matter and also the State Governments (the subject being in the Concurrent List in the Constitution), all of which took time, it has been possible to introduce the Bill in Parliament only now. Pending the enactment of the necessary legislation for setting up of a statutory body to assume the responsibility for the maintenance of requisite standards, qualifications, discipline and conduct of the members of the profession, however, Government have accorded administrative recognition to the existing institute in November, 1956, as a first step towards the creation eventually of a statutory organisation.

Cost accounting is a function entirely different from general or financial accounting. Cost accountancy covers a wide range of subjects, with special emphasis on cost accounting, factory organisation and management, engineering techniques, and knowledge of the working of the factories. The cost accountant performs services involving pricing of goods, preparation, verification or certification of cost accounts and related statements, or recording presentation or certification of costing facts or data. In a manufacturing concern, he works out the economical cost of production and evaluates its progress at each stage of production. In mass production enterprises, he points out wastage of man-power due

[Shri Satish Chandra]

to over-staffing or inefficient organisation and indicates the output, the capacity of the machines and labour, the stock position, the movement of stores, and weaknesses in the production processes. The systematic determination of cost in every single and distinct process of manufacture provides a continuous check on the margin of waste in the processing of raw and semi-finished materials, on the utilisation of the machinery installed, on man-power expended and the percentage of rejection of finished products. This pin-points also the particular process in which defects and deficiencies exist, thereby enabling immediate remedial measures being taken. Costing, in short, aims at making the organisation efficient and economical, by providing the minimum of labour and materials and getting the full capacity of the machine output. The cost accountant therefore, is concerned solely and mainly with the internal economy of the industry, and renders services essential to the day-to-day management of the undertaking. The chartered accountant, on the other hand, engages himself to perform services involving preparation, verification or certification of financial accounts and related statements in accordance with the requirements of statutes such as the Companies Act or assess any matters of principle or details relating to the financing of business enterprises. His work is more in the nature of an overall assessment of the results of the working of an undertaking and, therefore, serves a field entirely different to that of the cost accountant.

In view of this fact, it is considered desirable to entrust the regulation of the professions of chartered and cost accountancy to different institutes. Besides, the core of the work done by cost accountants being different from that of the chartered accountants in its nature as well as in its scope, a single governing body for both would have to face serious difficulties, in matters relating to discipline and control over the members of the profes-

sion. It would, therefore, not be possible for the existing Institute of Chartered Accountants of India to deal both with general accountancy and problems relating to cost accountancy unless it sets up a completely separate organisation for dealing with cost accountancy. Further, the experience of various advanced countries indicates that it is necessary to have a separate Institute of Cost and Works Accountants as distinct from that of chartered accountants.

The existing Institute of Cost and Works Accountants in Calcutta, full-fledged members of which would automatically be enrolled on the register of the proposed statutory Institute, was established in 1944 as a non-profit-making public company limited by guarantee. It was set up at a time when the dearth of men having costing knowledge or handling accounts of war production was being keenly felt and the Institute was actually supported by Government during the initial period of its existence. During the early war years, the then Government of India in the Ministry of Supply had set up an advisory body of accountants known as the advisory panel to advise Government on the pricing of war contracts. As this did not meet the needs of Government at that time adequately and the registered accountants were not fully competent to do this specialised work satisfactorily, Government actively sponsored the formation of the Institute so that it could, apart from being an examining body, also impart training to students as also to junior staff of Government at that time. This was the beginning of the institute in 1944.

The Institute has at present 388 full-fledged members on its rolls and 368 persons who have passed the examinations but have not enrolled themselves as members. There are also about 160 persons who have qualified as cost accountants through the examinations held in India by the Institute of Cost and Works Accountants, London. Further, there are now 8,300 students registered with the Institute preparing

for professional examinations. 3,600 examinees are expected to appear at the next examination to be held by the Institute in January 1959. The syllabus of the examinations conducted by the Institute was originally modelled on that of the Institute of Cost and Works Accountants in U.K. It has, however, recently been revised and can now be said to be of even a somewhat higher standard. There is no other similar Institute imparting training in or holding examinations in cost accountancy in this country. The existing Institute is, therefore, the only nucleus around which the statutory body envisaged in the Bill can be built up if the objectives of legislation are to be fully realised.

There have been many complaints about the low percentage of passes in the examinations and inadequate facilities provided for training for intending students. These are matters which will be governed by regulations made under the Act and it is Government's intention immediately after the statutory body is set up to look into all these matters to ensure that improvements are effected in the present arrangements. The proposed legislation follows closely the pattern of the Chartered Accountants Act, 1949, with suitable adaptations to meet the requirements of the case. Since the Act mainly provides for the form of organisation and the scope and functions of the Institute, there is, as far as the organisational aspect is concerned, not much fundamental difference between the two Institutes. The present Bill, therefore, takes into account the various amendments proposed to be made in that Act through the Chartered Accountants (Amendment) Bill, 1958, which this House will be considering, I think, in the next session.

Certain changes were made in the Bill during its passage in the other House and some changes might also be necessary in this Bill which, I have no doubt, the Joint Committee will agree to make. Broadly, the proposed legislation provides for the creation of a body corporate by the name of the

Institute of Cost and Works Accountants with two classes of members, namely, Associates and Fellows. It provides for the entrustment of the management of the affairs of the Institute to a Council consisting of elected representatives of the members of the Institute and nominees of Government, election by members of the representatives of the Institute being on a regional basis. It vests the requisite powers in the Council which is to be an autonomous body except in respect of certain specified matters and subject to the over-riding power of the Central Government to issue such directions from time to time as might be conducive to the fulfilment of the objects of the legislation. It provides for the conferment of powers on the Council and the Central Government to recognise foreign qualifications on a basis of reciprocity, if they are satisfied that such recognition is in public interest and also for the recognition of accountancy qualifications granted by other institutions in India.

The Bill provides for the formation of regional bodies to assist the Council in its work, such regional bodies being subject to the guidance, supervision and control of the Council and also for the enrolment initially of the members of the existing Institute at Calcutta as members of the proposed statutory body in the same way as was done in the case of registered accountants when the Chartered Accountants Act, 1949, was brought into force. It provides for the winding up of the existing Institute at Calcutta, the transfer of its assets and liabilities and the services of its employees to the proposed statutory body. The Institute is expected to be financially self-supporting, though Government may make suitable grants to it from time to time for the implementation of specific schemes of development.

In view of the fact that a statutory organisation is being created for the regulation of this young profession for the first time and since the members of the other House felt that the experience gathered of the working of the

[Shri Satish Chandra]

Institute of Chartered Accountants would be of benefit in scrutinising this Bill, Government have agreed to the reference of this Bill to a Joint Committee. I hope, Sir, that this House will accept the recommendation of the Rajya Sabha.

Mr. Chairman: Motion moved.

"That this House concurs in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Cost and Works Accountants Bill, 1958, made in the motion adopted by Rajya Sabha at its sitting held on the 10th December, 1958 and communicated to this House on the 12th December, 1958, and resolves that the following members of Lok Sabha be nominated to serve on the said Joint Committee, namely

Shri Nibaran Chandra Laskar
Shri Etikala Madhusudan Rao,
Shri Bholi Sardar, Shrimati Jayaben Vajubhai Shah, Shri Radhe Lal Vyas, Shri C R Narasimhan, Shri S A Agadi, Shri Satish Chandra Samanta, Lala Achint Ram, Shri Radheshyam Ramkumar Morarka, Swami Ramanand Shastri, Shri Padam Dev, Shri Sunder Lal, Shri Prabhat Kar, Shri Rajendra Singh, Shri Jajpal Singh, Shri Karsandas Parmar, Pandit Braj Narayan "Brajesh", Shri Satish Chandra and Shri Lal Bahadur Shastri."

Shri Warior (Trichur) Sir, I stand to welcome this piece of legislation about the Cost and Works Accountants of India. This subject had come before this House in a previous session as a Private Member's Resolution. Shri C R Narasimhan moved a resolution on that occasion recommending to Government the bringing forward of legislation with the same object. At that time we were sorry that although all sides of this House supported that resolution of Shri C R. Narasimhan, the Government expressed its opinion that the time was not mature enough for the establishment of such an Institute. We are glad now at least wisdom has dawned on Government and

it has come forward with this legislation.

This is not in any way a complete or comprehensive legislation so to say. There is legislation already here but there are so many things to be incorporated in this and modified so that we will profit from the experience of the working of the Chartered Accountants Institute legislation also.

The hon Minister was pleased to say that cost accounting is quite different from general accounting. In general accounting, they place more emphasis on the financial aspect of the concern whereas this is, in fact, improving upon those financial records which are presented—especially the closing accounts, the profit and loss account and the final balance-sheet. It creates a fear in the minds of certain industrialists when they think about this cost accounting as a probe into their affairs. Actually, it is not so. As far as I understand and I have learnt, cost accounting is only a continuation and amplification of general accounting. So, there is no room for apprehension from any quarter at all.

In the West Cost Accounting had come into being—and similar institutions have been established—only very lately. Even in UK, if I remember correctly it was only in 1919 that an enactment came into force and this Cost Accountants Institute was established there.

The hon Minister was saying that it is particularly for the public sector. That is not so. Even for the private sector, it is very helpful because in the complex system of manufacture wastage is a very important factor nowadays. Some people think that wastage is natural in the course of processing and manufacture. That is not always true. It is only partially true. There are direct and indirect wastages. There are manipulated wastages also.

Long time before, in the Trade Union movement, I remember to have read in the forties or so that Subhash Babu

once remarked about the Tata Iron and Steel Co., that wastage is created there intentionally for certain purposes. In modern industries wastage has at times to be thought of rather as profit and not actually wastage, because there are so many processes and so many loopholes. Intimately connected with the textile industry, I have come across many instances of intentional wastage created so the management could get huge profits unaccounted for. That is a very important point.

Apart from that, in our economy which is a planned economy to a certain extent, it is implied that there must be some control. In an unplanned economy, there is not so much necessity or importance to check wastage at every stage of manufacture. But, in a planned economy, it implies control, control at every stage and every level of manufacture. For that ordinary general accounting is not enough. In ordinary general accounting, as we all know, only the correct figures are required and the auditors—the chartered accountants—who go into those accounts have only to check up whether there are vouchers supporting the entries in the debit and credit columns. But, finally, when the profit and loss accounts or the trading accounts are prepared, we do not know whether those are actually correct or not.

There are always disputes from the labour point of view that these profit and loss accounts are not to be taken as the real profit and loss accounts and the profits or losses shown in them as real profits or losses. Why is there this dispute? Because, the profit and loss account can be manipulated and so many small things which go out of the factory or which go to increase the cost of production can be shown as waste and are unaccounted. The final profit and loss account also depends upon the stocks. That is also very important. The stock also has to be valued very correctly.

In general accountancy the primary principle accepted is that the valuation of the stock should be made

according to the market value obtaining at the time of the closing of accounts or according to the production cost, whichever is less. That is the general rule. But nobody can vouchsafe that this is the price. The market value varies from market to market and during the same day. But, how can we arrive at the correct figure? A single anna in a unit of a commodity can increase the profit or decrease the profit as the case may be and according to the necessity of the management. If the management wants to defraud the share-holders and workers, it may reduce it by one anna and a million and odd annas would come to so many rupees and the whole profit will come down to a loss. So, also, if it wants new debentures to be floated or new shares to be floated, it can increase. So, there is no vouchsafing the correctness of the profit and loss account. This has become a very irritable question in the labour movement.

Ordinarily, the workers have a horse sense of the profits or losses incurred. They know what is the cost of the material, how much they are paid, how much the expenses of management are and so on, how much the fuel and other accessories and spare parts costs, etc. They have a rough calculation—it is rough no doubt and not recorded; but at the same time they know also how much these commodities are fetching in the market. From a comparison of these figures they come to a general understanding as to how much of profit or loss has been there. The profits and loss accounts generally show nothing near this calculation of the workers. Often the figures are much lower and in a very few cases they may be higher; but that is an exception. Generally, it is lower than the calculation of the workers employed in different units of the industry.

13 hrs.

Now the controversy arises. The management will say that a piece of cloth has fetched only a particular amount. The workers know that it fetches much more and all these accumulated together will necessarily

{Shri Warrior}

give a much higher figure than actually shown in the profit and loss accounts. The most important factor in manipulating profit and loss is in the stock which the workers do not know. Even if cost accounting is instituted it is only possible in big units. There is no doubt about it. Nobody is saying that cost accounting can be instituted in small scale industries. It is impossible, because, by and large the cost of cost accounting will be much higher than what is actually gained from the operation. This is intended more or less for the bigger units. It is very essential also, because now-a-days industries and manufacture have got a general tendency of making this more complex by simplifying. For instance, in the textile industry a new machine has come which is called the *Simplex* machine, but the process is more complicated than before. In every industry that process is coming and it is very difficult to assess where the leakage is, where the loopholes are, where the losses are and where the wastage is. If at every stage of the processing the check is there, the cost accounting is there, we can find out what the industry is gaining or losing. Hence this is very important from the point of view of planning, from the point of view of settling disputes amicably with labour.

There is a general tendency to believe that labour is always recalcitrant. That is not so. Labour is also very reasonable. That is my experience of the trade union movement. Labour never goes against the interests of the industry. But the industrialists in order to hide their profits do certain tricks in accounting. If proper cost accounting is there surely a number of labour disputes—99 per cent of them—can be amicably settled, because of the reasonableness of the workers in understanding that the interests of the industry is as paramount as their own monetary interests.

Coming now to the Bill I do not want to expatiate upon it. We had a real thesis from the Deputy Minister who is in charge of the Bill. In

regard to the membership of the institute, as envisaged, I have to make one or two suggestions. As the Minister has given out the figures we have only a very few qualified hands in cost accounting and I do not know how much even they are qualified. It is an examination conducted by a private institute, no doubt recognised by Government. But cost accounting is a highly specialised subject; it has gone through so much of improvement in foreign countries, particularly in the United Kingdom and the United States. Add to the specialised nature of the subject the complexity of the manufacturing organisations are also there. It can be conducted efficiently only if checks are made at different stages of manufacture. Ordinary people cannot check up these processes.

All the same our chartered accountants also do a portion of cost accounting in their syllabus. To some extent they have also been doing the work of cost accountants. So, there is a real apprehension in the minds of the chartered accountants, and many of them had also approached me saying that this will take away their living because many of the industries have grown up horizontally as well as vertically. Government by introducing this measure are depriving them of their means of livelihood.

In regard to the constitution of the Cost Accountants organisation, I have to make a suggestion for the consideration of the Joint Committee of the Chartered Accountants pass a special paper or examination in cost accounting they also may be permitted to become members of this Institute as well as of the Chartered Accountants Institute. A dual membership may be given to them, so that this sort of apprehension may be removed from their minds.

The other suggestion I have to make is in regard to the autonomy of the Institute. I do not know very much about the working of the Chartered Accountants Institute, how it is functioning and all that. But any way I

wish to inform the hon. Minister that there is enough of talk among the lower category of Chartered Accountants, or the junior members of the profession, that all is not well with it. I am only giving this information for him to check up. Why is it so? Statutorily it has been provided that 25 per cent of the Members of the Institute would be nominated by Government, and the 75 per cent would be elected. But while these elected members come from different parts of the country, Government nominated Members come from Delhi. As such the nominated element has always been having an overwhelming voice in the affairs of the Institute, which in its turn has become a hard maid of the Government. This is their complaint. I do not mean to say that the complaint is quite correct. I do not know, but there is such a complaint and this is voiced by the chartered accountants themselves.

Shri Satish Chandra: I may correct the facts given by the hon. Member. There are twenty-five members on the Council of the Chartered Accountants of which five are nominated by Government. They are not government officers, excepting two or three, the rest come from Chambers of Commerce in the country, also from different parts of the country.

Shri Warior: Five out of twenty makes twenty-five per cent. That was what I said. As such these people have an overwhelming voice.

Shri Narasimhan (Krishnagiri): The five can be five *maha-bhudas*.

Shri V. P. Nayar (Quilon): Or *pajcha bhudas*.

Shri Warior: I, therefore, suggest that instead of eight being elected and four nominated, ten should be elected and only two nominated. The elected members should be at least three times more than the nominated members.

This is called an autonomous institute. The autonomy of the institute is of paramount importance. Whatever

goes against that should be carefully watched. I would therefore request the Minister to accept an amendment that more than three members will be nominated by Government and the rest will be elected. I am only giving the points and suggestions.

Mr Chairman: Only two hours are allowed, there are other members also who wish to speak.

Shri V. P. Nayar: There may not be, except Shri Narasimhan.

Shri Warior: The life of this Council is three years. I wish to have elections every year. The Council may remain for three years. But President and Vice Presidents and others remain there. It is the office bearers who really control all these things for three years, for the lifetime of the Council. That may be amended suitably so that these people may know that they are not permanent there and that their actions will be reviewed. They may know that they are likely to be checked out if their performance is not up to the mark. These positions are very powerful positions. So many things are involved. So, there should not be a monopoly of power at the head of such an autonomous institute.

I am doubtful about the effect of clause 21. It must be modified. The Central Government is alone vested with powers for taking disciplinary action. I do not know whether the Bar Council or the Medical Council or such all-India institutions of professionals have got such a thing as Government taking disciplinary action. It may have powers of appeal but actual disciplinary action must be vested not with the Government.

Shri Satish Chandra: It is vested in the Council.

Shri Warior: There is appeal to the Central Government in clause 32. That also may be modified.

Shri Satish Chandra: Only the appeal lies to the Government Power to take disciplinary action is vested with the Council.

Shri Warrior: Who takes the action? The Central Government takes the action. If I am wrong, I am subject to correction. It is in clause 21(6).

Shri Satish Chandra: Under that clause, power to take disciplinary action is vested in the Council.

Shri Warrior: I am sorry, I am subject to correction. When I looked into, perhaps it slipped over. However, it may also be looked into.

18.13 hrs

[MR SPEAKER *in the Chair*]

The whole procedure of disciplinary action must be gone into because I do not know whether it is the same thing lifted from the Chartered Accountants' Act. I have not checked it. There is so much of room for confusion in this section. I think the Joint Committee must go into it in more detail and see that these things are facilitated and no unnecessary and undue harassment is there for the accountants.

By way of conclusion I may say that I welcome this piece of legislation though there is room for improvement. I hope the Joint Committee will go into the Bill and give us a much improved Bill taking into account the experience gained from the Chartered Accountants Institute.

I now come to the training facilities of these cost accountants. I think it is completely the monopoly of the Calcutta Institute. But the necessity for these people is increasing day by day. Even in the university curriculum there must be some modification and this may be included after the Intermediate stage. Students go for B Com and M Com. It has to be seen whether this course cannot be included for specialisation so that any number of cost accountants may come in the field to fill in the gap.

Finally, there must be statutory provision or amendment made to the Company Law to have these cost accountants if it is over and above a certain level. I know it is impossible to have a cost accountant in each unit; it is a costly affair. Even their operation and performance is costly. So, if the investment is above a certain level, there must be a statutory provision for a cost accountant. That must be provided for either by way of an amendment or a new piece of legislation.

Shri C. R. Pattabhi Raman (Kumbakonam): Sir, I shall confine myself to certain aspects of the Cost and Works Accountants Bill No 7, now before the House. While dealing with this, we have to bear in mind that an amending Bill has been introduced—No 3 of 1958—to the Chartered Accountants Act which is now on the Statute book. You will find that a bifurcation is being attempted. The work of the chartered accountant in limited concerns is one which is necessary under the Companies Act. An audited statement from him is necessary and is legally required. We are going to have a new profession of cost accountants. It is no doubt true that, as admitted by the Government, we are putting the cart before the horse. There is no provision in any enactment today requiring cost accountants. That, I dare say, will come later in another Bill. We are now trying to manufacture, if I may use that word, certain number of cost accountants who have to get trained for a certain duty. It is true that the Tariff Commission has emphasised the need for cost accounting, especially for protected industries and for the public sector. When we have a monopoly in the public sector we must ensure that there is proper trading, we must know whether the consumer is getting the goods at competitive rates or whether he is being made to pay more on account of the wasteful expenditure and lack of cost accounting. I do conceive that good cost accounting will become necessary in view of the mixed economy of our country.

I think there is some justifiable complaint so far as chartered accountants are concerned. Cost accounting which deals with cost accounts and works accounts is different from financial accounts. It is really a specialisation. That is to say, it is like ear, nose and throat man among doctors. A student gets the MBBS degree and thereafter specialises in ophthalmology or ENT work. Have we a separate institute for these specialists? We have only a general Medical Council dealing with all doctors and surgeons. That is what seems to be their complaint. Why are you taking away a very important part of audit from the realm and scope of the chartered accountants? I take it that when it emerges from the Committee it will be made more elastic so that there may be movement as between chartered accountants and cost accountants. The chartered accountants may be permitted to go from one sphere to another. If that is allowed it will allay a lot of fear. After all I do not think that the industries and companies are absorbing all the chartered accountants. Many of them are without full employment. Therefore, when that is the position so far as the chartered accountants are concerned, it may be asked whether it is advisable to have a separate bifurcated cost accountancy department, as it were, and a separate profession.

It is no doubt true that in England you have an institute of cost and works accountants, but it is not dealing with a separate profession. The qualification of cost and works accounting is only an additional qualification for a chartered accountant. The whole procedure has been explained in the memorandum which these auditors have given. I find that so far as guidance from advanced countries, as they are called,—so far as USA and U.K. are concerned, they do not have a separate profession as envisaged here in India. A separate cost accountants institute is being envisaged now.

I find, also, that there is likely to be some little rivalry. Are you going

to make it necessary for all financial and industrial undertakings to have cost accounting first, then have financial accounting? Have the signatures of both these people to be obtained in any audited statement? Is it going to be made part of the audited statement required under the Company Law? I am thinking aloud on this point. Supposing there is difference of opinion between the cost accountant and the chartered accountant, what happens? Is there going to be a stalemate on that? This question arises especially in the case of factories whether in the private sector or in the public sector—even in our corporations. This question will have to be answered. What happens if there is a rivalry or disagreement between these two sectors of accountants?

Then, it is also true that unless the cost accountants' institute is able to produce a number of cost accountants in a short time, this is going to be only a Bill on the statute-book without much use so far as the industrial units are concerned. Though the functions of the Council are referred to in section 15 nowhere in this enactment is it mentioned as to what the scope of cost accounting should be whether that is legally necessary in industrial undertakings or not. I dare say the Select Committee will give due attention to this aspect of the matter.

So far as the qualification for cost accountants is concerned, nothing is stated in this Bill. Is he a man with Intermediate (Mathematics) who has to branch off and go to cost accounting? Is he to be a pure cost accountant? If he is to be a pure cost accountant, is he going to be a permanent employee of industrial undertakings or only a consultant? If he is going to be a permanent employee are his comments or remarks going to be useful so far as the industrial undertakings are concerned? If he is not going to be a permanent employee and he is only to go and check the stocks of goods etc. in industrial undertakings is he going to be an independent man employed by the

[Shri C. R. Pattabhi Raman.]

undertaking for the purpose, or is he necessarily to be employed as a result of any enactment Government may think of in time to come? These are some of the questions, Sir, that come to my mind when I take up this Bill.

A reference has been made by Shri Warior to Government's powers with regard to disciplinary action in cases of misconduct. In sub-clause 6 of clause 21 it is said:

"On receipt of any case under sub-section (4) or sub-section (5), the Central Government shall fix a date for the hearing of the case and shall cause notice of the date so fixed to be given to the member of the Institute and the Council...."

I do not know if the Central Government is going to take upon itself this sort of onerous duties so far the discipline and conduct of the cost accountants are concerned.

Shri Satish Chandra: It is only a review.

Shri C. R. Pattabhi Raman: I understand it is a review. I quite see the point. But, even in review, I think your hands are full enough end to take up the review....

Shri Warior: And the machinery for it also.

Shri C. R. Pattabhi Raman: The hon. Minister was drawing my attention to the fact that it is really at the review stage.

Shrimati Parvathi Krishnan (Coimbatore): Work for one more Minister or Deputy Minister.

Mr. Speaker: Why not it be chosen from this side?

Shri C. R. Pattabhi Raman: In view of the amendment which is being introduced in Bill 8 of 1958 seeking to amend the Chartered Accountants Act and in view of this Bill before the House, I think it is too late in the day

to suggest that this sort of cost accounting may be left to the Chartered Accountants' body. But, anyhow, it must be very clearly demarcated so far as the functions are concerned. It must also be made part of any enactment that is to come. Naturally, it has to come. After all, nothing at all is stated here as to what the industrial undertakings have to do so far as cost accounting is concerned. It is only echoing the pious wish of the Tariff Commission, nothing more, nothing less. We know, as I conceded in the very beginning, that we need to provide for cost accounting, and my friend Shri Narasimhan has been at it for a long time. I am glad that there is a Bill like this before the House. But, Sir, there are serious apprehensions in the minds of chartered accountants, which I think the Government must allay.

Shri Narasimhan: I am glad, Sir, that though some months ago I pressed for an institution of this kind and Government were not willing to accept it at least now they are accepting it. The hon. Deputy Minister was saying that this Bill was on the same pattern as that of the Chartered Accountants Act which we are now going to amend. But, while he seems to be satisfied that he is copying a good model, I have my own doubts. Certain defects there also have crept in here—that is how I will put it.

The chief defect in the new Bill or the Chartered Accountants Act, regarding which an amending Bill is being circulated and which probably will be considered in the next session, is that there is the predominance of government representatives in the institute. That does not help in the healthy growth of the institution. That is how I feel and many accountants outside feel. I do not know whether the Institute of Chartered Accountants was officially consulted about the matter; we are yet to know about it. A large volume of opinion of chartered accountants outside the Executive Committee of the Institute is that such predominance does not help.

While it is so, there has been a further deterioration. In the existing Chartered Accountants Act which Government seek to amend it is put that any resolution will be effective only if Government countersign it. Important resolutions of a particular category will have validity and will come into force only after Government has approved them. That is good enough. With a strong number of five people, whom I humourously described as *Pancha Mahabhooth*, doing everything when they are there, Government has in addition the power of validating signing things and getting them validated. But I do not think there is any necessity for a further power to be invoked, namely that of ordering and making them do in the way they like. That is just like stitching a cloth and asking you to wear it. It is not at all good. I think the principle underlying the proposed amendment of Chartered Accountants Act is not at all sound. Government should not give a strait jacket and compel others to wear it. This Cost Accounts Bill being on the same pattern as the other Act has the same defect.

Sir, while I am not seriously objecting to this kind of power remaining in the new Bill as the Institute that will be created will be at its infancy, the tendency is there that Government when they get power never feel like parting with it. It has become a regular chronic disease with them. They first want power, then more power. They say that the institution is an autonomous one. Both in the objects here and also in the Objects and Reasons of the Chartered Accountants Bill which was introduced on the last day of the Constituent Assembly it is said that the institution should be autonomous. But Government, in the name of transitory needs get some power, and then they ask for more power. It has become a kind of regular chronic disease. I do not know whether the need is felt by the Secretariat, by the Ministry or by the Ministers. I am not able to explain that. There is an ever-growing desire

on the part of Ministers just to take what the Secretaries say, and there is a never-ending desire on the part of Secretaries to ask for more and more power. This tendency should be curbed and it should not be indulged in when we intend to set up autonomous bodies. When the object itself is that it should be autonomous, the powers should not be there. Further, when the Government want more powers, it means that the measure has failed in its purpose. To the extent that the Government want more powers or, if any Act does not function properly, the Government should also accept a certain amount of responsibility for the state of things.

I would also like to know whether it will be open to any Member or whether it will be proper for any Member to seek to put in a clause in the Bill while it is being discussed in the Joint Committee, which would have the effect of compelling certain categories of companies to have cost accountants in their firms for certifying certain costs. I would like to have a ruling from the hon. Speaker on that point. Supposing a clause to that effect is sought to be moved, I would like to know whether it will be beyond the scope of the Bill. I would like to have your ruling, Sir, on that matter.

I would say that without such a clause, without such a step being taken this piece of legislation will be an incomplete measure. The purpose of this law will not be fulfilled, unless at an early stage, it is possible for the Institute of Cost Accountants that is going to come into existence to expect every important concern, public or private, to have the costs certified. The sooner that the cost accountants are appointed, the better. So, some kind of provision to that effect, either recommendatory or elastic, may be made in this Bill, and it will be very useful. I would like the Joint Committee to remember this. As I said, I would like to know whether it will be permissible, by way of a rule, to make such an additional clause in the Bill at the Joint Committee stage. I have nothing more to say.

Mr. Speaker: So far as the point raised by Shri Narasimhan is concerned, the Speaker cannot be called upon to give an idea or a ruling about the admissibility of any amendment that is likely to be made. If there is a motion here, requesting the House to give instructions to the Joint Committee on such and such a matter, that is another matter, and I could understand it. But, when no such motion is here, there is nothing to be done. If, however, the Joint Committee looks into the matter and adds any particular provision, then, it is for the House to consider it after the report of the Joint Committee comes up for consideration here. I do not know whether the companies' accounts should generally be looked into only by cost accountants, as has been laid down in the Companies Act where the accounts are to be looked into by chartered accountants. Now, the point is only hypothetical.

Of course, hypothetically and academically, one can say that under a particular set of circumstances, the statement of accounts shall be examined and certified only by cost accountants, as only certain persons qualified for a thing can practise, such as, say doctors or nurses, or in any other capacity for which qualifications are prescribed. One can certainly prescribe qualifications for all that Parliament can certainly pass legislation to that effect. But now, it is only a hypothetical matter. I do not want to give any ruling over a matter which is hypothetical.

Shri Barman (Cooch-Bihar—Reserved—Sch. Castes): Just before Shri Narasimhan spoke, another hon. Member had doubted the utility of cost accountants.

13-34 hrs

[**MR. DEPUTY-SPEAKER** in the Chair]

He has mentioned that there may be confusion, and that there may be disagreement between the chartered accountants and cost accountants in

any particular case. I cannot visualize whether such confusion will arise or not, but generally speaking, it is my considered opinion that we need cost accountants and the more so because India is fast developing in industry, both in the private sector as well as in the public sector. At present, so far as I know, there is a dearth of cost accountants. Even in our public installations, when we ask the managing director or whoever might be responsible for running the industry whether they have got any cost accountants with them, they say that it is very difficult to have a qualified cost accountant for these intricate production matters. So, there is no gainsaying the fact that we need an institution of cost accountants run in an efficient way with all the administrative safeguards necessary for producing qualified cost accountants and regulating their work. We need cost accountants in large numbers.

Unless we know whether a particular job is adequately done or whether there has been a lavish expenditure of money on it, we cannot ascertain the utility of the job, and we cannot know all the facts unless we have costing. In the private sector, the private industries produce the goods and the consumers have to pay for them. The Tariff Commission, if it examines an industry, gets an overall costing of the production. There is no material before the Tariff Commission even to justify the various stages of production. So, the Commission simply examines, so far as I know, the costing from the vouchers and other relevant papers and after coming to some decision, it allows a certain percentage of profit. But it is not possible for the Tariff Commission to say whether in the industry—private or public, for, the case is almost the same—they have observed any economy in production, whether there has been any favouritism by paying for any particular job or particular man who is not really qualified for that payment, and whether the management is taking too much profit or not. The Tariff Commission cannot say

anything this way or that way in regard to such matters. But, if we have cost accountants, then we could compare the costing of several jobs in one industry with that of another. Therefrom we can adjudge that in the same process, in the same amount of work, the quantity of managerial skill or the amount of technical skill in one industry has produced the goods at a much lesser cost and so on, and ask why it should be at a greater cost in the other industry. There is something to judge whether the industry is doing well or is doing a thing according to its own sweet will. So, the necessity of cost accountants cannot be denied by anybody.

My friend has raised the question as to whether there shall be any confusion between the opinion of a cost accountant and the opinion of a chartered accountant. According to my knowledge, the two things are quite different. The chartered accountant does not go into the cost of production of the jobs and of the products, whereas the cost accountant's job will be particularly that kind of work. So, there cannot be any confusion.

Private industry will certainly, by necessity, be compelled to keep cost accountants if the industry is forced by law to produce the costing of several items of jobs before the Government-appointed cost accountant so that the latter might certify that things are all right. Sometimes, the manager himself does not know—and the shareholders certainly do not know—whether he is doing the right thing or not. Further, if there be a cost accountant in the industry, then, his work will be further verified by the Government-appointed cost accountant, and in that case, the shareholders will also be able to judge the work done. The Government also will have the necessity to judge the affairs, because, after all, it is the consumers who are going to pay for the products they buy. From all these considerations, I think that the Institution of Cost Accountants which

is being proposed by this Bill is quite timely and quite relevant, and is a necessity for the development of our industries.

Dr. Melkote (Raichur): Mr. Deputy-Speaker, Sir, the previous speaker, my hon. colleague, has voiced generally speaking my own feelings in the matter. I entirely agree with what he has said and welcome the move of the Government in this matter. Both as one who has worked among labour, and has known a number of factories working and a number of factories which have also closed down also due to a variety of factors and as one who has had some experience with regard to these factories being given money by the Government, as a Minister of Finance for a couple of years in Hyderabad, I feel that this move of the Government is most appropriate and welcome at this juncture. The usual audit, and all those things that go with it, by the chartered accountants or even the pre-audit will be unable to prevent deceitful transactions with regard to the sums of money that have already been budgeted when those monies are spent regularly day today. Neither the audit nor the pre-audit would know exactly where the faults lay in a factory for which the Government was giving plenty of money in the private sector as well as in the public sector. It is very necessary for us to know as to where exactly things are going wrong. It is not a post mortem examination of the thing that would help at the end of the year and if correction has to take place it is this cost-accounting right from the beginning in respect of the purchase of material that has to be done. It is not a question of installation of a factory with machinery and these things that matters. It is with regard to its working and where its working would be going wrong. It is the purchase of material, the cost of labour and the cost of other incidentals that go to make up for the success of a factory in the long run. If it has to be successful this cost accounting has got to be done very meticulously and by

[Dr. Melkote]

competent people. Therefore, it would be but right to lay down standards of education and to set up a body of specialists which might be a part of the work of general accountants. This work is of a specialist nature just as a medical man may be a surgeon or an ear, nose and throat man or anything that has been mentioned now. So, this type of special accounting has got to be done. Therefore it is necessary to have specially trained personnel.

India is spending a lot of money over many of these industries and we see year after year a number of factories being closed down. Apart from closing down, these factories in the private sector demand money for their normal running. When given they spend it as they like. So far as the chartered accountants are concerned, they go through the accounts at the end of the year and say that every thing is all right according to budgeted provision. But with regard to the monies that they further demand in the shape of tariffs etc by saying, "We cannot carry on. There is competition—foreign and local" what exactly is happening, we do not know. In many of these monopolist concerns whom Government also helps by tariff walls, we will be able to find out exactly how much profit these people are making by irregular methods if this type of cost accounting is done. We would then possibly be in a position to arrange for the manufacture of goods not merely cheaply but we will be able to amend our tariff rules and also know with regard to the quantum of money that the Government ought to give to these industrialists, whether it be in the private sector or in the public sector. I therefore have to most heartily welcome this move and support it. I only hope that the Government will keep in view the necessity of getting the proper technical people, who may already have been trained in general accountancy, or they may even include that kind of knowledge in this Institute.

Shri Satish Chandra: Mr. Deputy-Speaker, Sir, the object and the principles underlying the Bill have been welcomed by almost every section of the House. My hon. friends opposite and on this side have both spoken in support of the measure, though they have expressed disagreement with certain provisions contained in the Bill dealing mainly with administrative details.

Shri Warrior said something about the composition of the Council. He thinks that the number of nominated members in the Council of the Chartered Accountants' Institute is too much. I intervened and said there are five members nominated by the Government in a 25-person body, but out of those five, there are only two or three Government officers and the rest are non-officials nominated by the Government with a view to give representation to certain commercial bodies. So, it is not correct to say that the Government is very much over-represented there.

Here, in the Cost and Works Accountants' Institute, the proportion at present appears to be high. But as the Institute is just making a start and is likely to grow, the membership of the council may also increase in future. Though only eight persons representing the members of the Institute have been provided on the Council, their number is likely to increase in due course. Out of four which will be nominated by the Government a few will not necessarily be Government officers. Therefore this objection may be considered in the light of the explanation that I am giving.

Shri Warrior also said something about the powers of the Government to take disciplinary action. The position is that the powers to take disciplinary action are vested in the disciplinary committee and the Executive Council of the Institute. If the disciplinary committee or the Council feel that the name of a member should be removed from the Register or the

ends of justice will be met by simply reprimanding the member, the committee or the council can in almost all cases take the action. There is of course a provision that if a person is punished or his name is removed from the Register for a period exceeding five years, then there should be a second review by the Government and the Council of the Institute must refer that case to the Government. When you are depriving a man of his profession for a long period of more than five years, it is only right and proper that there must be some scrutiny of such a case and a second thought be given by a second set of persons. It is in that spirit that that power of review has been provided. According to the present Chartered Accountants Act, such power of review vests in the High Court, but experience has shown that the reference to High Courts of these disciplinary cases involves a lot of time, delay and suspense which is neither good for the man against whom disciplinary action is taken nor is in the interests of the profession as a whole. To overcome that difficulty, provision has been made that such cases may be reviewed by the Government.

There is also a fundamental difference between the Chartered Accountants Institute and this Institute. In the case of chartered accountants, the man against whom disciplinary action is taken is completely deprived of his means of livelihood. Under the Companies Act, it is compulsory for the accounts of a company to be audited by chartered accountants and a chartered accountant can only be one who is an associate of the Institute or a fellow of the Institute. If disciplinary action is taken against him, he cannot carry on his profession. In the case of cost and works accountants, as has been pointed out by several hon. Members themselves, there is no statutory obligation on any company, whether in the public sector or in the private sector, to get the accounts checked by a cost accountant. Therefore, even if disciplinary action is taken, the man is not deprived of his

livelihood. So, it has been thought that it is not necessary to have these cases reviewed by the High Courts. The case can be reviewed easily in the department of Company law Administration by senior officers. This is a provision which affords a greater measure of protection to the members of the profession. It is not something by which the Government is depriving the Council or the Disciplinary Committee of the Institute of the opportunity to have its full say and decide the case. They only forward the case with their recommendations to the Government for a second review.

It has been suggested by several hon. Members that there should be compulsory checking by the cost and works accountants. This question, though it may be desirable, has to be examined in the context of present conditions. I have just now given figures that there are a little over 300 cost and works accountants in the country who have enrolled themselves as Members of this Institute. There are 100 or so more, who have passed the examination conducted by the Cost and Works Accountants Institute of the U.K. With this number, obviously, Government cannot compel any set of industries to have their accounts checked compulsorily by cost and works accountants. Firstly, the nature of the work of the cost and works accountant is not like that of the chartered accountant, who sits after the end of the year, checks the balance-sheets and vouchers and the profit and loss account and certifies that they are in conformity with the books maintained by the company. Their work is day to day work. A cost and works accountant must be attached to a particular factory. He must look into the cost of the raw materials, whether labour and machine capacity is being fully utilised, whether there is a proper balance in the utilisation of raw materials, manpower and machinery in a particular factory, and so on. He has to see whether the entire expenses of the administration and management are being properly incurred and whether

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they are getting the best out of the manpower, material and the financial resources available to the factory. That being the position, and with the number that we have, it would be inadvisable at this stage to introduce an element of compulsion. This question may come up for consideration in future. The introduction may start perhaps more profitably in the public sector. A large section of the private sector has, so far, not, fully appreciated the need for a proper system of cost and works accountancy may be for various reasons. Some hon. Members will say that they do not intentionally want to introduce the system. Some may say that they have not realised its importance even though it is for their own benefit. If a more enlightened attitude is taken, they will appreciate its benefit as they know where they stand, whether they are utilising their resources properly. Many things can be said. But the fact remains that at the present moment, there are not enough cost and works accountants to undertake that work

Secondly, as has already been pointed out, it is not within the orbit of this Bill to make such a provision. As the hon. Speaker was pleased to say, provision is made in the Companies Act that all the companies will get their accounts verified by chartered accountants. Similarly, it may be necessary to amend the Tariff Act to say that the protected industries for which this House or the Government affords protection and the consumer is asked to pay higher prices, must be checked at every stage. That provision should be made in the Tariff Act and not in the Cost and Works Accounts Bill. This Bill is mainly for the regulation of the profession, to organise them, to make proper arrangements for their training, to control them, to lay down a code of behaviour, to deal with disciplinary cases and so on. Though I agree that cost accountancy is important, whether it is practicable to introduce an element of compulsion at this stage

and whether it should come in this Bill, is a different matter. While I do not disagree with the basic approach, I would respectfully submit that this is not a matter which can come within the provisions of this particular Bill.

Shri C. K. Pattabhi Suman said that there should be some flexible arrangement so that the cost accountants can perform the work of the chartered accountants and the chartered accountants can undertake the work of cost accountants. There is nothing in this Bill to prevent a man if he is fully qualified from becoming a member of this Institute. He can do so. A chartered accountant, if he is qualified to work as a cost and works accountant, can also become a member of the Cost and Works Accountants Institute, if he wants to practise this profession. Similarly, a cost and works accountant can become a member of the Institute of Chartered Accountants. But, in practice, as the nature of the work is different, many persons will not like to do so. It is the practice in all countries which are industrially and technologically advanced to specialise in one subject. The Chartered Accountants generally perform *post-mortem* examination. If I may give the example, the nature of the duties of the cost and works accountants and of the chartered accountants is as different as the work of the Estimates Committee of this House and the Public Accounts Committee. The Public Accounts Committee looks into the accounts when the year is over or two years have passed and certain accounts and certain reports are presented before it, and tries to find out as to how things can be remedied in the future on the basis of past experience. But the Cost and Works Accountant's function is to check from day to day whether the industry is working satisfactorily, whether various cost factors are properly balanced, whether the end cost will be reasonable if so much is spent on various items today. He looks after

at the present, while the Chartered Accountant looks after what has already happened. So, their work is different. While the Chartered Accountant must have very good knowledge of financial transactions and book-keeping, of the system of keeping vouchers, and of proper checking of accounts, the Cost and Works Accountant must have some knowledge of the techniques of production, how an industry functions, what should be the proportion of the labour cost to the material etc. Therefore, they are somewhat different from each other, though, of course there is some relationship between the two. The basic qualifications may be the same. So, if a Cost and Works Accountant is qualified to be a Chartered Accountant, he can become a member of both the Institutes. He is not prevented.

14 hrs

Shri C R Pattabhi Raman: Also the other way?

Shri Satish Chandra: Also the other way. A member of the Institute of Chartered Accountants, if he is qualified by his training and experience to do the work of a Cost and Works Accountant, can become a member of the Institute of Cost and Works Accountants on passing the prescribed examination. I think that satisfies my two friends. The Joint Committee may in its wisdom make some changes in the existing provisions or amend them but under the present draft they can become members of both the Institutes.

Shri C R Narasimhan spoke in somewhat strong language in favour of the autonomy of the Institute. The Institute is autonomous. Autonomy is being conferred on it by the Bill, there is no doubt about it. Because there is a provision that in case a situation arises and something happens to necessitate the use of reserved power by the Government which may issue directions, he feels that the autonomy has been taken away and that Government wants to grab more

and more power simply to satisfy its vanity. Either Government or Government officers want to grab this power, he is not sure whether the Institute wants it or the secretariat wants it. I can assure him none of us wants this power. If he looks into the matter in the right perspective, he will realise that the very fact that Government has felt the necessity of according statutory recognition to this Institute and conferring autonomy on it is proof of our intentions that Government wants to build up this profession on healthy lines and with the least interference in its affairs. Government wants to develop and help the profession in the formative stage. Because the Government is not satisfied with the progress so far made and with the present arrangements for framing or for the conduct of examinations, we have, in consultation with the existing Institute and with their concurrence, brought forward this measure.

Shri C. R. Narasimhan: Did they agree to this power, I want to know.

Shri Satish Chandra: We have had discussions with them on broad matters, but the experience gained through the functioning of the Institute of Chartered Accountants has made us wiser in this matter. In the Chartered Accountants (Amendment) Bill which has been passed by the Rajya Sabha and which will come up before this House early next session for consideration, we have similarly taken over the same powers. There have been occasions when the Members of the Institute failed to resolve their differences, approached us to give decisions and asked us to issue directions because they could not come to an agreement among themselves. Such occasions have arisen in the past. It is in the light of the experience of the working of the Chartered Accountants Act for nine years that such a provision is being introduced in that Act, and that is why, in this particular Bill which is being brought forward for the first time in order to organise a new profession, it has been considered

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all the more necessary for the Government to assume such a power. After all, when Parliament gives statutory recognition to the Institute of Cost and Works Accountants and the Government is held administratively responsible for its successes and failures, it is not too much to ask for some reserve power which it may not be necessary to use from day to day. There must be some power with the Government by which it can, if necessary arises, take corrective action, when the Institute itself is not able to reach decisions in the larger interests of the profession.

I have nothing more to say. I am grateful to all the hon. Members, who have welcomed the provisions of this Bill. I hope that matters of detail will be looked into by the Joint Committee. If there are any suggestions which hon. Members make to improve the structure of the Bill, Government will be very glad to make suitable amendments.

I request the House to agree to my motion.

Mr. Deputy-Speaker: The question is:

"That this House concurs in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Cost and Works Accountants Bill, 1958, made in the motion adopted by Rajya Sabha at its sitting held on the 10th December, 1958 and communicated to this House on the 12th December, 1958, and resolves that the following members of Lok Sabha be nominated to serve on the said Joint Committee, namely Shri Nibaran Chandra Laskar, Shri Etikala Madhusudan Rao, Shri Bholi Sardar, Shrimati Jayaben Vajubhai Shah, Shri Radhelal Vyas, Shri C. R. Narasimhan, Shri

S. A. Agadi, Shri Satish Chandra Samanta, Lala Achint Ram, Shri Radheshyam Ramkumar Morarka, Swami Ramanand Shastri, Shri Padam Dev, Shri Sunder Lal, Shri Prabhat Kar, Shri Rajendra Singh, Shri Jaipal Singh, Shri Karsandas Parmar, Pandit Braj Narayan "Brajesh", Shri Satish Chandra and Shri Lal Bahadur Shastri."

The motion was adopted.

14-08 hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

Mr. Deputy-Speaker: The House will now take up consideration of the Representation of the People (Amendment) Bill, 1958, as reported by the Select Committee.

The Minister of Law (Shri A. K. Sen): I beg to move*:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, as reported by the Select Committee, be taken into consideration."

The House will recall that the Bill is substantially an amending Bill. Most of the provisions have been necessitated by reason of the reorganisation of States. There are only some important provisions which have been affected by amendments in the Select Committee.

If we go to clauses 7 and 8, it will be observed that a lot of difficulty has occurred in the preparation of electoral rolls for a particular constituency, having regard to the application of the words "is ordinarily resident in a constituency". In the Select Committee amendments were moved to clause 8 which seeks to amend section 20

*Moved with the recommendation of the President.

of the Act of 1950 by defining that simply because a person owns or possesses a house in a particular area, he does not become an ordinary resident of that area *ipso facto*. I think it is a very healthy explanation, and Government have accepted it. For, what happens is that a man might not be living at all in the constituency, and yet, if he had only a house or possessed only a house, he would be entitled to be included within the rolls of that particular constituency.

The next amendments which are important are those in sections 1A and 1B in section 20 of the Act of 1950. Hon Members will observe that they also appear to be very healthy amendments by way of explanation. A man may be out of his constituency temporarily, let us say, on a tour abroad, or on a pilgrimage or for work outside, and he may be returning after a lapse of a temporary period, and yet at the time the rolls are prepared, if he is not found there, he becomes disentitled to be included therein. So, what is meant to be conveyed by section 1A is that temporary absence from the constituency would not make this person appear to be not ordinarily resident in the constituency.

Section 1B is also very healthy. Members of Parliament or Members of State Legislatures have to be away from their constituencies in connection with work in Parliament or in the State Legislatures, and it frequently happens that when the officers go round every house, they find that this man is absent, and, therefore, he is put out of the rolls. It has happened in my own case. I found to my great surprise that in my own constituency, at the last bye-election which was held in August last, I found that my name had been struck out, simply because I was here in connection with my work. Of course, the existing Act covers the case of a Minister, but does not cover the case of a Member of Parliament or a Member of a State Legislature, and, therefore, this amendment was introduced, and

Government have accepted it. I would recommend to the House that these amendments may be accepted as healthy ones.

The next one concerns itself with the amendments which we have proposed for the purpose of rectifying either wrong inclusions or wrong exclusions, and a proviso has been added by the Select Committee, which hon Members will find at page 3 of the Bill as it now appears, which reads as follows:

"Provided that before taking any action on any ground under clause (a) or clause (b) or any action under clause (c) on the ground that the person concerned has ceased to be ordinarily resident in the constituency or that he is otherwise not entitled to be registered in the electoral roll of that constituency, the electoral registration officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him."

This opportunity of being heard was implicit in the Act itself, and in fact, the rules also provided for it. But since it is a primary requirement that the person who is sought to be excluded as not being an ordinary resident in that constituency should be heard when his rights are going to be affected, it is only proper that he should be given an opportunity of being heard, and, in fact, he has been heard in the past. Since hon Members of the Select Committee felt that we should make it clear in the Act itself, we did not mind accepting this amendment, and it is quite implicit in the original Act also.

The next one is in clause 15 of the Bill. Hon Members will recall that we proposed amendments to section 7 of the 1951 Act, which disqualified persons having a subsisting contract or service, or supply and various other things. It transpired that various Members who may be giving occasional broadcasts in the AIR or the

[Shri A. K. Sen]

thousands of people who may be supplying foodgrains to Government and procuring foodgrains for the benefit of the people, might become disqualified

Shri Naushir Bharucha (East khandesh) What is wrong about it?

Shri A. K. Sen: It is not a question of right or wrong. I am merely explaining the position. Some people have thought that it is wrong, and the majority of the Members of the Select Committee have thought so. We did propose an amendment to the original section, and which saved many of these petty technical contracts of service like broadcasts and so on, but the majority of the Select Committee felt that the whole section should go, as in the English Act. Hon Members will bear in mind that in England, in 1957, they had abolished the provision which was similar to our section 7, and it was felt by the Select Committee that we should do the same, but if it is found in the future that any restriction is warranted by reason of our experience, after the abolition of this section, we might review the matter later on. It is for the House to consider whether it will accept the Bill as it was originally moved for consideration or the amendment which now the Select Committee has made by omitting section 7 altogether.

There is another amendment which Government propose to accept and which appears to be very healthy, for the reason which I shall mention presently. It is in clause 15 (b), as amended by the Select Committee which reads thus:

"in clause (e) for the words 'or managing agent of, or holds any office of profit under', the words 'managing agent, manager or secretary of' shall be substituted"

The original provision in the parent Act was that any managing agent or

any person who holds an office of profit in a company in which Government hold not less than 25 per cent of the share capital would be disqualified. Now, what appears is, and it has been rightly pointed out, that hundreds of workers working in these factories would become automatically disqualified, because they are workers earning wages, and naturally, they would be regarded as holders of offices of profit. The intention of Parliament was never to debar these hundreds of odd types of workers working in these companies in which Government happen to own not less than 25 per cent of the share capital, but to disqualify people like managing agents, or managers or secretaries, who are really regarded as persons in control of these companies, so that these persons who may be exercising a good deal of influence or patronage in these companies may not be qualified to stand for Parliament. I think it is a very healthy amendment, and I shall recommend the acceptance of this amendment, so that the words 'office of profit' are defined to indicate what is meant by that term.

I do not think any other important amendment has been made by the Select Committee, except the minor one at page 7, in clause 34. Hon Members will recall that by reason of a judgment of the Supreme Court wherein they held that under the Act, bribery was not a corrupt practice, we had to make the amendment now introduced in clause 34, so that bribery as defined in clause 34 would become a corrupt practice. Now, what has been done by the Select Committee, and rightly, is this. If hon Members will turn to page 7, clause 34, under 'clause 1(A)' giving the definition of bribery, the original wording was

"any gift, offer or promise by a candidate or his agent or by any other person."

Now, the words that have been added are

“with the consent of a candidate or his election agent”

I think it is a healthy amendment, because the words ‘any other person’ were vague, if any person does it without the man knowing anything at all about it or without his agent knowing anything at all about it, then the Act will debar him all the same as having been guilty of a corrupt practice. I think what was meant was, and what is now made explicit by this amendment is that if it is done with the consent of the candidate or his election agent, then it will amount to corrupt practice. That is the amendment introduced by the Select Committee

Of course, there are minutes of dissent about omission of section 7 and also clause 25 of the Bill relating to the provision for the production of identity cards in constituencies where identity cards have been issued

I request hon. Members to peruse this clause very carefully, for a good deal of misunderstanding has arisen by reason of not enough attention being given to the language of this clause itself. This clause envisages a power given to the Returning Officer under the original Act to impose the requirement of having indelible ink or other identifying marks put on the thumb of the elector. The innovation made in the amendment is to enable him further to require the production of an identity card with or without photograph. Then the all important words follow—“electors of the constituency in which the polling station is situated have been supplied with identity cards with or without their respective photographs attached thereto”. This power is an enabling power, enabling the officer to require the production before the Presiding Officer or the Polling Officer of a polling station by every such elector as aforesaid of his identity card before the delivery of a ballot paper, as now

the Polling Officer requires the man to submit himself to a mark with indelible ink being put on his thumb before the ballot paper is given to him. This is a further power given to him requiring the voter to produce an identity card. Then what is important is that this power will be exerciseable only in constituencies where the electors have been supplied with these identity cards, not otherwise. So in constituencies where under the rules, the Chief Election Commissioner does not think that the voters should have identity cards, as is the case with most of our rural areas—according to the information of the Chief Election Commissioner the problem of impersonation hardly exists in rural areas—this provision will not apply. It is very difficult in rural areas to find many men who would be willing to impersonate for others by changing their own names, fathers’ names and so on. But in urban areas having a floating population specially in the industrial areas where the labour population is very floating and the voters’ roll is never accurate and suffers from inaccuracy sometimes upto 50 per cent, the problem of impersonation assumes very serious proportions. Our experience has told us that it is in such areas that the largest impersonation of votes takes place and if we want a proper election with proper votes being cast, it is absolutely necessary that in such areas the Chief Election Commissioner should by rules, if he thinks—we should leave it to him—under the rule-making power under the Act of 1950 prescribe the requirement of production of identity cards. In certain areas photographs may be necessary, in others, they may not be. But only in such areas the Polling Officers will be entitled to require the production of an identity card before he gives a ballot paper to the elector concerned.

Shri C. K. Bhattacharyya (West Dmajpur) Has the Election Commissioner mentioned any area in this regard?

Shri A. K. Sen: It will be very odious I think local prejudices are such that I shall not advise the Election Commissioner to publish the names of areas where he thinks impersonation prevalent. But we can say that it is in the heavy urban areas with a large floating industrial population. In fact, I shall not be giving a secret away if I tell hon. Members that the proposed rule we are going to frame under the Act of 1950 would prescribe the conditions for the imposition of the requirement of identity cards in areas where according to the opinion of the Election Commissioner, having regard to the composition of the population—the floating nature of the population and so on—there is likelihood of impersonation being practised on a fairly large scale. I cannot give the exact language, but it is contemplated somewhat on these lines. I have no doubt, having regard to my personal experience in an area where the population is certainly urban and floating, that this will be a very healthy innovation and the only way by which we can check the abuse of large-scale impersonation being practised in general and bye-elections.

There is another amendment—though a novel one—which follows logically from the Prevention of Disqualification Bill which the Lok Sabha has passed. That is with regard to the provision about *lambardars*, *malguzars* and others who do not exercise any police function. Hon. Members will recollect that we have under the Prevention of Disqualification Act exempted *malguzars* and *lambardars* and other hereditary revenue officials who are remunerated by a share of produce only where they do not exercise any police function. Sub-clause (7) of section 123 of the Act of 1951 makes it illegal for any candidate to take the help of any revenue officials like *malguzars* and so on without making any distinction as between those who exercise police functions and those who do not or as between those who only get remunerated by a share of the produce and those who are regularly remunerated on a salary basis.

I think it is consequential that the two Bills should be brought on a par, the Lok Sabha having passed the other provision.

At page 8 hon. Members will see a new clause (f)—

“revenue officers other than village revenue officers known as *lambardars*”

That means, we are preventing revenue officers from assisting candidates in an election, but we are making the exceptions in line with the Prevention of Disqualification Act, and it reads as follows:

“revenue officers other than village revenue officers known as *lambardars*, *malguzars*, *patels*, *deshmukhs* or by any other name, whose duty is to collect land revenue and who are remunerated by a share of or commission on, the amount of land revenue collected by them but who do not discharge any police functions”

Exactly the language we have employed in the Prevention of Disqualification Act. Some Members pointed out—I think rightly—that the two Bills become rather contradictory if one Bill exempts *malguzars* and others they can stand themselves—and the other does not allow them to assist others. It is rather an incongruous position and I think this amendment logically follows from the provision which we have accepted in the Lok Sabha.

That is all I have to say. I commend the motion to the House.

Mr Deputy-Speaker: Motion moved.

“That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, as reported by the Select Committee, be taken into consideration”

श्री बलरामराव राय (शेरी) : माननीय उपाध्यक्ष महोदय, आज के दिन माननीय मंत्री जी ने इलेक्शन कमीशन की रिपोर्ट सभा-पटल पर रखी है। अच्छा तो यह होता कि एक कमीटिंसिव बिल बनता जिस में जो सुझाव इलेक्शन कमीशन ने दिये हैं वे भी आ जाते और उन पर विचार हो जाता। परन्तु किसी कारण से मंत्री जी को जल्दी है कि यह कानून पास हो जाये और सदन के इसी सत्र में पास हो जाये। इसलिये उन का इस्तरार है कि आज के दिन ही इस पर बहस हो जाये। मैं तो अब भी समझता हूँ कि इस को पास करने की जल्दी बड़ी है, क्योंकि जो सशोधन करने सरकार जा रही है वे ऐसे नहीं हैं कि उन के बिना कोई काम रुक जाये। सिर्फ एक बात है कि पहली जनवरी आप ने क्वाली-फाइंग बोट रखी है और आप समझते हैं कि अगर यह बिल पास हो जाता है तो रेवेन्यू आफिसर्स को आसानी होगी और वह आसानी से इलेक्टोरल रोलस का रिवीजन कर सकेंगे। सिवा इम के और कोई बजह नहीं है कि इस को जल्दी पास किया जाये।

फिर भी जब आप ने इस को पेश कर दिया है तो ठीक है। मुझे एक बात का दुःख है। साधारणतया तो यह होता है कि जब कोई बिल प्रवर समिति के सामने जाता तो सुधार कर आता है लेकिन इस बिल में कहा जाने पर भ्रमनति हुई है। सन् १९५१ के अधिनियम में जिस सिद्धान्त को माना गया था वह बहुत अच्छा सिद्धान्त था लेकिन उस को इस में से निकाला जा रहा है। मैं तो यह समझता हूँ कि क्लाज ७ डी० का रहना आवश्यकता है। यह ठीक है कि उस में कुछ संशोधन होना चाहिये। जैसे कि स्टेट ट्रेडिंग है जिसमें किसी को सरकार को गल्ला देना पड़ता हो, वह आदमी इस में न आये इसलिये मैं ने शब्द "नारमल" बढ़ा दिया है। मैं ने जो संशोधन दिया है उस में लिखा है

'in the course of normal trade or business'

आजकल स्टेट ट्रेडिंग हो रहा है। इसलिये जो भी सरकार को गल्ला देगा उस पर इस का भसर पड़ सकता है। लेकिन यह नहीं होना चाहिये कि जो भी ठेका लें आप उन को इस में शामिल कर लें। मैं यह नहीं चाहता कि यह सभा ठेकेदारों की सभा बन जाये। मंत्री जी ने कहा कि इंगलिस्तान में भी ऐसा ही किया गया है लेकिन उस के पीछे एक बहुत बड़ा इतिहास है। माननीय मंत्री जी को मालूम है कि वहा पर ठेकेदारों की डिस्क्वालीफिकेशन के बारे में कानून १७८२ में पास हुआ था और सन् १८०१ में बड़ी कानून आयरलेण्ड के लिये किया गया था। इतने दिनों का उन के पास इतिहास है। फिर उन्हो ने देखा कि उस की अब कोई जरूरत नहीं है, इस के अलावा उस में कुछ कमी थी, कुछ ऐसे ठेकेदार थे जिन को वह कवर नहीं कर पाता था। इस के अलावा जो यूनाइटेड किंगडम में उस कानून पर विचार करने के लिये सिलेक्ट कमेटी बैठी उस के सामने यह शहादत आई कि पिछले सौ वर्षों में ऐसा कोई मामला नहीं सामने आया जिस में यह बात हो कि एग्जी यूटिव ने करस्ट करने के लिये किसी मॅम्बर को ठेका दिया हो। यह ठीक है कि १९वीं सदी और अठारहवीं सदी में ऐसे केसेज सामने आये। सिलेक्ट कमेटी के सामने जो शहादत पेश हुई उस का वह कास हिस्सा मैं आप के सामने रखना चाहता हूँ जिस में यह कहा गया है कि सौ वर्षों से इस तरह का मामला पार्लियामेंट के सामने नहीं आया। सिलेक्ट कमेटी के सामने एटार्नी जनरल और क्लर्क आब दी हाउस की शहादत हुई थी जिन में उन्हो ने यह कहा था कि पिछले सौ वर्षों से ऐसा कोई मामला पार्लियामेंट के सामने नहीं आया जिस में किसी को इस तरह से करस्ट किया गया हो। सिलेक्ट कमेटी की रिपोर्ट में यह कहा गया है

"In a supplementary memorandum he made it clear" (he refers to the Clerk of the House) "that the House might properly treat as a contempt the offer of a

[श्री सुशबन्त राय]

Government contract by a member of the Executive to a member of Parliament in order to influence his Parliamentary conduct."

सिलेक्ट कमेटी के सामने क्लर्क आब वी हाउस ने यह प्रश्न पूछा गया था .

"You have just said that you know of no case where corruption or bad faith has been alleged at all, at any rate not since the 18th century? Not for the last 100 years any way"

तो सिलेक्ट कमेटी के सामने ये बातें आई थीं जिन की वजह से उन्होंने ने सन् १७८२ के कानून को रिपील कर दिये जाने की सिफारिश की। लेकिन मैं कहना चाहता हूँ कि अभी हमारी वह अवस्था नहीं है कि जो यूनाइटेड किंगडम की है। हमारा प्रजातंत्र अभी आठ साल पुराना ही है क्योंकि यह सन् १९५० से ही कायम हुआ है और उस के बाद से हम वह स्वस्थ परम्पराये नहीं कायम कर सके हैं कि जो लोग सरकार से ठेका ले, सरकार से फायदा उठाये उन को यहाँ आने की इजाजत दी जा सके।

इस का एक और पहलू भी है। ऐसे लोगों के पास पैसा बहुत होता है और वह उस पैसे का दुरुपयोग करेंगे क्योंकि अगर वह इस सदन में या राज्यों की असेम्बलियों में पहुँच जायेंगे तो सरकार में उन की पहुँच हो जायेगी मंत्रियों के पास उन की पहुँच हो जायेगी। यह तो मैं नहीं कह सकता कि वे इस में कहा तक कामयाब होंगे। लेकिन अभी दो तीन दिन पहले इस सदन में दूरा बात पर बहस हुई थी कि जो रिटायर्ड गवर्नमेंट आफिशियल्स हैं उन को यह इजाजत न दी जाये कि वे प्राइवेट कम्पनियों में नौकरी करे। उस समय सदन के एक सदस्य ने यह भी कहा था कि यह बात तो उन पर भी लागू होती है जो आज मंत्रिमंडल में हैं।

तो मेरा कहना है कि आज हम ने वे स्वस्थ परम्पराये कायम नहीं कर पाई हैं इस देश में कि हम उस हालत में हों कि हम क्लर्क ७ डी० को हटा सकें। तो मैं आज के जरियों से मंत्री जी से निवेदन करना चाहता हूँ कि वे मेरा सचोचन स्वीकार कर लें।

मुझे दो तीन बातें और कहनी हैं। एक बात तो मुझे सेक्शन ११ के बारे में कहनी है। आप ने इस दफा में रखा है कि इलेक्टोरल रजिस्ट्रेशन आफिसर अगर कोई गड़बड़ी करे तो उन को ५०० रुपया तक जुर्माना हो सकता है। मैं समझता हूँ कि यह जुर्माना बहुत कम है। अगर आप दंड देना चाहते हैं तो वह इतना होना चाहिये कि जिस को दंड दिया जायें वह उस को महसूस करे। आप जानते हैं कि अगर कोई इलेक्टोरल रजिस्ट्रेशन आफिसर से गड़बड़ी करा सकता है तो वह कोई पार्टी ही करा सकती है। और जब पार्टी यह गड़बड़ी करायेंगी तो ५०० रुपये का जुर्माना बहुत कम है। ५०० रुपया तो पार्टी अपने उम्मीदवार की जमानत के लिये जमा कर देती है, इसलिये वह इतना रुपया आसानी से दे सकेगी। इसलिये मैं चाहता हूँ कि आप ५००० रुपया जुर्माना रखें अगर आप चाहते हैं कि इस का यह असर हो कि इस तरह की गड़बड़ी न हो। इतना रुपया पार्टी के लिये भी देना कठिन होगा। माननीय मंत्री जी ने जो यह प्रावधान किया है वह शायद इसलिये कि केरल में जो एलेक्शन हुए थे उन के बारे में कहा गया था कि इस तरह की गड़बड़ी हुई और नाम बढ़ा दिये गये। और वह इलेक्टोरल रजिस्ट्रेशन आफिसर की वजह से बढ़ाये गये। तो मैं समझता हूँ कि इस - आप को इतिहास करना चाहिये। आप का यह दंड बढ़ा कर ५०० से ५००० कर देना चाहिये।

तीसरी बात जो मैं कहना चाहता हूँ, वह धारा २८ से सम्बंधित है। यह बात मेरी समझ में नहीं आई कि धारा २८ में यह

एकपक्षीयता क्यों जोड़ा जाता है। मूल अधिनियम की धारा ८५ इस प्रकार है—

"If the provisions of sections 81, 82, and 117 have not been complied with, the Election Commission shall dismiss the petition."

धारा ८५ में आप ने जो अधिकार इलेक्शन कमीशन को दे रखा है, वही अधिकार धारा ६० (३) में आप ने इलेक्शन ट्रिब्यूनल को दे रखा है। उस जगह उस की अपील नहीं हो सकती और दूसरी जगह अपील हो सकती है। पिछले चुनाव में जो इलेक्शन पेटिशनर दाखिल हुईं, उन में से सोलह पेटिशनर इन्हीं कारणों से इलेक्शन कमीशन ने खारिज कर दी। आज सरकार की ओर से जो रिपोर्ट दी गई है, उस में बताया गया है कि इलेक्शन कमीशन ने धारा ८५ के अन्तर्गत सोलह इलेक्शन पेटिशनर खारिज कर दी। उन की कोई अपील नहीं है—कहीं कोई सुनवाई नहीं हो सकती है। लेकिन ६०(३) के अन्तर्गत इलेक्शन ट्रिब्यूनल को जो अधिकार दिया गया है, उस की अपील हो सकती है। आखिर कितनी दफा अपील होगी? अगर ६०(३) में इलेक्शन पेटिशन खारिज हो जाय, तो पेटिशनर अपील करे या रेस्पॉन्डेंट अपील करे। उस के बाद जब फिर ६८ के अन्तर्गत दूसरा फ़ैसला हो, तो फिर अपील करे। प्रश्न यह है कि क्या सरकार खर्च बढ़ाना चाहती है। मेरा निवेदन है कि जो प्रतिबन्ध धारा ८५ के लिये है कि उस में कोई अपील नहीं हो सकती है। उसी तरह मे धारा ६०(३) के अन्तर्गत भी अपील नहीं होनी चाहिये।

चौथी बात में धारा ३०, ३१ के बारे में कहना चाहता हूँ। इस दफा जब इलेक्शन पेटिशनर हुईं, तो इलेक्शन कमीशन ने— मैं नहीं जानता कि किस तरह से—अधिकांश इलेक्शन पेटिशनर के बारे में एतराज कर दिया कि उन की जो सिम्पोरिटी दाखिल है, सिम्पोरिटी का जो वास्तव आया है, उस में

यह मालूम नहीं होता कि सिम्पोरिटी का क्या किस के नाम बना है। उन्होंने कहा कि यह मामला ऐसा है कि इस को इलेक्शन ट्रिब्यूनल देख ले और देख कर उचित फैसला कर दें। मुझे ठीक मालूम नहीं है—मैं ने एक सवाल पूछा था, जिस का जवाब अभी तक नहीं दिया गया है—कि जो ४६७ इलेक्शन पेटिशनर हुई थीं, उन में कितनों पर यह एतराज किया गया, लेकिन मैं समझता हूँ कि काफी पर यह एतराज किया गया। यह एतराज इलेक्शन ट्रिब्यूनल के सामने पेश हुआ। जाहिर बात है कि जब इलेक्शन कमीशन ने लिखित एतराज कर दिया, तो पार्टीज ने वह एतराज लिया, उस पर बहस हुई और मामला आगे गया—बह हाई कोर्ट तक गया और मेरा स्थान है कि सुप्रीम कोर्ट तक दो मामले गये। इलेक्शन कमीशन की मेहरबानी से यह बात हुई। इलेक्शन कमीशन को ऐसा करने की कोई जरूरत नहीं थी। अगर वह समझते थे कि धारा ११७ की कम्प्लायेंस नहीं हुई है, तो उन को स्वयं ही इलेक्शन पेटिशनर को खारिज करने का अधिकार था, लेकिन ऐसा न कर के उन्होंने मामला नीचे की अदालत को भेज दिया, जिस के ऊपर इस बात का बड़ा भारी असर पड़ा कि इलेक्शन कमीशन से लिख कर यह आया है और उन्होंने लिख दिया कि हमारी समझ में सिम्पोरिटी ठीक नहीं है। उस का नतीजा यह हुआ कि मैंकड़ों तो नहीं, दस, बीस, पचास पेटिशनर खारिज हो गई और उन में से ऐसी पेटिशनर भी खारिज हो गई, जो कि नहीं होनी चाहिए थी, क्योंकि बाद में हाई कोर्ट ने फैसला दे दिया कि मस्टेशियल कम्प्लायेंस ही काफ़ी है और सिटरेल कम्प्लायेंस की जरूरत नहीं है। लेकिन यह फैसला होने में देर लगी और मामला हाई कोर्ट और सुप्रीम कोर्ट में गया। जो पेटिशन खारिज हो चुकी थी, उन के बारे में कोई चाराजोई नहीं हो सकती। इस की मारी जिम्मेदारी इलेक्शन कमीशन की थी। अगर इलेक्शन कमीशन ने न लिखा होता, तो यह सब न होता। मेरे ध्यान में भी यह बात

[श्री लक्ष बक्स राय]

तभी आई—मैं एक इलैक्शन पेटिशन में बकील था—जब इलैक्शन कमीशन ने एतराज किया। मैं जानता था कि इस के लिये एक इलैक्शन ट्रिब्यूनल ने फैसला भी किया है, लेकिन मेरे ध्यान में बात नहीं आई। जब मैंने इलैक्शन कमीशन का एतराज देखा, तो मेरे ध्यान में बात आई और मैंने भी एतराज किया। इलैक्शन ट्रिब्यूनल ने पेटिशन भी खारिज कर दी, लेकिन हाई कोर्ट में फैसला खिलाफ हुआ। मेरे कहने का मतलब यह है कि जरूरत इस बात की है कि आप ऐसा कानून बनायें कि जिस की वजह से न तो इलैक्शन पेटिशनर को कोई परेशानी हो और न रेस्पॉण्डेंट को परेशानी हो। जहां तक सिक्योरिटी की बात है, उस के लिये सिर्फ इतना ही काफी होना चाहिये कि जो इलैक्शन पेटिशनर है, वह चालान दाखिल कर दे और उम चालान से मालूम पड़ जाये कि एक हजार रुपये स्टेट बैंक या रिजर्व बैंक आफ इंडिया में जमा हो गये हैं और इलैक्शन कमीशन के मेक्रेटरी को वे एवैलेबल हो जायें। आप को यह सुन कर ताज्जुब होगा कि जब इलैक्शन कमीशन ने एतराज कर दिया, उस के बाद कुछ लोगों ने इलैक्शन कमीशन की शहादत दिलवाई और उन्होंने कहा कि रुपया इलैक्शन कमीशन के सेक्रेटरी को एवैलेबल है। लेकिन इलैक्शन पेटिशनर को बड़ी परेशानी हुई और उन्हें हाई कोर्ट तक जाना पड़ा। सुप्रीम कोर्ट में भी दो मामले आय और सुप्रीम कोर्ट का भी फैसला हुआ। मेरे कहने का मतलब यह है कि आप ऐसा कानून बनायें, जिस से इलैक्शन पेटिशनर परेशानी में न पड़े। इसलिये मैंने सैक्शन ११७ का जो अमोडमेंट दिया है, यह जरूरी है कि उस को मान लिया जाये।

मैं आप को धन्यवाद देता हूँ कि आप न मुझे धन्यवाद दिया।

श्री रामन् (नरसापुर) उपाध्यक्ष महोदय, रिप्रेजेंटेशन आफ दि पीपल एक्ट

में कुछ सुधार करने के लिये यह बिल लाया गया है। आइडेंटिटी कार्ड के बारे में जो व्यवस्था की जा रही है, उस को कुछ सदस्यों ने अच्छी तरह से नहीं समझा है। उस के बारे में कहा गया है कि उस से इलैक्शन कमीशन को बहुत सुविधा होगी, लेकिन उस से जो दिक्कत पैदा होगी, उन पर विचार नहीं किया गया है। हम इस चुनाव को शुद्ध रखना चाहते हैं और गैर-कानूनी तौर पर लोग वोट न दे सकें, इस उद्देश्य से इस बिल को रखा गया है, ऐसा हमें बताया गया है। लेकिन मेरे स्थान में जब यह कानून भ्रमल में आयेगा, तो गैर-कानूनी कामों के बहुत बढ़ जाने का खतरा है, क्योंकि हमें इस बात का विचार रखना चाहिये कि उस के भ्रमल का रूप कैसा होगा। मंत्री महोदय ने बताया है कि देहात में लोगों को पहचानने में दिक्कत होती है। जो लोग भारत के देहात की स्थिति को जानते हैं, उन को ज्ञात है कि लोग एक दूसरे को न पहचानें, ऐसी हालत देहात में नहीं है, शहर में हो सकती है। देहात में तो पहचानने की कोई दिक्कत नहीं है। हर एक आदमी दूसरे को जानता है। वहां पर गांव के पटेल पटवारी बैठते हैं और सभी पार्टियों और सभी उम्मीदवारों के एजेंट बैठते हैं। इसलिये वहां एम्पमेंशन हान की कोई सम्भावना नहीं है। इसलिये मेरा निवेदन है कि इस से बहुत गड़बड़ हो जायेगी, बहुत मैलप्रैक्टिस हो जायेगी। इसलिये कृपा कर के इस को निकाल दीजिये। सरकार गैर-कानूनी कार्यवाहियों को रोकना चाहती है, लेकिन इस कानून को भ्रमल में लाने में क्या दिक्कत खड़ी हो सकती है, इस का ध्यान रखना आवश्यक है। देहात में फील्ड लेबरर्स और एग्रीकल्चरल लेबरर्स होते हैं, जो कि किसी लैंड-लॉर्ड के खेत में काम करने के लिये जाते हैं, इलैक्शन आफिसर उन को कह सकते हैं कि भ्रमक समय पर भ्रमक जगह पर हम तुम्हारा फोटोग्राफ लेंगे, वहां आ जाओ। लेकिन वहां पर जितने बोटर्स हैं

उन सभी लोगों को ठीक समय पर वहाँ पहुंचना भी मुमकिन नहीं, जो लोग पहुंचें उन सभी की तमबीर निकालना भी दिक्कत है। वहाँ की जो भीरमें हैं वे कुछ पुराने क्यासात रखती हैं और वे इसके लिये हो सकता है तैयार न हो। इसके साथ ही साथ जो गरीब लोग हैं उनको अपनी फोटो लिखवाने का समय नहीं मिलेगा वे लिखवा नहीं सकेंगे और इसका नतीजा यह होगा कि जो वोटर्स लिस्टमें हैं वे अधूरी रहेंगे। बाद में इसका फल यह निकलेगा कि उन लोगों को अपने वोट के इस्तेमाल में हम बचित कर देंगे जोकि ठीक चीज नहीं है। आपको चाहिये कि ये जो खतरे हैं इनको आप समझे और मैं चाहता हूँ यह सदन इस के बारे में काफी सोच विचार के बाद ही कोई कदम उठाये।

इनके साथ ही साथ फोटो उतारने में जो खर्चा होगा उसकी तरफ भी आपका ध्यान जाना चाहिये। कल यहाँ पर आधे घंटे की बहस हुई थी और वह आधे में शूगर फैक्ट्रीज के बारे में थी। उसमें मंत्री महोदय की तरफ से कहा गया था कि हमारे पास पैसे की कमी है फारेन एक्सचेंज की कमी है और वे कुछ कर नहीं सकते हैं। अगले चुनावों तक वोटर्स की तादाद १६-२० करोड़ तक पहुंच जाने की सम्भावना है और अगर हम २० करोड़ आदमियों के लिये फोटो उतरवाने के लिये कानून बनाते हैं तो आप आदाजा लगा सकते हैं कि कितना खर्चा पड़ेगा। साथ ही साथ जो फिल्म्स हैं वे हमारे देश में नहीं बनती हैं, न फिल्म्स नहीं बनती हैं उनको हम विदेशों से मगाते हैं और हो सकता है कि इस काम के लिये हम को १० करोड़ रुपये की आवश्यकता महसूस हो। यह रुपया हम को फारेन एक्सचेंज में चाहिये जोकि हम खर्च नहीं कर सकते हैं। करोड़ों रुपयों का चीनी उत्पादन करने वाली शूगर फैक्ट्री के लिये पूजी नहीं है, लेकिन तमबीर निकलवाने के लिये दस करोड़ खर्च करने का कानून बनाते हैं बड़ी दुख की बात है।

फोटो के साथ जो आप फूल प्रूफ लिस्टमें बनाना चाहते हैं और आप यह भी चाहते हैं कि जालसाजी बन्द हो जाये, तो उसका यह तरीका नहीं है। क्या जालसाजी को बन्द करने का आपके पास यही एक तरीका बच रहा है? जो नेता लोग हैं, जो पाटिया हैं, वे मिल कर इस प्रश्न पर सोच सकती हैं और जो लोग अच्छे लोग पर इन इन्कवाय में श्रद्धा रखते हैं वे भी अपने मुझाव दे सकते हैं और इस जालसाजी को, मैं समझता हूँ, बन्द किया जा सकता है और बड़ी आसानी से बन्द किया जा सकता है। इसको रोकने का कोई न कोई तरीका अवश्य निकाला जा सकता है। अगर आप फोटो की बात करते रहेंगे तो इसका मतलब यह होगा कि एक हाथ से तो आप वाट देन का अधिकार लोगों को देंगे और दूसरी तरफ में उनके हाथ से उनके इस अधिकार को छीनेंगे। इस वास्ते मैं चाहता हूँ कि मंत्री महोदय इस पर फिर से विचार करें। इस सम्बन्ध में जो एक खास सुझाव मैं देना चाहता हूँ वह यह है कि आप दूसरी पार्टियों में बातचीत कर सकते हैं, उनकी ग्य ले सकते हैं और मैं समझता हूँ इस बिल को पास करने में हम को जल्दी नहीं करनी चाहिये। जो जनरल इन्कवाय में वे अभी दूर हैं उनको अभी तान माल का समय पड़ा हुआ है और उनके पहले इस काम को किसी भी समय आसानी के साथ किया जा सकता है, जो कमली बिल है, उसको किसी भी समय एमेंड किया जा सकता है और इस को एमेंड करने में सभी पार्टियाँ सहमत हो सकती हैं।

फोटो इत्यादि पर इतना खर्च करने के बाद भी क्या होगा? गावों के जो लैंडलाइस ह उनका बहुत जोर है और हो सकता है कि जो माल-प्रॉक्टिस आज है वह दूसरी तरफ से बढ़ जाये। वह जो लैंडलाइस हैं वह इन सब एग्जि-कलचरल लेबरर्स के आइडेंटिटी कार्ड इकट्ठा कर लेगा और अपने पास रखेगा और जब वे बेचारे वोट देने के लिये जायेंगे तो इनसे कह दिया जाये कि तुम्हें वोट देने का हक नहीं है और

[श्री रमण]

उनको निराश हो कर वहाँ से वापिस आना पड़ेगा। इस तरह से बोटर्स क हक फिजूल हो जाने का खतरा बढ़ सकता है। इससे आप जो मासप्रेमिटस कम करना चाहते हैं वह कम नहीं होगी और हो सकता है कि वह बढ़ जाये। इसलिये मैं चाहता हूँ कि इस पर आप फिर विचार कर लें।

अगर गवर्नमेंट चाहे तो वह यह कर सकती है कि बजाय इसके कि ग्राइडेंटिटी कांड लोगो में बाटे वह अपने रजिस्टर में ग्राइडेंटिटी मार्क या बोटर का रूप रंग दर्ज कर सकती है और उस रजिस्टर को पोलिंग आफिसर्स के पास रख सकती है और इस में जालसाजी का कोई खतरा पैदा नहीं हो सकता है। उसमें जो मार्क लिखे होंगे उनको जो बोट देने आयेगा उसके मार्कों से मिलाया जा सकता है और जालसाजी को रोका जा सकता है। जो पोलिंग आफिसर है वह बैलट पेपर देने से पहले ग्राइडेंटिटी मार्क देख सकता है और इस तरह से जालसाजी को कम किया जा सकता है। मैं चाहता हूँ कि इस मेरे सुझाव पर विचार किया जाये। अगर इस में कोई दिक्कत पेश आयेगी तो फिर इस प्रश्न पर विचार किया जा सकता है। इस वास्ते मैं कहना चाहता हूँ जो फोटो देने का तरीका आप अपनाए जा रहे हैं, उस पर आप दुबारा विचार कर लें।

अब मैं जो पहले बिल में क्लॉज ५६ थी और जिसको अब एमेड करके कौंसिल पोलिंग का समय कम करने की बात सोची जा रही है, उसमें बारे में कुछ कहना चाहता हूँ। आपका विचार यह है कि आठ घंटे के बजाय छ. घंटे या चार घण्टे कर दिये जाय। आप जानते ही हैं कि गाबो में मींस आफ कम्युनिकेशन कम है, आने जाने की सुविधायें कम हैं और अगर आपने वक्त को कम कर दिया तो बहुत सी दिक्कतें पैदा हो जायेंगी। आप पोलिंग समय को कम करने के लिए, रूस

बनाने के लिए इलैक्शन कमीशन को अधिकार दे रहे हैं। क्या हमारा मंचा यह है कि हम पोलिंग आफिसर्स को दो चार घंटे कम बैठने के लिए यह करें और उनके बंकिंग आवर्स कम कर दिये जायें ? इसका क्या फायदा होगा ? उस दिन वे लोग किसी दूसरी नौकरी पर या दुबारा अपने ही काम पर आकर काम नहीं कर सकेंगे। उस दिन तो उनको यही काम करना होगा। साथ ही साथ जो देहाती लोग हैं उनकी सुविधा का भी हमको ध्यान रखना होगा। आने जाने के उनके पास कोई साधन नहीं है। वे ठीक समय पर बोट देने के लिए पहुंच नहीं सकते हैं, उनको आने में देरी हो सकती है और इस कारण से हो सकता है वे अपना बोट न दे सकें अगर वक्त कम कर दिया गया। इसका नतीजा यह होगा कि उनका जो बोट है वह जाया चला जायगा और उनका हक उनसे छिन जाएगा। इस वास्ते पोलिंग आवर्स कम करने की बात सोचना उचित नहीं है। मैं चाहता हूँ कि जो पुरानी क्लॉज थी, वही रहे। अगर वे लोग रेलगाडी पर या किसी दूसरी तरह भी जायेंगे तब भी उनको घंटा दो घंटा देरी हो सकती है। हमारा रेलगाडी दो तीन घंटा देरी में पहुंचाना मामूली बात हो गया है इस वास्ते जो दिक्कत उनको होगी उसका भी हमें ध्यान रखना होगा। इससे फायदा कोई नहीं है बल्कि नुकसान ही ज्यादा है। इस वास्ते इन दोनों संशान्त के बारे में मैं कहना चाहता हूँ कि अब जो सुझाव आपने रखा है उसको न रखें और पुराने संशान्त ही रहने दें। दिल्ली, कलकत्ता, बम्बई, मद्रास जैसे बड़े बड़े और अन्वेल दर्जे के शहरो के लिए या इंस्टिट्यूट एरियाज के लिये अगर आप फोटो की बात करें तो बात समझ में आ सकती है। लेकिन देहातों में लोगों को फोटो देने की बात समझ में नहीं आती है। हमारे देश में जब फिल्में तैयार होने लग जायें, उसमें बाद इस प्रश्न पर विचार किया जा सकता है। जो गरीब लोग हैं वे बिन्दगी

अगर अपनी तस्वीर लिखवाने की बात भी नहीं सोच सकते हैं और आप इतना क्या उनकी फोटो लिखवाने के लिए खर्च करने की बात सोच रहे हैं। हमारे पास चीनी मिलों के लिए मशीनरी मंगवाने के लिए फारेन एक्सचेंज नहीं है और आप दस करोड़ रुपया फोटो लिखवाने के लिए खर्च करना चाहते हैं, यह ठीक नहीं है। जालसाजी को दूसरे तरीके से रोका जा सकता है और मैं चाहता हूँ कि मंत्री महोदय इन सब बातों पर फिर विचार कर लें।

श्री कृष्ण शंकर शंकर शर्मा (हिसार) :
जनाब डिप्टी स्पीकर साहब, इस बिल के अन्दर जो तबदीलियां की गई हैं उनमें जैसे मैंने अर्ज किया था बहुत सी तबदीलियां तो निहामत अच्छी थी, बुधवार की

Shri M. C. Jain (Kaithal): Sir, I have to make one request. I request you to fix some time limit

Shri Braj Raj Singh (Firozabad):
But, why ask for a time limit when Panditji has begun to speak?

पंडित ठाकुर दास भागंब : जनावे-वाला, मुझे यह अब तक मालूम न था कि आपके सिवाय इस हाउस में कोई और भी डिप्टी स्पीकर है जो मेरे बोलो ही टाइम लिमिट का ख्याल करता है। मैं उनका शुक्रिया अदा करता हूँ कि वह और मंत्री साहिबान को भी मौका देना चाहते हैं। यहा तक तो ठीक है लेकिन पेशतर इसमें कि मैं आगे चलता उन्होंने शुरू में ही जो यह कह दिया है, यह मुनासिब नहीं था

उपस्थित महोदय : आप उनका दर्जा कम करने के लिए उनको डिप्टी स्पीकर क्यों कहते हैं ?

पंडित ठाकुर दास भागंब : मैं उनको डिप्टी स्पीकर नहीं समझता और मैं तो उनको और भी ऊंचा बढ़ाना चाहता हूँ। मेरी अवय से गुजारिश यह है कि वह थोड़ा सा

सब करते और देखते कि मैं कितनी देर बोलता हूँ और कितनी देर नहीं बोलता हूँ। इतने बेताब वह क्यों होते हैं

उपस्थित महोदय : अब इस बात को आप जानें दीजिये और अपना भाषण शुरू कीजिये।

पंडित ठाकुर दास भागंब : मैं अर्ज कर रहा था कि इस बिल के अन्दर जो कि शुरू में लाया गया था, बहुत सी बुधवार चीजें थीं। बहुत ऐसी चीजें रखी गई थी, जिनके बास्ते हमारे ला मिनिस्टर साहब ने एक्सप्लेनेशन भी दिया था, जो मित्रा चन्द के सब की सब ऐसी थी जिनको मैंने सपोर्ट किया था। अब भी मैं इस बिल की दफाओं को जेनरली सपोर्ट करता हूँ। लेकिन इस बिल के अन्दर तीन या चार ऐसी कंटेन्शन्स चीजें हैं जिन के बारे में मैं अर्ज करना चाहता हूँ।

15 hrs.

इस बिल की दफा ७ क ऊपर बहुत से मेम्बरान ने अपनी तरामीम पेश की है और उन्होंने कहा है कि दफा ७ (डी) को मोडिफ करने से कुछ गलती हुई है। दफा ८ पर इतनी तरामीम तो नहीं है, लेकिन ताहम, जैसा ला मिनिस्टर साहब ने खुद फरमाया। वहाँ से आफिस आफ प्राफिट उड़ा दिया गया और उसके बजाय सेक्रेटरी और मैनेजर को रक्खा गया। लेकिन मेरी गुजारिश यह है कि जहा तक ७ और ८ दफा का सवाल है, जिस वक्त प्रीजिजिनल बिल यानी पीपल्स रिप्रजेन्टेशन बिल बनने लगा था उस वक्त भी हाउस में काफी झगड़ा हुआ था, और हालाकि शुरू में अल्फाज बड़े वाइड थे, लेकिन आखिर में दफा ७ को रख कर उनकी अहमियत कुछ कम कर दी गई थी। आज दफा ७ में मुझे जो मुसीबत नजर आती है वह यह है कि अगर दफा ७ और ८ को उनके असली मानों में यानी जेनेरिक मानों में पढ़ा जाय तो उनके अल्फाज ऐसे हैं कि मुझे डर है उनका बायरा बेहद बढ़ा हुआ है। मसलन अगर स्टेट

[पंडित ठाकुर दास भार्गव]

ट्रेडिंग आफ ग्रेन्स (state trading of grains) का फैसला हो गया तो लाखों करोड़ों आदमी ऐसे होंगे जो उस की जद में आ जायेंगे। अगर इस कंट्रैक्ट के माने सिर्फ मायूसी ठेके न लगाये जायें, बल्कि कंट्रैक्ट को सिर्फ एक आम मोहहदा समझा जाय तो जैसा ला मिनिस्टर साहब ने फरमाया उसमें जितने भी वर्कर्स होंगे वह सब के सब कंट्रैक्ट की इंफिनिशन में आ जायेंगे। जो गवर्नमेंट के कर्मचारी हैं उनके साथ वह कंट्रैक्ट खरीद व फरोवत ही तो करते हैं। उनको मजदूरी मिले या तनख्वाह मिले, वह है तो कंट्रैक्ट ही। अगर कंट्रैक्ट के असली माने लिये गये तो जितने बड़े बड़े कारखानेदार हैं, उनके सारे के सारे मजदूर इन कानून की जद में आ जायेंगे जो कि दरअसल कानून का मशा नहीं था। इस वास्त में समझता हूँ कि अगर दफा ७ और ८ को मौजूदा सूरत में रक्खा गया तो इस की स्पिरिट को तो नोच नहीं समझेंगे और दिक्कत यह पैदा होगी कि इसके अन्दर बेहद आदमी शामिल हो जायेंगे।

एक माननीय सदस्य वकीलों का क्या होगा ?

पंडित ठाकुर दास भार्गव वकील बेचारो का तो जो होगा उसको वह भुगतेंगे, लेकिन मेरे ख्याल में इसका सब में बड़ा असर पार्लिटीशियन्स पर होगा। उनकी तो आफन ही आ जायेंगी।

मुझे याद है कि जब कंट्रोल के जमाने में दफा ७ की एलेक्शन पिटिशन आईं ता कितने ही डिपो होल्डर इस की जद में आ गये और आखिर में मामलात हाईकोर्ट और सुप्रीम कोर्ट तक गये। मुस्तलिफ हाईकोर्ट्स ने मुस्तलिफ इटरप्रेटेशन किये और बहुत मुबाहसे के बाद कोई अप्रोग्रिटिव डिमीजन नहीं हो पाया है। आज लोग स्टेट ट्रेडिंग की भाग करते हैं, बहुत से हमारे भाई पब्लिक सेक्टर के हक में हैं और सोशलिस्ट पैठन

बाहते हैं। जिस के माने यह है कि जो लोग ऐसे कारखानो में काम करेंगे जो कि गवर्नमेंट से कंट्रैक्ट लेंगे, खुलसन उस वक्त जबकि गवर्नमेंट डिस्ट्रिब्यूशन भी अपने हाथ में लेगी तो हमेशा कंट्रैक्ट होगा और उस में बंधुमार आदमी आ जायेंगे और उनके आ जाने से इस तरह का तबका बहुत बड़ा बन जायेगा, उन सब लोगो को आप इसएन्फोर्साइज कर देंगे।

अलावा इसके जिस को इस में आफिस आफ प्राफिट कहते हैं, उस को आप इस दफा से हटा तो देंगे, लेकिन मुझे डर है कि इसमें आफिम आफ प्राफिट की तारीफ तो है नहीं, और आर्टिकल १०२ को आप तब्दील नहीं कर रहे हैं—हालाकि उस को हटा देने से मालूम नहीं आप का मकसद पूरा होगा या नहीं—तो काम चलना मुश्किल हो जायेगा। इसलिये में अर्ज करता हूँ कि कम से कम दफा ८ में तो आप तर्मीम मजूर कीजिये तो मिचुएशन थोड़ी ठीक जरूर हो जायेगी, आज का डर कम हो जायेगा। मैं अर्ज करता हूँ और आज हाउस का भी रक्षान में इस तरफ देखता हूँ, नया बिल भी आया है जिसमें आफिस आफ प्राफिट को ठीक जगह न देकर सिवा चेअरमैन के और किसी को भी डिस्क्वा-लिफाई नहीं किया गया है ताके मिनिस्टर माहबान को ताकत नेपाटिज्म फायम रह सके। जहा तक कंट्रैक्ट्स का सवाल है, मान लीजिये किसी ने गवर्नमेंट का थोड़ा सा भी काम किया और एक कंट्रैक्ट भी कर लिया तो क्या हुआ। नेपाटिज्म इमे कहते हैं कि कोई आदमी कंट्रैक्ट करता है तो उसे बेईमानी से फायदा उठाने के लिये वह कंट्रैक्ट दे दिया जाय। नेपाटिज्म वही है कि अगर किसी आदमी की बेईमानी में दूसरे पर असर पड़ता हो। यह चीज तो मैं समझ सकता हूँ। यहा पर जो मेम्बर्स आये हैं अगर उनके राय देने का सवाल उठे तो यहा के रूस्स कहते हैं कि उसका असर अगर राय देने वाले पर पड़ता

हो तो उस मेम्बर को राय देने का अधिकार नहीं होगा। लेकिन इस बिल में कट्टरकत की सारीफ तो नहीं की गई कि कितना बड़ा कट्टरकत होगा। मैंने यह मामूली सी चीज दिखाई देती है लेकिन इसमें मुझे कुछ दिक्कत दिखाई देती है। अगर यह दिक्कत दूर हो जाय और बहुत से लोग इस दायरे में आये तो मुझे इस चीज को मानने में कोई ऐतगज नहीं है।

इसके अलावा इस बिल में फोटो का प्राविजन किया गया है। मैंने आनरेबल मिनिस्टर साहब की तकरीर सुनी। उससे मालूम होता है कि यह चीज अरबन एरियाज के लिये वह रखना चाहते हैं जहां कि इम्पर्सोनेशन (impersonation) ज्यादा होता है। शायद वह प्रेजीडेसी टाउन्स में होता होगा क्योंकि वहां के लोग ज्यादा होशियार हैं और ऐसी कार्रवाइयों को ज्यादा जानते हैं। कम से कम गावों के अन्दर ऐसा नहीं होता। मैं समझता हू कि अगर हम आज गाव वालों को यह सर्टिफिकेट दे देते हैं

उपाध्यक्ष महोदय गाव वाले गहर में आ जाते हैं तो उनकी भी आदतें ऐसी ही हो जाती हैं।

पंडित ठाकुर दास भार्गव बहर मूरत में तो यह देखता हू कि अगर सारे देश में आप आइडेंटिटी कार्ड्स का सिस्टम कर रहे हैं तो यह एक गैरमुमकिन चीज है। गैरमुमकिन है कि १८ करोड़ आदमी जो यहां मौजूद हैं, उन की फोटो ली जा सके। कितने आदमियों के फोटो आप लेंगे। इस के अन्दर कहा गया है कि फोटो नहीं बदली जा सकेगी। फोटो की तरमीम तो नहीं की जा सकेगी, फोटो दूसरे की तो नहीं पेश की जा सकेगी। लेकिन इसमें दूसरी सारी खराबियां मौजूद होंगी। इतना बड़ा यह मुल्क है, इस में फोटो की तजवीज करना, देखने में तो बड़ा अच्छा है, दूसरे मुल्कों की नकल भी है, लेकिन यह चीज प्रैक्टिस में बड़ी मुश्किल साबित होगी। अगर

हम फोटो के बगैर भी आइडेंटिटी कार्ड्स को रखें तो भी यह बहुत इम्पैक्टिव चीज होगी। कितने आदमी आखिर आप इस के लिये रखेंगे, कितने छापेखानों में आप उम को छपवायेंगे? इस पर अमल करने के लिये भी तो आप को बड़ा भारी अमला रखना होगा। कम में कम मैं इस चीज के हक में नहीं हू। जहां तक मुझे मालूम है गवर्नमेंट अच्छे से अच्छे कामों के लिये भी आज रूपया नहीं खर्च कर पा रही है, फाइव इअर प्लैन के लिये ही उमका तमास सपया खर्च हो रहा है, इसलिए एक ऐसी चीज के लिये जो कि गैरमुमकिन है मैं अपना स्वाद नहीं दे सकता हू। यह ठीक नहीं है और मैं इसकी मरम्मत मुश्किलफत करता हू। इस में करपशन बहुत बढ़ जावेगी—उम्मेदवार इसका काम को खरीद कर मुबालिफ लोगों को महम्म कर देंगे और बोट न देने देंगे।

इस के अलावा हमारे आनरेबल मिनिस्टर साहब ने एफ के बारे में कहा। जो इन्क्वानिफिकेशन आफ मेम्बरों बिल दम हाउस में पास किया गया उसे यहां पर लाया गया। जो चीज वहां पर पास की गई उसको यहां पर लाने की कोशिश की गई। आरिजिनल बिल में यह नहीं था, लेकिन इस में है।

श्री राजराज सिंह मेलकट कमेटी में यह आया है।

पंडित ठाकुर दास भार्गव मेलकट कमेटी में नहीं आया, आरिजिनल बिल में नहीं था। मैंने दरबारी की थी कि सारे लोगों की इस पर भरनयार दिया जाय कि वह मेलकट कमेटी में अपनी बात को रख सके, लेकिन उम वक्त इस चीज को नहीं माना गया था क्योंकि मेलकट कमेटी को वह चीज सुपुर्व नहीं की गई थी। इस वक्त हालांकि आनरेबल मिनिस्टर साहब इस चीज को बंकडोर में यहां पर ला

[पंजिन ठाकुर दास भार्गव]

रहे हैं। लेकिन इसमें जो कुछ कहा गया है वह पहले से भी खराब कर दिया गया पहले जो प्राविजन था वह इस तरह था

Section 123(f)—

“revenue officers including village accountants, such as patwaris, lekhpals, talatis, karnams or the like, but excluding other village officers”

जनाब मुलाहजा फरमायेंगे कि इस के अन्दर में वह अलफाज निकाल दिये गये जैसे पटवारी लेखपाल, तलाती, कारनाम वगैरह वगैरह। उन की जगह पर यह लिखा गया

“revenue officers other than village revenue officers known as lambardars, malguzars, patels, desh mukhs or by any other name” etc

जहां तक पंजाब का सवाल है, बहुत भारे लोग हैं जो मालगुजार हैं। किसी जगह पर बेचारे मालगुजार को ऐसा शस्त्र नहीं ममना जाता जिस पर ऐसी पाबन्दी आयेद हो। मालगुजार वह आदमी है जो लैंड रेवेन्यू देता है, हर एक आदमी जिस के पाम थोड़ा सी जमीन है वह मालगुजारी देना है। वही पर मालगुजार पर कोई कैंद नहीं लेकिन यहां पर आप मालगुजार का लपज रखते हैं। जैसा मैंने अर्थ किया मालगुजार को एग्जम्प्लान देने की जरूरत है। लेकिन आप ने यह मान लिया है कि मालगुजार को एग्जम्प्लान दे दिया जायेगा। अभी तक तो वह ऐक्ट भी पास नहीं हुआ। जब बिल पास होगा तब इस का दार मदार उस पर होगा कि वह इम को मानता है या नहीं। बहरहाल पता नहीं वह बिल कब आयेगा और कब मालगुजार को इस में छूट मिलेगी। एक मान में आये, पता नहीं कितना बक्त लगे, तब तक पता नहीं एग्जम्प्लान के बक्त लम्बरदार और मालगुजार पर कितना गजब हो जायेगा।

इसके बाद जनाबशाहा मुलाहजा फरमायेंगे कि वही अल्फाज who do not discharge any police functions, जिन पर कि पहले ऐतराज किया गया था उनके भार्ना को लेकर फिर झगडा उठेगा और मैं अदब में अर्थ करना चाहता हू कि एलेक्शन पेटिशन के अन्दर जब झगडा होगा तो सवाल उठेगा कि इन अल्फाज के क्या मानी है। प्रीवेशन आफ डिस्कवालिफिकेशन अमेंडमेन्ट बिल में यह बड़ी गलती की इन अल्फाज को बगैर यह कहे हुए कि यह एक्सप्लूडेड है या नोनएक्सप्लूडेड है, हमने रख दिया और इसका फंसला स्कूटिनी आफिसर के हाथ में दे दिया कि आया वह पुलिस फंक्शन एक्मरमाइज करता है कि नहीं। अब आप उमी गलती को इस बिल में इम्पोर्ट करने लगे हैं और जूकि मुबहम अल्फाज हैं इमलिए हर एक एलेक्शन पेटिशन में इनको लेकर झगडा उठेगा और यह कहा जायेगा कि वह पुलिस फंक्शन डिस्चार्ज करता था। इसका फंसला कि वह पुलिस फंक्शन डिस्चार्ज करता है कि नहीं, स्कूटिनी आफिसर के हाथ में दे दिया गया है और जूकि इन अल्फाज के मवहम माने निकलने हैं इमलिए वहां पर यह झगडा उठ खडा होगा। मैं चाहता हू कि आनरेबल मिनिस्टर ही मुझे यह बतला दें कि आफिसर पुलिस फंक्शन के क्या माने हैं? मैंने पुलिस गैरट पठा है और जिस जगह पर पुलिस के फंक्शन दर्ज हैं वही पर पुलिस फंक्शन में यह भी दिया हुआ है to collect and communicate intelligence affecting the public peace

यह भी एक काम फंक्शन पुलिस का है। मैं जनाब की तबज्जह किमिनल प्रोमीज्योर कोड की दफा 17 की तरफ दिलाना चाहता हू जहां पर यह दर्ज है कि हर एक इंडेमें का यह फंज होगा कि अगर कोई बदमाश इलाक में गुडरे तो उसकी खबर वह पुलिस में दिया करे। अगर कोई जर्म हो या किसी जर्म के होने का अदेशा हो या जो भी उसके बारे में

खबर मिलने उसकी जाकर पुलिस में इतिषा दे। हैदमत को किसी भी थ्रीफेंस की भयवा किसी थ्रीफेंस की एटेंप्ट होने की खबर लगे, तो उसकी पुलिस में उसकी इतिषा करनी होती है। २३१ से लेकर २३८ तक और ३०२, ३०४ और ४३६ दफ्ताओ के मातहत होने वाले जूमों का भ्रगर उसे पता लगे तो इनकी इनफार्मेशन वह पुलिस में दे। और खास बात उनमें यह है कि any matter likely to affect the maintenance of peace उनके सम्बन्ध में भी जाकर पुलिस को इतिषा दे। इसके माने यह है कि पुलिस फक्वास जो कि पुलिस एक्ट में दिये हुए हैं वे सब लागू होंगे और वह क्रिमिनल प्रोसीज्योर कोड से तय हो जाते हैं।

हमें जो लिटरेचर पेश किया गया उसमें दर्ज था कि जहा तक राजस्थान और पंजाब का सवाल है वहा तक १५ फक्वास लम्बरदार के हुमा करते हैं। जिन में मे एक यह है

His duty is to help the Police

इसलिए मेरा कहना यह है कि एम प्रल्काज ही क्यों रखें जाये जो कि मुबहम हों और जिनका कि इटरप्रेटेशन एम्बोगुअस हो। वहा पर भ्रगर उनकी ऐसी मशा है कि लम्बरदार को छूट होनी चाहिए और लम्बरदार इज एकमबलूडेंड तो मुझे तो वह पसन्द है और उसके लिए जो में न तर्मीम पेश की है कि इन को निकाल दिया, उसको मजूर कर लिया जाय। इसका एक नतीजा यह निकलेगा कि पटवारी वगैरह आफिसर जिनका कि १०३ दफ्ता में रेवेन्यू आफिसर कहा गया है हालांकि पटवारी रेवेन्यू आफिसर नहीं है और में जनाब की तबज्जह सेक्शन ३ (११), पंजाब टेनेन्सी ऐक्ट और सेक्शन ४, जिमन (१२) नेड रेवेन्यू ऐक्ट की तरफ दिलाना चाहता हू जिसके कि अन्वर तारीफ की गई है कि बिलेज आफिसर कान होता है। उसमें बिलेज आफिसर के बास्ते

लिखा है village officer means a chief headman, headman or patwari. फिर रेवेन्यू आफिसर की तारीफ है। सेक्शन ३ और ४ में लिखा है कि रेवेन्यू आफिसर वह होता है जो कि ऐक्ट के मातहत अपने प्रख्यार बरतता है। अब इन दोनों तारीफों की रू से लम्बरदार और पटवारी यह दोनों के दोनों रेवेन्यू आफिसर नहीं हैं और भ्रगर कही इसका झगडा पडा और भ्रगर एलेक्शन पेटिशन हुई तो चूकि वह रेवेन्यू आफिसर नहीं है और they did not satisfy this condition और इस बिना पर वह एलेक्शन में एसाइड हो जायगा। इसलिए मेरा कहना यह है कि तमें मुबहम प्रल्काज क्यों रखे जाय जिनके कि दो, तीन माने हो सकते हों। हमारे ला मिनिस्टर साहब में ममक्षता हू कि वे शायद पजाब टेनेन्सी ऐक्ट और नेड रेवेन्यू के लोकल ऐक्ट से पूरी तरह वाकिफ नहीं होंगे। इसलिए मेरी गुजारिश है कि वह इस पर फिर से पूरी तरह मोच विचार करे कि इसका क्या असर पड़ेगा और में तो चाहूंगा कि इसको थोड़े समय के लिए मुलतवी कर दिया जाय और बाद में विचार करके एक कम्प्रीहेंसिव बिल लाय। और उममें जो प्राबिजन जरूरी हो, उनको रखे। मुझे यह जरुर अफसोस के साथ कहना पडता है कि किसी प्राइवेट म्बर की बात चाह। कितनी ही रीजमेबुल हो, मिनिस्टर साहब अपनी बिल में एक कीमा का भी हेरफेर करना पमन्द नहीं करते हैं और उम हानत में जब वह किमी की बात नहीं सुनते और अपने मन की करते हैं तब इसके लिए जिम्मेदागी भी उन्ही की होगी। मेरी ममझ में पजाब में इसका खराब असर होगा और हमेशा लम्बरदार की जान आफ्रत में रहेगी कि उनको, एग्जैम्पशन मिला कि नहीं और इसलिए में चाहता हू कि यह डाउटफुल है और इसलिए उन्ही निकाल देना चाहिए।

इस हमारे बिल के अन्दर जो कि अब एक्ट बनने जा रहा है इसमें कई ऐसी तरमीमें हैं जो कि दरअमल बड़ी मुफीद है मसलन जहाँ कि एलेक्टोरल रोल तबदील करने का उबक

[पंडित ठाकुर दास भार्गव]

घाया है। मैं सुना हूँ कि आपने श्री ईश्वर अय्यर का यह सुझाव मान लिया है कि जब तक उस आदमी को बुला कर सुन न लिया जाय तब तक उसको तबदील न किया जाय। इसलिए मैं एक बार फिर यही कहूँगा कि इस बिल के अन्दर जो ऐसी चीजें हैं जिनमें मुकद्दमेबाजी बढ़ेगी और एम्बेसन ला ज्यादा कम्प्लीकेटेड हो जाय, ऐसी चीजों को रखना मनासिब नहीं है, इन अल्फाजों के साथ मैं इसको सपोर्ट करता हूँ।

Shri Keshava (Bangalore City)
Sir, no doubt this is an amending Bill and as such it is quite welcome. There are several provisions through which they seek to improve upon the imperfections that have crept in and which have been discovered in the implementation of the Act. We are also trying to improve upon other aspects as well. Of course, the hon. speaker previous to me coming from the rural area, does not very much relish the 'issuing of identity cards' clause, but I come from the urban area and I know what it is that impersonification means. It is very, very heavily prevalent in the city areas and as such, I think, everybody will universally welcome that feature even though in the implementation of that provision, of course, several difficulties may crop up, particularly when the Muslim families are concerned. It may be very difficult as to how we will be able to issue identity cards, whether by having photographs or otherwise, to every voter concerned. Anyway, in spite of all those difficulties, I think it is a salutary provision and a new innovation that we are making and it is certainly welcome. We could easily give it a trial. We could revise this provision at a future moment when we find that it is not really workable.

There is one other small matter, which I would bring to the notice of our hon. Law Minister. It came to

my notice in connection with one constituency, that of Harihar in the Shimoga District. As the law stands, we have allowed an appeal against the decision of a tribunal to the High Court and the decision of the High Court is final in all these matters of election disputes. It so happens that we have not provided a clause for the communication of the decision of the High Court to the Election Commission or to the hon. Speaker or the Chairman of the House concerned. Consequently that led to a very great difficulty and also to an anomaly in that particular case. That is why I brought it to the notice of the Government. An amendment is necessary in that regard in that immediately the High Court issues an order of stay against an order of a tribunal declaring an election as invalid it must communicate its decision not only to the Election Commission but also to the hon. Speaker or the Chairman of the House concerned or of the local legislature concerned. This clause is absolutely necessary. It would avoid the delay that may be caused and the inconvenience that may be caused to such an hon. Member concerned. This is a very small amendment and I do not know as to how this has been lost sight of. Perhaps it is due to inadvertence. This is a small amendment that I have got to move in respect of clause 29 of the present Bill. I request the hon. Law Minister to be pleased to consider this feature as well and consider the same and be pleased to accept this amendment. With these few words I welcome this Bill.

Shri Naushir Bharucha: Mr. Deputy-Speaker, Sir, it is rather unfortunate that at the fag-end of the Session a most important Bill is being rushed through this House. I am not attaching any great importance to the numerous changes made in this amending Bill, but I desire to concentrate the attention of this House on one most important provision which opens the floodgates, for the wholesale admission of Government contractors, to this Parliament. The main object of

the disqualification provisions has always been that there should be independence of the Members in this House and there should be purity of the vote. To my mind, I am rather constrained to say that the provision deleting sub-section (d) of section 7 constitutes nothing less than a mockery of people's democracy. If we permit contractors who have contracted with the Government for the supply of goods running into lakhs of rupees, sometimes crores, I would like to ask the hon. Minister whether such persons coming in this House will even retain any vestige of independence. If we permit this clause to come in unchallenged, I have no doubt that the contractors of Government, after coming into this House, far from being independent, will start contracting with the Government. I have yet to come across government contractors who would be able to stand up and incur the displeasure of the Government. In the very nature of things, it would be within the power of the Government to crush down the contractor in his business. But, when it comes to a question of choosing between his contract and his duty as a Parliamentarian, I have no doubt as to what these contractors will choose.

By virtue of their position as MPs in this House, the contractors will be able to get inside information which would be otherwise denied to them. They will also be in a position to overawe persons placed above their works to see that they are properly executed. They will be able to overawe by virtue of their position the officers whose duty it is to report the defaults on the part of the contractors or breaches of their contract. I have no doubt that many of them will utilise their influence in securing priority for wagons for transport of the contracted materials. I ask this House what is the extraordinary difficulty that is being experienced in this connection. If we take a census, I have no doubt that government contractors and those who fall within this sub-

clause (d), will form perhaps .0001 per cent of the population. Is it seriously contended by the Government that this small microscopic fraction of the population will suffer from such great injustice and in order to do them the so-called justice, the entire springs of parliamentary democracy in this country should be subjected to the risk of pollution? I strongly protest against the admission of these government's men into this House.

It has been stated by the Government in justification that in England a similar clause has been scrapped. We are not aware of what its repercussion in England might be. I am rather amused to find that this Government is citing the instance of England without taking into consideration the totally different democratic traditions prevailing there and standard of public life prevailing there and without taking into consideration the fact that whereas democracy in England is an institution which has grown for seven centuries, ours is hardly eight years old.

I would like to ask the Government how will they at all counteract the argument which will be inevitably levelled against them that while they are attempting to obliterate corruption from the country, they are opening by this particular amendment the floodgate of corruption within the Lok Sabha itself. I should like the hon. Minister to answer plainly whether he still feels that these government contractors are such a necessity in this House that without their guidance without their advice, the administration of this country cannot be run. What is the benefit?

An Hon. Member: They are experienced people.

Shri Naushir Bharucha: Experienced in several things many of which are highly undesirable.

I would also like to know what this Government wants to do. They want to introduce *lambardars*, *patels* and others who are not connected with police functions. I submit, one

[Shri Naushir Bharucha]

effect of this amendment will be that the Government will now openly organise armies of election workers out of these lambardars and such other of their paid servants. So long as sub-clause (d) stood, the Government were afraid of doing it. I must say, by and large, the Congress Government respected that provision. Today, we are leaving the Government free, particularly the Congress party free to draw election agents and election workers out of all these people. They will issue an order and see that the lambardars, malguzars and patels, all these people, are properly organised in the service of the Congress candidates. That is going to be the effect. Once this is done, I ask, what is left of people's democracy or the purity of the vote. We are proud that so long our elections have been managed well by and large by the Election Commissioner who was an exceptionally independent minded gentleman. I understand he is retiring now.

An Hon. Member: Today

Shri Naushir Bharucha. Today he is retiring. I think then it is a fitting day to pay him a tribute in this House openly that he has behaved in such an independent manner that he has preserved the purity of the vote. Today, it is an irony of fate that another member coming from the same distinguished family is introducing clauses in this Bill which will work in such a way that the springs of democracy will be polluted. This is a very important clause and I appeal to hon. Members not to take it lightly.

There is one more point and I shall have done regarding identity cards. We do want identity cards. We do understand there has been a kind of personation which may in certain cases of hotly contested elections, tilt the balance of the results. I am not prepared to have this clause with regard to photographs. As I said, if you are going to spend money on identity cards, for heaven's sake, have what I suggested on the last occasion, iden-

tity cards of such a nature which will include the voter's name, his number, the page number in the electoral roll and the place where he has got to vote. That itself would be a sufficient identity card. That would save the candidates lakhs of rupees of election expenses. Why don't we do it? That can be done even now under the rules by defining identity cards. If that can be done, I would appeal to the hon. Minister to consider whether that would not be feasible. It would be killing two birds with one stone. It will not be possible for some of us to prevent the passage of this Bill. I think it is a bad day for democracy and a very sad one too when we are introducing in our nascent and insipient democracy elements which are going to eat into its very vitals.

I oppose this clause in the Bill.

Shri Barman (Cooch-Bihar—Reserved—Sch Castes). Mr Deputy-Speaker, at the very outset, I like to draw your attention to the remarks made by one of the distinguished Members of the Select Committee. He has been pleased to observe that the Select Committee has taken a superficial view of things. Being myself a Member I do not know what is his reason for making this unfortunate remark. After all, the Bill was committed to the Select Committee on the 11th. We had only two working days and on the third working day, we had to submit the report. Most of the contentions were centred round clause 15, I think. The hon. Member referred to that clause particularly. Within the limited time at our disposal, that hon. Member had spoken all he wanted to speak. If in spite of his arguments he could not convince the majority, it was rather unfortunate for him, but to say that the Select Committee took a superficial view of things, I think, is not correct.

An Hon. Member: Who said that?

Shri Barman: You read the report, the dissenting note.

I do not wish to deal with the other clauses, but I am tempted to say a few words on clause 15. I think that is the most contentious clause.

The Select Committee has deleted section 7(d) of the 1951 Act. My hon. friend Shri Bharucha has just now told the House that if contractors are eliminated or disqualified, only 0.0001 per cent of the population would be eliminated. I do not find any amendment which supports his view. Neither Shri Bharucha, nor any of the hon. Members .

Shri Naushir Bharucha: I was busy with the morcha for two days unfortunately.

Shri Barman: Still there is time

Mr. Deputy-Speaker: If that was more important, why should he complain?

Shri Barman: Even the Members of the Select Committee who took an active part in the deliberations of that clause could not give any solution to it though they have dissented from the final outcome. My hon. friend, Shri Easwara Iyer who, I know, is not only an acute lawyer but a very considerate Member of this House could not also find any solution

Shri Easwara Iyer (Trivandrum)
Give me more time to find a solution

Shri Barman: Though he has dissented, he has himself stated in his Minute of Dissent that the original clause had merits as well as demerits. Was it not convenient for him to find time to remove the demerits? If that had been done, we could have understood that the demerits could be eliminated.

Generally speaking, in the Select Committee deliberations we thought that if the clause remained as it was then also it was not acceptable to the Members. The original clause is this:

"if there subsists a contract entered into in the course of his trade or business by him with the

appropriate Government for the supply of goods or for the execution of any works undertaken by that Government"

Some hon. Members were of the opinion that it was not sufficient to disqualify or eliminate only the person who enters into a contract. What about his partnership business? If his partners enter into contracts? What about his associates? Suppose he does it through a third person while remaining the principal contractor? That goes to the root of the original section itself. That is one way of thinking.

The other way, in which the majority of the Select Committee thought, was that this provision in the Bill itself was so wide that we shall have to exclude not 0.0001 per cent but at least a majority of the population in this way. If a person cannot stand for election because he has some contracts subsisting with the appropriate Government, is it proper to say that after the election is over, he can enter into contracts? That, it was thought, was illogical absolutely. So, the word "subsists" remains there. If it remains, what happens? Any kind of contract with the appropriate Government disqualifies a man from standing for elections.

Government with its expanding activities is now widening its field as a buyer from day to day. Pandit Thakur Das Bhargava also mentioned it and he has given some amendments, and we have practically accepted them. He pointed out that now that the State was going to purchase all the foodgrains in the country Government could purchase directly from the grower. So, all the growers would be eliminated. If any Member here is a grower and has surplus grain and sells it to the STC, he will be disqualified at once. Government's purchasing agency is not confined only to the STC. I find there is a pamphlet issued by Government regarding the activities of

[Shri Barman]

the small industries. It is written here in the very first line:

"The Government is the largest single buyer in the country, and purchases a variety of stores, a large amount of which can be manufactured and supplied by small scale units."

This is as regards small-scale and cottage industries. It has differentiated three kinds: big industries, medium industries and cottage industry producers. Government is going to purchase, or is already purchasing. We are supplying shoes to Russia, Czechoslovakia and perhaps other countries also, and trying to provide employment for our shoe-makers. Government is purchasing and will purchase. So, the whole class is disqualified. Those who are purchasing for Government from the makers of shoes will be disqualified.

In this way, Government, by its expanding activity, is practically entering into all fields of purchases. So, it is not correct to say that if we disqualify all contractors, then only 0.0001 per cent will be affected. It is not so. After all, contractors enter into contracts with Governments to fulfil certain obligations. There are rules of the Commerce Ministry as to how a contract should be accepted and all that. If any contractor misbehaves, there is punishment for it, but we cannot at one breath say that because one has entered into a contract whose value is over a million rupees, he should be excluded.

Shri Naushir Bharucha: The ceiling should be much lower than that.

Shri Barman: Yes, but how to distinguish that, where to find the limit, that is another difficulty.

It was also considered whether we could have another schedule. That also the Select Committee thought to be absolutely unwise from the experience of the Prevention of Disqualification Bill. All these questions were

thoroughly discussed, and the Select Committee could not find any reasonable solution. The majority thought that the section itself should be eliminated.

After all, England has deleted it. Let us follow England in this case also. We do not have a solution for it. Let us watch and let us see how it works. That was the only decision of the Select Committee. So, it is not right to say that no serious attention was given to this clause.

Shri Shree Narayan Das (Darbhangha): On a point of personal explanation, will you permit me, Sir?

Mr. Deputy-Speaker: Shri Das Gupta. He will be very brief.

Shri B. Das Gupta (Purulia): I refer to clauses 15 and 34. Much has been said about the deletion or the complete omission of section 7(d) of the 1951 Act. I had a faint hope that after all the Law Minister would at least stick to the original amendment which he had brought in the Bill.

Clause 15 of the original Bill tried to amend section 7(d) of the 1951 Act. This amendment was thought necessary by Government for the following reason which they have stated in the notes on clauses:

"The language of section 7(d) of the 1951 Act which provides for disqualification in case of contracts with the Government is wide and vague enough."

Please mark the words 'wide and vague enough'. That has been a fruitful source of election disputes in the past. That is the main reason for bringing forward this amendment to section 7(d). They say they have tried to put it in a simpler and more rational way so as to bring within its purview only two categories of contracts entered into by a person with the Government in the course of his trade or business. In the Statement of Objects and Reasons appended to the original Bill, they have categorically stated that they have

brought forward these amendments "in the light of the further experience gained by the Election Commission and the Government in the working of these two Acts since their last amendments in 1956"

Nowhere have the Election Commission or Government thought it fit to omit this clause totally, because in the light of their further experience, they have found that it is necessary that these restrictions are necessary for our democracy and for the purity of our legislatures. So where there was vagueness, they have tried to clarify it, they have tried to define it and they have tried to put it in a more concrete way. But I am sorry that the Select Committee have found it wise to delete it altogether.

In this connection there is one thing that I must urge this House to consider seriously apart from all these technicalities of the law and other things. We must realise the condition of our country just now, compared to that in the UK and other countries. It would have been better if we could have at least travelled in the same way as the UK, but that is not possible. Corruption in the whole country is so rampant that our country is in a very dangerous condition. Rather the nation is so much soaked in corruption, that if we open the floodgates of the legislatures for the persons whose only motive is profit, then, the purity of our legislatures cannot be maintained as in the past. Not only the contractors will have a free access to the legislatures, but there is also every risk and every likelihood of Members who are not Government contractors turning into Government contractors. It is a very dangerous situation for our country.

I would request the hon. Minister to think it over very seriously, whether he can reconsider it. Let him stick to his original amendment. But let there not be a blank cheque given to all these profiteers and contractors. If anybody wants to do business with Government and wants to enter into

contractual relations with Government, let him do that. But let him not come to the Parliament. It will be quite a different thing if a person who does not earn for profit, who does not look for personal gains wants to come to the legislature in order to control it. But if I am a Member and at the same time a contractor of Government, just imagine the position. I would again request the Law Minister to consider it seriously and see whether he can accept any of the amendments tabled by Members.

Now I come to clause 34. The Select Committee have thought it fit to insert the words "with the consent of a candidate or his election agent". The hon. Law Minister has stated that it is a minor amendment. I do not think so. It is a most dangerous amendment. If the consent of the candidate or his election agent is required to prove a case of bribery, is it possible to prove? Let us see the risk involved in this insertion. Let us add this consent clause "with the consent of a candidate or his election agent" to sub-clause (3), let us add this consent clause to sub-clause (4)—it reads

"The publication by a candidate or his agent or by any other person with the consent of a candidate or his election agent"

So if this clause is added, what will be the position? Any candidate will be at liberty to take to corrupt practices unabated. There will be no way of removing corruption, it will leave the field open for corrupt practices. This is what we are trying to do.

So I hope the hon. Law Minister will think it over and reconsider it. At least his original amendment or any other amendment brought to rectify this may be accepted. These words "with the consent of a candidate or his election agent" should be deleted from clause 34.

After all, we are building up a democracy and so we must be careful and cautious so that we build it well.

[Shri B. Das Gupta.]

One thing is there; we should restrict corruption and impurity of elections so that these legislatures cannot be a place for contractors or profiteers or persons who would like to have their own personal benefit above all.

Shri Shree Narayan Das: Mr Deputy-Speaker, Sir, before I say something on the provisions of the Bill, I would like to submit that in my note of dissent I have mentioned something which has been objected to by my hon. friend Shri Barman who was the Chairman of the Select Committee. If the use of the word there has offended the Members of the Select Committee I would like to withdraw that. But I would like to say that that was my impression. I would not like to divulge any secret about the way in which this amendment for deletion crept in. It gave me that impression. (Interruption.)

When this Bill was presented to the House, it was the view of the Government that it should not be referred to a Select Committee. But, after some suggestions were made by some hon. Members, it was referred to the Select Committee. There was some suggestion made by Pandit Thakur Das Bhargava that the whole Act should be reviewed and Members should be allowed to give their own suggestions with regard to such amendments as they thought necessary. But, that was not accepted by the hon Minister

I would like to submit that before every general election the election laws should be revised in the light of the experience not only of the Election Commission but also in the light of the experience gained by a large number of persons who participated in the election—those who were elected and also those who were not elected. This Parliament should consider their views and give opportunities to them to submit their suggestions. It is open to the hon. Members and others to submit their suggestions to the Commission. But I would like to submit that after each general election

the Election Commission should invite from the general public, Bar Associations and Judges their experience of the elections and Government should scrutinise and examine them. Taking all these into consideration, Government should come forward with a comprehensive measure.

But the Report of the Election Commission has just now been laid on the Table of the House and I have not had the time to go into the various aspects which the Election Commission have thought it worthwhile to draw our attention to. But I see that they have also made suggestions about certain other amendments with regard to the Representation of the People Act. It would have been better if, after having this report and after having received suggestions from the various hon. Members, a comprehensive Bill had been brought forward. But that has not been done. Even this Bill, as has been pointed out by my hon. friend, is being rushed through.

With regard to election petitions, after having gained some experience in the last General Elections, Parliament amended the Representation of the People Act. In the previous Act there was a provision that the decisions of the Tribunals would be final. But the High Court and the Supreme Court, under the provisions of the Constitution, entertained so many writ petitions and there were more delays in the disposal of election cases. So, the Select Committee and Parliament thought it proper that the right of hearing appeals from the decisions of the Election Tribunal should be given to the High Court. It was felt that the number of election petitions would be smaller and the disposal of election petitions would be expedited. But those hopes have been frustrated. Even after the last general elections, there are a large number of cases still pending and there were many writ petitions against the interlocutory orders of the election tribunals. Now what is the suggestion of Government. It has not said

anything with regard to these things I think a large number of Members have got certain experience with regard to them They should be asked to give their suggestions and the Select Committee should be empowered to go into the provisions of the Bill That was not done Even after this measure is passed, I think the Government and the Election Commission should invite suggestions, not from political parties which contested the election but from all those persons By notification in the Gazette, suggestions should be invited and they should be examined by the Government and then a comprehensive Bill should be brought forward before the House.

Now, with regard to clause 15, I want to say something, that is the only clause on which I shall speak

Mr. Deputy-Speaker: very briefly.

Shri Shree Narayan Das: According to the provisions contained in article 102, no person should be allowed to become a Member of Parliament if he holds any office of profit The principle on which that article has been based applies equally to the provision contained in the present Act, section 7(d) It was in that spirit that Parliament in 1951, while enacting the Representation of the People Act thought it proper to make a provision to that effect It was after much discussion that this was done, the whole House was allowed to discuss this matter and every Member was free to give his own suggestions there and then Even in this Bill the Government came forward with a certain amendment I do not think that it was a suitable amendment So, Government also wanted that there should be some disqualification arising out of the contracts for the supply of goods or executing any works But I do not know what led the Government to agree to the deletion of the whole clause I would request him to take note of the views that have been expressed I do not know what is the majority view or what is the

minority view A large number of Members asked for the retention of this provision and improve it with some suitable amendments But as the Chairman of the Select Committee has said no amendment came forward. It was because there was no time. Some suggested that the Lok Sabha might extend the time for this so that the whole Bill may be considered during the inter-session period That was not allowed by the Chairman He said that there was shortness of time The members could not therefore give proper thought to this, and that is why no suitable amendment was brought forward by any member Therefore, we should not delete sub-clause (d) of section 7 Sub-clause (d) of section 7 should be allowed to stand as it is, and a comprehensive measure after taking into consideration the suggestions of the Election Commission and also other suggestions in this regard should be brought forward by the Government before the next general elections so that there is sufficient time to decide on this question I would, therefore, request the hon Law Minister to concede this point at least that nothing is going to happen if we delete the present clause 15 or we allow it to remain as it is

16 hrs.

This is the only point that I wanted to make I would suggest that clause 15 of the Bill seeking deletion of the existing sub-clause (d) of section 7 should not be passed I have nothing to say against the other provisions of the Bill

श्री शबराज सिंह उपाध्यक्ष महोदय,
दा तीन बातें मैं संक्षेप में कहना चाहता हूँ।
जहाँ तक नए बिल की फोटोग्राफ और
आइडेंटिटी कार्ड सम्बन्धी धारा का
सम्बन्ध है, मुझे उस के बारे में कुछ शक्याय
हैं। मैं चाहूँगा कि कानून मंत्री इस को पास
करने से पहले यह देख लें कि कहीं यह धारा
हमारे कास्टीट्यूशन के आर्टिकल ३२६ और
रिप्रेजेन्टेशन ऑफ़ दि पीपल एक्ट, १९५१
की धारा ६२ को तो इनफिन्व नहीं करती है।

[श्री बजराम सिंह]

कास्टीट्यूशन का आर्टिकल ३२६ इस प्रकार है—

"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 person who is a citizen of India and who is not less than twenty-one years of age on such date as may be fixed in that 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"

आर्टिकल ३२६ में सिर्फ यह व्यवस्था है कि हर वह व्यक्ति जो नान-रेजिडेन्स, अनसाउन्ड माइन्ड, क्राइम या करप्ट और इल्लेगल प्रैक्टिस के ग्राउन्ड पर डिस्क्वालिफाई नहीं होगा, वह वोटर के तौर पर रजिस्टर्ड हो सकेगा। संवधान ६२ कहता है—

"No person who is not, and except as expressly provided by this Act, every person who is, for the time being entered in the electoral roll of any constituency shall be entitled to vote in that constituency"

किस के माने यह है कि अगर किसी व्यक्ति के लिये ये ग्राउन्ड्स नहीं हैं और वह किसी कास्टीट्यूएन्सी में रजिस्टर्ड है, तो उस को वोट देने का हक होगा। इस नये बिल की क्लॉज २५ (बी) में यह कहा गया है :

"for prohibiting the delivery of any ballot paper to any person for voting at a polling station if at the time such person applies for such paper he has already such a mark on his thumb or any other finger or does not produce on demand his identity card before the presiding officer or a polling officer of the polling station"

मेरा निवेदन यह है कि जहाँ तक संघर्ष या उंगली पर निष्ठा का संबंध है, यह तो अब तक देखा जा सकता था। अगर कोई मार्क हुआ, तो पोलिंग आफिसर रिफ्यूज कर सकता था कि तुम वोट डाल चुके हो, तुम को बैलट पेपर नहीं दिया जायेगा। इस का मतलब यह है कि रजिस्टर्ड वोटर अपने वोट देने के अधिकार का इस्तेमाल कर सके और दोबारा वोट न दे सके। लेकिन इस नई धारा से यह सतर्पण पैदा हो सकता है कि एक भ्रादमी का नाम इलेक्शन रोल में रजिस्टर्ड है और उस को इस नई धारा के मुताबिक आइडेंटिटी कार्ड दिया गया है, लेकिन अगर वह कार्ड खो जाता है, तो पोलिंग स्टेशन पर उस को कहा जायेगा कि चूंकि तुम अपना आइडेंटिटी कार्ड नहीं दिखा सकते, इसलिए तुम को वोट नहीं डालने दिया जायेगा अर्थात् आइडेंटिटी कार्ड खो जाँ से उस का वोट देने का अधिकार ही खिन जायेगा। मैं यह निवेदन करना चाहता हूँ कि इस तरह का प्रावोजिन कास्टीट्यूशन के आर्टिकल ३२६ और १९५१ के एक्ट की धारा ६२ के खिलाफ जाना है। सरकार कोई इस तरह का कानून नहीं बना सकती है जिस से वह किसी भ्रादमी को, जो कि वोटर के रूप में रजिस्टर्ड है, वोट देने में रोक सके। वह दूसरी बार वोट न दे सके, इस का उपाय तो सरकार कर सकती है, लेकिन इस नये बिल में यह व्यवस्था की जा रही है कि आइडेंटिटी कार्ड खो जाने पर कोई भ्रादमी एक बार भी वोट न दे पाये। हो सकता है कि बहुत से भ्रादमी, जो कि पढ़े लिखे नहीं हैं, इस धारा की वजह से वोट देने के अपने अधिकार का इस्तेमाल न कर सकें। मैं निवेदन करना चाहता हूँ कि वह अधिकार आप से नहीं सकते हैं। इस तरह का कानून बनाने के पहले कानून मंत्री को अच्छी तरह से विचार कर लेना चाहिये।

जहाँ तक इस की व्यवस्था का संबंध है, बहुत सी दिक्कतें उठ सकती हैं। कहा जाता है कि १९६२ के इलेक्शन से पहले

हम इस को रिकॉर्ड करवा देना चाहते हैं और इस के लिये एक कानून तैयार करवा दिया जायेगा। अगर यही बात है, तो मैं कहना चाहता हूँ कि गलत तौर पर बोट देने और दोबारा बोट देने की कोई ऐसी बड़ी समस्या पैदा नहीं हो गई है, जिस के लिये इस तरह की व्यवस्था रखी जाये, जिस के परिणामस्वरूप बहुत से लोगों के बोट देने के अधिकार से वंचित हो जाने की आशंका हो। हम सदन में बार-बार कहा जाता है कि इस विषय में सब की राय ली जानी चाहिये और पहले जो चुनाव हो चुके हैं, उन के तर्जुबों से लाभ उठाया जाना चाहिये। इस बात को दृष्टि में रख कर और कानूनी दिककतों के कारण, जिन का कि मैंने अभी जिक्र किया है, कानून मंत्री कम से कम इस धारा को हम वक्त पास कराने की कोशिश न करे।

दूसरी बात में यह कहना चाहता हूँ कि इस कानून में हमने नई व्यवस्था की है कि पार्लियामेंट और असेम्बली के मेम्बरों को अपने निर्वाचन-क्षेत्र में जहाँ वे रजिस्टर्ड हैं, बोट का अधिकार इस्तेमाल करने से इमनिये नहीं ठोका जा मकेगा कि वे वहाँ नहीं रहते हैं। मैं यह कहना चाहता हूँ कि फौज के लोगों और दूसरी ऐसी सर्विसेज के लोगों के लिये ऐसी कोई व्यवस्था नहीं की गई है। हो सकता है कि ऐसा कर के हम लाखों आदमियों को डिसेन्स-चाइज कर दें। मैं चाहता हूँ कि इस धारा को पास करने से पहले अच्छी तरह से विचार कर लिया जाये।

अन्त में मैं आपको के सम्बन्ध में निवेदन करना चाहता हूँ। मेरी बात जो आज लाई जा रही है, मैं समझता हूँ कि वह बहुत ही अतिरिक्त बात है। उस से पार्लियामेंट की निष्पक्षता नष्ट हो सकती है। उस से पार्टियों का बैलेंस—संतुलन नष्ट हो सकता है। उस से जनतन्त्रता को खतरा पैदा हो सकता है। ताजुब यह है कि इस से पहले गवर्नमेंट का विभाग दूसरी तरफ था, लेकिन इस बीच में यह निश्चय किया गया कि सरकार अपना

का थोक व्यापार अपने हाथ में लेना चाहती है, इसलिये अब सम्बन्धित धारा में परिवर्तन करने का निश्चय किया गया है। इस के साथ मानी यह है कि बहुत से लोग, जो कि सरकारी पार्टी से सम्बन्धित हैं, अपना थोक व्यापार में ले लिये जायेंगे। राज्यों में इस तरह की बातें चलती हैं कि आज इस चीफ मिनिस्टर को खतरा है और कल दूसरे चीफ मिनिस्टर को खतरा है, अगड़े चल रहे हैं। लोगों पर असर डालने के लिये ही यह व्यवस्था की जा रही है। यह जनतन्त्र के लिये खतरा होगा, इसलिये हम धारा को पाम न किया जाये।

Shri Kodiyan (Quilon-Reserved-Sch. Castes) rose—

Mr. Deputy-Speaker: I shall give the hon. Member an opportunity to speak in the second reading; also to Shri S. M. Banerjee.

Shri A. K. Sen: Mr. Deputy-Speaker, Sir, Shri Khushwaqt Rai and Shri Shree Narayan Das both felt that we should have waited for a more comprehensive Bill. As I explained to the House when this Bill was first considered, we do not undertake a comprehensive legislation unless the Chief Election Commissioner feels the need for it. After all, our Act is not so defective that it must undergo comprehensive changes every five years. It may be that only a few provisions have to undergo amendments or it may be that more provisions may have to undergo amendments later on.

As I explained to the House on that occasion, it has not been the policy of the Government to initiate legislation affecting elections of their own accord unless the Election Commission feels the necessity of certain changes having regard to its experience in conducting elections in various parts of the country. The urgency for some of the provisions was explained on that occasion by me apart from the question of having revenue officers from the month of January.

The question about the identity cards was also very important, as I

[Shri A. K. Sen]

explained, because if certain constituencies are going to have identity cards, then at least two years would be necessary first of all to settle the Register and then to issue identity cards for all who are on the Register. As I explained to the House on that occasion a trial was made in two constituencies by the Chief Election Commissioner. Photographers were sent from house to house to take photographs of persons who were on the roll and the results were found very encouraging. I do not think any hon. Member has expressed any view contrary to ours regarding the desirability of having such identity cards to ensure that no impersonation, whether on a small scale or on a big scale, takes place anywhere, where such impersonations have become apparent during the last two general elections.

What the hon. Members have expressed, i.e., those who have been against this provision, are the difficulties which, according to them, lie in the way of implementing it. I remember that when the first general election was held and the Constitution accepted adult suffrage as the basis of our Parliamentary institutions doubts were expressed not only in this country but also largely outside about our ability to hold general elections covering an electorate of nearly 190 million of adult voters most of whom were spread out in the villages and were regarded as illiterate. Various difficulties were expressed and, I think, many papers outside this country had expressed their dark forebodings about the experiment, as they called it, of having a general election on western lines in such a vast country covering such a vast electorate in areas far flung and not served by good communications and with people not educated in Parliamentary system. I think we are all very proud to say today that the last two general elections have completely given the lie to these dark forebodings and have established the capacity of our people not only to support democratic insti-

tutions but also to discharge their own responsibilities as intelligent voters. If one thing has impressed the whole world, it is our system of free elections and our election organisation and the success which it has achieved in vouchsafing for the country a healthy electoral law and the healthy implementation of the law and in ensuring fair and proper elections on the basis of adult suffrage. That has been possible because our Constitution has given a completely independent status to the Election Commission. As I said on the last occasion, it is only proper that we pay due regard to the recommendations of the Election Commission in regard to matters pertaining to election. When the Election Commission recommends certain measures to be taken we should not negate those recommendations without due and proper consideration. We initiated the present Bill on the recommendation of the Chief Election Commissioner. If there are difficulties in implementing the identity cards provision, let them be faced by the Election Commission. As I said, in any event it does not prejudice anyone because no elector in any constituency will be under an obligation to produce his identity card before he gets the ballot paper unless identity cards have been issued to every man on the electoral rolls. That is quite clear. I really fail to appreciate the strength of the criticism levelled by some, what happens if it is not distributed. If it is not distributed, the conditions are not fulfilled. The obligation arises only if in the constituency the electors have been distributed identity cards. If identity cards had not been distributed, the obligation does not exist.

That brings me at once to the constitutional point raised by Shri Braj Raj Singh. I frankly fail to appreciate any constitutional point in the matter. Article 326 of the Constitution only prescribes that our elections should be on the basis of adult suffrage and every person above the age of 21 will be entitled to be on the electoral

roll. Nothing has affected that. On the contrary, all the provisions in this Bill also are meant to ensure that every person in a particular constituency is put in the electoral roll—every person above the age of 21, who is ordinarily resident in the area. But, every country and every legislature has a right to prescribe rules to see that the person who is on the register is the person who comes and casts the vote. That is the primary function of any electoral organisation. It is one thing to say that the electoral roll must contain every person above the age of 21, who is ordinarily resident there. Nobody disputes that. After all, the provisions are meant to ensure that. It is another thing to say that whoever comes and says, I am X or I am Y is entitled to cast his vote. In order that such a thing may not happen, every legislature and every electoral organisation has authority to prescribe rules to see that the person who is on the register is the person who votes. That is why all these rules about indelible marks. If an hon Member looks at other rules, they authorise the Presiding Officer or the Polling Officer to put questions. You will find that provisions are there to put questions of every man who comes and says, I am A, I want a ballot paper. He has to answer these questions properly before he entitles himself to get the ballot paper, because it is the duty of the Polling Officer to see that the ballot paper meant for X is given to X and to no one else. Therefore, these provisions are meant to ensure that a person who is entitled to vote actually votes. It happens in many cases,—I know of cases myself personally—people have gone to vote and they have found that somebody else has already voted for them. He has to return.

Shri V. F. Nayar (Quilon): Even in your own family you may have had that experience.

Shri A. K. Sen: I do not want to deal with the experiences of my family.

Shri S. M. Benerjee (Kanpur): Even dead men are voting.

Shri A. K. Sen: That is so, because they are on the register. The electoral rolls are such.

Mr. Deputy-Speaker: Perhaps they believe in re-birth.

Shri A. K. Sen: So, these rules have nothing to do with the Constitution. They are meant to ensure the fundamental requirements of the Constitution that the man on the electoral roll is the man who votes.

With regard to clause 7, I must admit that I have not been very happy personally myself, so far as the complete omission of the clause is concerned.

Shri Naushir Bharucha: I am glad to hear that.

Shri A. K. Sen: You accused us for nothing by saying that though an independent Election Commissioner who happens to be related to me, laid down certain good traditions, I have brought a Bill deleting that section. I have not. The original Bill does not omit that section altogether. It only amends it so as to enable persons who possibly technically enter into contracts with the Government, like any odd persons who go to broadcast, to retain their qualification for standing as Members of Parliament. That was the original section. But I must say certain facts came out to which we must pay our attention seriously, and they are more relevant in this country than in England where that law does not exist any more. I felt the strength of those points when they were first expressed by Pandit Thakur Das Bhargava here on the floor of the House. He said that the Government would be year after year procuring from thousands and thousands of villagers, not only cultivators but people who are not cultivators but who own land, food-grains. Also, they would be entering into contracts, contracts may be subsisting, and all these hundreds and thousands of people would be disqualified if the law stands as it is, namely that a subsisting contract dis-

[Shri A. K. Sen]

qualifies a man *per se*, unless we think of some exceptions. Frankly speaking, I would not be party to the making of a law which disqualifies hundreds and thousands of our people simply because the Government has chosen to buy foodgrains from them.

Secondly, there are thousands of workers, semi workers, people above the level of workers, engaged on a contractual basis, in what is called the *theka* system in villages for development works, small irrigation works and works of that nature. I think an amendment was put in by Shri Mahanty whom I do not see here now, saying that in Orissa and other parts it has really caused great hardship. Here we are trying to develop every village on a community basis, and dole out works connected with the development of the village to various people. He rightly pointed out that these development works should be excepted from the ambit of the disqualification. There is a good deal of strength in that.

Then, various other points were raised which could not be brushed aside simply like this on the broad accusation that we are envisaging a conspiracy by which we can turn the whole country into Government contractors and thereby have election workers. I do not see why they cannot be election workers even now, they need not be candidates. We are not frightfully anxious to have a few odd contractors here and there as election workers, and I strongly refute the insinuation hurled at Government that there is sinister design behind this Bill or behind this omission, for which we are not responsible because it is the Select Committee that did it. We really tried to appreciate and not to dictate as to what Government felt. I strongly refute any suggestion or imputation to the effect that the Government has thrown away this section 7 simply because it wants to pack the country with a horde of contractors running as election agents for the

Congress. I hope even our worst enemies will acknowledge that after all in the last nine years Government has not set a bad pattern for a democratic Government, and that the institutions which have thrived are comparable with the best institutions in every democratic country. Lapses have been severely dealt with, and we do not lag behind other countries in our standards of public morality, and in our attachment to democratic institutions. I hope that this Government will not allow itself to be made a party to any design which seeks to subvert the very foundations of our democratic institutions.

I think these are the main points and the rest, I think, are merely consequential, and I do not think any serious exception can be taken to any of the other provisions.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951 as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: We shall now take up the clauses.

Clause 2— (Amendment of Section 3)

Shri Bhakt Darshan (Garhwal): I beg to move:

Page 1, line 12,—

after "House of the People" insert—"i.e. the Lok Sabha".

श्रीमान्, मैंने जो मशौअन रखने की सूचना दी है, मुझे स्वयं शका है कि वह इस सदन में धातनिक रूप से रखा भी जा सकता है या नहीं। इस सम्बन्ध में मैं निवेदन करना चाहता हूँ कि मुझे यह बताया गया है कि मैं संविधान का जो अंग्रेजी संस्करण है उसमें "हाउस ऑफ दि पीपल" शब्दों का प्रयोग किया गया है, लेकिन हिन्दी संस्करण में जो अनुवाद किया गया है उसमें "लोक-सभा" शब्द का प्रयोग किया गया है; लेकिन मैं समझता

हैं कि संविधान की धारा ७६ में जो शब्दावली प्रयुक्त की गई है उस में लिखा है :—

“संघ के लिये एक संसद् होगी जो राष्ट्रपति और दो सदनों से मिल कर बनेगी जिन के नाम क्रमशः राज्य-परिषद् और लोक-सभा होंगे।”

अगर यह अनुवाद अधिकृत अर्थात् प्रीपारिटेड या तो “राज्य-परिषद्” शब्द को “राज्य-सभा” कैसे बदल दिया गया है ? यदि एग्जीक्यूटिव आर्डर के द्वारा बदला गया तो इस का मतलब यह है कि हिन्दी का जो अनुवाद है वह अधिकृत नहीं है। मेरा निवेदन है कि लोक-सभा का नाम खूब लोक प्रिय हो चुका है। अतः हमारे माननीय विधि मंत्री इसे गम्भीरतापूर्वक सोचें। हिन्दी तथा अन्य भाषाओं के अनुवाद जो हुए हैं उन को भी देख लिया जाये। मैं समझता हूँ कि हमारे स्वर्गीय अध्यक्ष, श्री मावलकर साहब ने, जिन्होंने बहुत जावज्जमान ढंग में और आदर्श के साथ इस स्थान को सुशोभित किया था, उन्होंने लोक-सभा नाम रखने का कदम उठाया था और जो हमारे राज्य-सभा के चेम्बरमैन हैं, उन्होंने भी इस को स्वीकार किया था कि उन के सदन का नाम “राज्य-सभा” में परिवर्तित कर दिया जाय। इस पर कानूनी तौर पर विचार किया जाना चाहिये। कहीं यह तो नहीं है कि शासन-प्रबन्ध की सुविधा की दृष्टि में आज लोक-सभा और राज्य-सभा शब्दों का हम लोग यहाँ प्रयोग कर रहे हैं ? अतः मैं चाहता हूँ कि इस पर विचार किया जाय और धारा करता हूँ कि हमारे विधि मंत्री महोदय इस पर अवश्य ध्यान देंगे।

Mr. Deputy-Speaker: The amendment is before the House.

Shri A. K. Sen: I had explained either here or in the Select Committee that so far as drafting in English is concerned, we use the word 'House of the People' which is used in the Constitution. In fact, apart from this section, there are various other sections in the Act which use the word 'House of the People'. But when these statutes are again translated into

Hindi, the words 'Lok Sabha' are used. After all, 'Lok Sabha' is appropriate in the Hindi context. But I do not think it will be possible to change it here, because it will mean changing all over. But, naturally, as we are translating every statute, it will find its place in the Hindi version.

श्री भक्त बर्षान : क्या इस का मतलब यह है कि समय आने पर इस पर गम्भीरता से विचार किया जायेगा ?

उपाध्यक्ष महोदय : यही कह रहे हैं वह। तो आप प्रेम तो नहीं करें ?

श्री भक्त बर्षान : जी नहीं।

उपाध्यक्ष महोदय : क्या इस सदन की भांजा है कि माननीय सदस्य अपने सशोधन को वापस ले लें ?

कई माननीय सदस्य : जी हाँ।

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

“That clause 2 stand part of the Bill”.

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Clause 5—(Amendment of section 14)

Dr. Samantsinhar (Bhubaneswar): I beg to move:

Page 2, line 3,—

for ‘the 1st day of January’ substitute ‘the 22nd day of March’.

While moving the Bill for consideration originally, the hon Law Minister had said that since the financial year was closing on 31st March, the date 1st March would not be suitable for the officers who would be busy with revenue collection work, and that was why it was proposed to change the date to 1st January. But I had suggested that it should be 22nd March. The reason for this is this. In my constituency of Bhubaneswar, revenue collections are done in the months of January, February and

{Dr. Samratishdar}

March. So, there will be some little difficulty even if it is 1st January; in some constituencies of Orissa, the revenue collections are made during those months.

So, my amendment is that the date should be the first day of the year according to our new calendar. The Saka era starts from 22nd March. So, I have said that the electoral rolls should be changed according to the new calendar, that is, instead of 1st January, it should be 22nd March

Mr. Deputy-Speaker: The amendment is now before the House.

श्री भक्त दर्शन . मे यह मसौदा प्रस्तुत करता हूँ .

Page 2, line 3,—

for 'January' substitute 'November'.

इस के सम्बन्ध में मुझे यह निवेदन करना है कि जैसा कि मैंने मूल विधेयक पर बोलते हुए कहा था कि पहाड़ों के अन्दर ऐसी जनसंख्या है जो जाड़ों में मैदानों में उतर आती है। इस के सम्बन्ध में प्रश्न उठ सकता है। मैं मानता हूँ कि धारा ८(१)(ए) के द्वारा यह सुविधा ी जा रही है कि यदि कोई व्यक्ति अस्थायी रूप से कहीं चले जाये तो उन को उन के अधिकारों से वंचित न किया जाय। मैं समझता हूँ कि शायद हमारे विधि मंत्री महोदय का यह मतलब है कि यदि कोई भी कुछ दिनों के लिये अपने स्थायी निवास-स्थान से दूसरे स्थानों को किसी रोजगार की तलाश में चले जाते हैं तो उन को इन अधिकारों से वंचित न किया जाए।

इस सम्बन्ध में मुझे जो लिखित के सीमान्त निवासी हैं जो कि अस्थायी रूप से नहीं बल्कि स्थायी रूप से स्थान बदलते आ रहे हैं और जिन महीने अपने घरों में रहते हैं और जिन महीने बाहर रहते हैं, उन के बारे में मैं कहना चाहता हूँ। उन की कठिनाई किस तरह से दूर होगी, इस सम्बन्ध में मैं एक सुझाव देना चाहता हूँ,

श्रीर चाहता हूँ कि माननीय मंत्री महोदय उस पर गम्भीरता से विचार कर के जनवरी के स्थान पर नवम्बर रख दें। यदि यह कर दिया जाये तो उन लोगों के लिये ज्यादा सुविधाजनक होगा। उभर से मेरे मित्र श्री सामन्तसिंहार ने भी जो बात रखी है उस में वह भी यही चाहते हैं कि यह कार्य जनवरी के महीने में न रखा जाय, और उन का विचार है कि २२ मार्च उस की तिथि रखी जाये, लेकिन वह भी मुझ से सहमत हैं कि अगर एक नवम्बर की तिथि रखी जाय तो वह सब के लिये सुविधाजनक होगी। अतः आशा है कि माननीय विधि मंत्री महोदय विचार करने की कृपा करेंगे।

Shri A. K. Sen: There is a good deal of misunderstanding. When we say 'January', it does not mean that everywhere we start in January. It only makes it possible to start work in January; where it is not possible to start work in January, it will be in March, as they did in Orissa, and in November in some of the hill States. Of course, previously we could not go before March. That was the difficulty. Now we can start from January. That does not mean that we can start only in January in places where the snow is 6 ft deep

Mr. Deputy-Speaker: I shall now put amendments Nos. 15 and 26 to the vote of the House. The question is:

Page 2, line 3,—

for "the 1st day of January" substitute "the 22nd day of March".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, line 3,—

for "January" substitute "November".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 5 stand part of the Bill".

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 to 8 were added to the Bill.

Clause 9— Substitution of new section for section 22. Correction of entries in electoral rolls).

Shri Shree Narayan Das: I want to refer to amendment No. 10.

Mr. Deputy-Speaker: He has spoken on it already.

Shri Shree Narayan Das: My amendment reads.

Page 3,—

—after line 16, add—

"Provided further that before taking any action under this section the Electoral Registration Officer shall consult the statutory local authority, if any, functioning in the area concerned".

There is a provision that the Electoral Registration Officer is going to be empowered to remove errors or defects or remove certain names, names of such voters who are dead and so on. I know that at present the electoral rolls are prepared with the help of panchayats, wherever they exist, or with the help of some other local authority. Therefore, in matters concerning deletion or amendments to the rolls, these authorities, that is, the panchayats or other local authorities with whose help the electoral rolls are prepared, should be consulted by the Electoral Registration Officer.

Shri A. K. Sen: That is a matter for rules. In fact, the rules are going to be settled after consultation with the parties concerned.

Mr. Deputy-Speaker: If this is going to be provided for under the rules, the

hon. Member has no cause for complaint.

I shall now put clauses 9 and 10 to the vote of the House.

The question is:

"That clauses 9 and 10 stand part of the Bill".

The motion was adopted.

Clauses 9 and 10 were added to the Bill.

Clause 11— (Insertion of new sections 31 and 32 after section 30. Making of false declarations. Breach of official duty in connection with the preparation etc. of electoral rolls)

Shri Khushwaqt Rai: I beg to move: Page 3, lines 86 and 87,—

for "five hundred rupees" substitute "five thousand rupees".

Shri Bhakt Dattban: I beg to move: Page 3, line 29,—

after "fine" insert—"which may extend to five hundred rupees".

उपाध्यक्ष महोदय, मेरा इस सम्बन्ध में यह निवेदन है कि इस में फ्राइव के सम्बन्ध में जो भाषा प्रयोग की गई है उस में इस जुर्माने की कोई सीमा निर्धारित नहीं की गई है और इसलि नाबो रुपये का जुर्माना हो सकता है। इसीलिये मैंने यह २७ नवम्बर का सत्रोबन दिया है जिन में मैंने चाहा है कि उस में ५०० रुपये तक के जुर्माने की सीमा निर्धारित कर दी जाय। अतः मैं चाहता हूँ कि मंत्री महोदय मेरे सुझाव को स्वीकार करने की कृपा करें क्योंकि जुर्माने की सीमा निर्धारित करना मेरी समझ में उचित और न्यायपूर्ण नहीं होगा।

Mr. Deputy-Speaker: The amendments are before the House.

Shri M. C. Jain: I want to oppose this amendment.

Mr. Deputy-Speaker: It is very late in the day to oppose the amendments. Yes, he may speak.

Shri M. C. Jain: This is an amendment that the amount of fine should extend up to Rs. 500 and another of my hon. friend here which says, it may extend to Rs. 5,000. I say no limit should be prescribed and it should be left to the discretion of the court and it will depend upon the nature of offence. So, I say the clause should remain as it is.

Shri A. K. Sen: We cannot accept the amendments, Sir, because they will come in conflict with other provisions.

Mr. Deputy-Speaker: I will not put these amendments to the vote, amends Nos. 1 and 27. The question is:

Page 3, lines 36 and 37,—

for "five hundred rupees" substitute "five thousand rupees".

The motion was negated.

Mr. Deputy-Speaker: The question is:

Page 3, line 29,—
after "fine" insert—

"which may extend to five hundred rupees".

The motion was negated.

Mr. Deputy-Speaker: The question is:

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Clauses 12 to 14 were added to the Bill.

Clause 15.— (Amendment of section 7)

Shri Saswara Iyer: Sir, I beg to move:

Page 4,—

for line 20, substitute—

'(a) for clause (d), the following clause shall be substituted, namely:—

"(d) if there subsists a contract entered into in the course of his trade or business by him with the appropriate Government for the supply of goods to or for the execution of any works undertaken by that Government;"'

Shrimati Renu Chakravarty (Basirhat): I beg to move:

Page 4,—

for line 20, substitute—

'(a) for clause (d), the following clause shall be substituted, namely:—

"(d) if there subsists a contract entered into in the course of his trade or business for the supply of goods to or for the execution of any works undertaken by that Government;"'

Shri Khushwaqt Rai: I beg to move:

Page 4,—

for line 20, substitute—

'(a) for clause (d), the following clause shall be substituted, namely:—

"(d) if there subsists a contract entered into in the course of his normal trade or business by him or on his behalf with the appropriate Government for the supply of goods to or for the execution of any works undertaken by the Government;"'

Shri B. Das Gupta: I beg to move:
Page 4,—
for line 20, substitute—

'(a) for clause (d), the following clause shall be substituted, namely:—

"(d) if whether by himself or by any person or body of persons in trust for him or for his benefit or on his account, he has any share or interest in a contract for the supply of goods to, or for the execution of any works undertaken by the appropriate Government;".

Shri M. C. Jain: I beg to move:
Page 4,—
for line 20, substitute—

'(a) for clause (d), the following clause shall be substituted, namely:—

"(d) if there subsists a contract entered into in the course of his trade or business by him with the appropriate Government for the execution of any works undertaken by that Government;".

Mr. Deputy-Speaker, Sir, this amendment relates to the deletion of clause (d) of section 7.

Shri Shree Narayan Das: Sir, will my amendments be taken as moved?

Mr. Deputy-Speaker: He did not rise then. All right; let it be moved, No. 12., and also 11.

Shri Shree Narayan Das: Sir, I beg to move:

Page 4,—
for line 20, substitute—

(i) '(a) for clause (d), the following clause shall be substituted, namely:—

"(d) if there subsists a contract in course of his trade or business whether by himself or by any person or body of persons, in trust for him or for his benefit or on

his account in which he has any share or interest for the supply of goods to or for the execution of any works undertaken by the appropriate Government;".

(ii) Page 4,—
omit line 20.

Shri Easwara Iyer: Sir, before the amendment is discussed I would like to have a clarification from you. Under the Rules of Procedure—Rule 80—I find this:

"The following conditions shall govern the admissibility of amendments to clauses or schedules of a Bill:—

An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates."

The amending Bill came out with a particular clause for the amendment of section 7(d). An amendment may be brought for the deletion of that clause. But, what the Select Committee has done is to delete the original section 7(d) I would like to have your ruling as to whether it is possible under Rule 80.

Mr. Deputy-Speaker: I will look into that. The amendments are before the House.

Shri Jain may continue.

Shri M. C. Jain: Sir, enough has been said on this clause 15. The arguments advanced in favour of deletion of clause (d) of section 7 have been that thousands and lakhs of people will sell their foodgrains under the new policy of the Government to the Government and that a large number of development works are going on throughout the country so that so many small people will be doing those developmental works and if this clause stands as it is they will be debarred.

Mr. Deputy-Speaker, Sir, both these points are correct. But both these

[Shri M C Ja.n]

categories could be safeguarded otherwise than by deleting the whole clause. A great wrong is being committed by that I would point out to the hon Law Minister, by all means safeguard these two categories, but there are other categories which do not deserve any safeguard at all. For instance, there is a contractor. He is doing certain work in the P.W.D. of the State or the Central Government. In some case, he is black-listed due to various misconducts by the Executive Engineer or some other higher authorities. Should he be allowed to become a Member of Parliament or State Legislature? If we have to safeguard certain categories of people do we not have language enough which could cover those categories and debar contractors of bad conduct, etc. from becoming Legislators? I think this is what Shrimati Renu Chakravartty has in mind.

There are those people who sell foodgrains and other things to the Government. There are also other growers who sell them to the Government. If my amendment is accepted they will not be debarred. Not only that. In the original Act the persons who were in partnership etc. were all included. These persons will also be safeguarded. When a person himself supplied things to the Government, only he was to be debarred. By omitting the whole clause, just as Shri Bharucha has said, we are opening the flood-gates of corruption. My amendment reads like this

“(d) if there subsists a contract entered into in the course of his trade or business by him with the appropriate Government for the execution of any works undertaken by that Government,”

That is to say, only those people will be covered who execute some work. It should not be difficult for the hon Minister to accept this amendment. It means that the foodgrains dealers or the growers will be safeguarded and

they can become Members of Parliament or the State Legislature. I do not think the implications involved in deleting the full clause are being realised. Contractors who are in conspiracy with some officers and who fleece the Government treasury are being allowed. The flood-gates are being thrown open for them to become Members of Parliament or the State legislators. This is a very serious thing.

The example of England has been quoted. In England there is a public works department and there are contractors. But their standards are different. To import that practice into our country is to delude ourselves, to say the least. So, I plead with all the emphasis at my command that, this amendment should be accepted. If it is accepted, those categories will be safeguarded and those other categories which do not deserve to be safeguarded will be excluded.

श्री लक्ष्मणराय श्रीमन् अणन मशो-
वन के द्वारा मने गबद “नार्मल” बढ़ाया है।
अगर “नार्मल ट्रेड आर बिजनेस” की बात
आ जाती है तो सरकार जिन काजकार
से गलना खरीदेगी वह इस धारा के अन्तर्गत
नहीं आएगा क्योंकि वह उस का “नार्मल
ट्रेड” नहीं होगा। इननिये मैं समझता हूँ
कि ये न जा मशोधन दिया है उस को मान-
नीय मंत्री जी को स्वीकार कर लेना चाहिये।

हिस्तर के माननीय सदस्य ने कहा था
कि अगर यह रहेगा तो जितने पब्लिक
कार्पोरेशन और नेशनल इन्स्टी के ठेके लेने
वाले लोग हैं, वे सब डिस्क्वालिफाइड हो-
जायेंगे। मैं उन की बहुत इज्जत करता हूँ
और उन के ज्ञान की बहुत इज्जत करता हूँ,
लेकिन मैं अब से कहना चाहता हूँ कि
धाम्पसन बरख पीयूज के केस में यह क्लियर
की गई थी कि अगर कर्नल कन कट्टेक
है, तो सम्बन्धित व्यक्ति डिस्क्वालिफाइड
हो जायगा, लेकिन अगर कोई आटोमोबल

बाड़ी या कार्पोरेशन हो, तो वह डिस्कवालिफाइड नहीं होगा।

एक्ट के बारे में यह कहना चाहता हूँ कि अभी हमने दिल्ली म्यूनिसिपल कार्पोरेशन बिल पास किया है और उसमें यह व्यवस्था की है कि कार्पोरेशन के डेप्युटी मेम्बरी के लिये खड़े नहीं हो सकते हैं। मैंने म्यूनिसिपैलिटीज के और भी एक्ट्स देखे हैं। उन सब में यह व्यवस्था है कि कोई भी लोकल बाडी का डेप्युटी मेम्बरी के लिये खड़ा नहीं हो सकता है।

डेप्युटी के मामले में देखने की बात यह है कि कर्नाटग एजेन्ट कौन है। अगर नवर्नमट या एग्जिक्यूटिव अयारिटी कर्नल एजेन्ट है, ना सम्बन्धित व्यक्ति पर प्रतिबन्ध होना चाहिये, क्योंकि, जैसा हमारे और साथियों ने कहा है, डेप्युटी के लिये यह जरूरी है कि ऐसे एक्ट लोग इस सदन में आये।

जब हाउस आफ कामज की मिलकत कमेटी में इस प्रकार का बिल था ना वहाँ के वर्क न अपने दिल की शक्त को इस प्रकार प्रकट किया था—

“As I said to the Chairman I think that my feeling is that for it to go out from this Parliament that we were relaxing the strictness of our rules about disqualification and it would certainly go out to certain parliaments that we were relaxing our rules about corruption—would be morally a rather bad thing to do”

वहाँ के वर्क न भी कहा था कि यह चीज बाहर नहीं जानी चाहिये। इसलिये मैं कहना चाहता हूँ कि हमारा जो प्रजार्नल है वह एक बहुत छोटा सा बक्या है। इसलिये यह जरूरी है कि हम इस बारे में जागरूक रहें।

Shri Barman: Sir, I would like to say a few words about Shri Easwara Iyer's objection. The House committed the original amending Bill which was before the House for making further additions and alterations and also authorised it to make consequential amendments if necessary. By this clause 15 the Bill suggested certain amendments to the original clause 7(d) of the 1951 Act. An amendment does not mean only changing words here and there. By that commitment of the Bill to the Committee by the House, the whole of section 7 was before them for making additions or alterations of whatever it thought fit. It was quite within its competence. Now, this is the recommendation of the Select Committee. If the House agrees with the Select Committee, I do not think there is any bar on that. I have not read that rule, but I do not think there is any bar on the Select Committee recommending to the House the deletion of the clause itself if the Select Committee finds that the intention of Government cannot be otherwise fulfilled. By the original Bill itself this sub-clause was before the House for consideration, because according to Government it required some changes. If those changes are suggested in the form of deletion of the sub-clause itself, I do not think there is any rule that bars it.

Shri Easwara Iyer: I would like to say one word in clarification. All that the amending Bill was concerned with was sub-section (d) of section 7.

Mr. Deputy-Speaker: I have followed that.

Shri Easwara Iyer: Therefore.

Mr Deputy-Speaker: The point made out by Shri Easwara Iyer was that in the original Bill that was here and which was referred to the Select Committee the intention indicated was that sub-section (d) of section 7 was to be amended and nothing besides that. Every day we are discussing such subjects here, and if an hon Member

[Mr. Deputy-Speaker.]

brings an amendment that some other section in the parent Act be amended we rule it out on the ground that it is not within the scope of the Bill that is before us. Therefore, his contention is that because it was intended that only sub-section (d) be amended and there was an amended form of sub-section (d) given, the Select Committee has gone beyond the scope of the original Bill in amending other portions of the same section. This is what Shri Easwara Iyer has pointed out. I find that it is correct so far as that goes. But so far as the deliberations of the Select Committee are concerned, it is possible that this question might have been raised there and the Chairman of the Committee must have given his decision or ruling that the Select Committee was within its rights.

Now, if the House thinks that this was not within the scope of the Committee, then the only remedy is that an amendment could be brought here so that the House could decide that the original position should stand. For that purpose, Shri Shree Narayan Das has brought in an amendment—amendment No. 11—which is going to be moved by him. We shall see how the House decides it. It is for the House to decide it; if it feels that the Select Committee had gone beyond the scope of the Bill, it could restore the original position that was in the Bill when it was introduced here.

Shrimati Kenu Chakravarty: I want to say that in my experience of six to seven years, there had been many occasions when the Chair had given a ruling that a particular thing is not within the purview of anybody in this House, or in the Committee, to open up and change anything in an amending Bill except that particular clause or sub-clause in which the amendment is to be made. So, from that point of view, I am not able to understand how a ruling given in a Select Committee can correct a position which cannot be taken up on merits?

Shri Tangamani (Madurai): If a particular section is sought to be amended by the amending Bill, and if, in the Select Committee, some other section of the parent Act is amended, is it open to the House to say, in spite of the fact that it was not relevant, that that particular amendment as emerged from the Select Committee is correct? That is the point on which I would like to have your clarification.

Mr. Deputy-Speaker: I have made it clear that we have been proceeding on this assumption—rather it is a decision of the House—that only those clauses can be touched which are the subject-matter of the amending Bill, and not the other sections of the original Act. There are many rulings by the Chair on that point. I have already said that at that time, during the deliberations of the Select Committee, certainly this point might have been raised. The Chairman might have given a ruling that the Select Committee was within its rights. Probably it might have been the case that he thought that it was a consequential amendment.

Now, when it comes before the House, it is for the House to decide. It is not a question for me to decide, because it has already been decided by the Select Committee. I cannot separate portions and say that these are the authorized ones and the others are not. Therefore, the only course open now is that the clause would be put to the House. If the House feels that the Select Committee had gone outside its scope, then it can throw it out and restore the original position. To restore the original position is the intention of Shri Shree Narayan Das's amendment.

Shri Easwara Iyer: Apart from your ruling, Sir, I would respectfully say that here is a case where the Select Committee deliberated over it and the matter has been raised before the Select Committee and the Chairman considered the

admissibility of the amendment, and then the amendment seeking to delete clause (d) was entered. I would like to know whether the ruling of the Chairman of the Select Committee is final on this matter; or whether in such matters we are bound by the Rules of Procedure here which have been adopted in this House.

Mr. Deputy-Speaker: Perhaps I have not been able to make it very clear. My submission was that when a decision has been taken by the Select Committee, it is not for the Speaker here to decide that the Committee had gone outside the scope. It is for the House to decide. That is what I have been putting before the House. Let the House decide.

Shri A. K. Sen: May I say a few words on the merits, apart from the ruling that you have given and which, in my humble submission, is the proper one. It is for the House to decide it, as you said. Apart from that, I do not see how my hon. friend Shri Easwara Iyer says that it is outside the scope of the Select Committee. The Select Committee produced a section 7(d) which was an amendment of the original section 7(d). There is one method of amending section 7(d) and that is by amending the whole section altogether. That is the effect of amending section 7(d) as we had introduced in the Bill. A reading of section 7(d) will show that the effect of the amendment is that it omits it because there is no section 7(d) now.

Shri Easwara Iyer: The hon. Law Minister is questioning your ruling.

Shri A. K. Sen: I am not questioning it. I am only submitting...

Mr. Deputy-Speaker: He is arguing that even omission is an amendment of that clause or sub-clause. That is also an amendment.

Shri A. K. Sen: I am only submitting that placed side by side you will find that it has been amended.

Shrimati Renu Chakravartty: I just wanted to say that on many prior occasions—and on this very amendment a point has been raised by Shri Easwara Iyer....

Mr. Deputy-Speaker: That point should be deemed to have been closed. I will request the hon. lady Member to proceed with her amendment.

Shrimati Renu Chakravartty: If you have already decided on that point then the House will have to give its opinion.

Mr. Deputy-Speaker: Does she want to speak on her amendment or not?

Shrimati Renu Chakravartty: We are now discussing whether this is at all allowable or admissible.

Mr. Deputy-Speaker: She might say these words also because the House has to decide it.

Shri H. N. Mukerjee (Calcutta—Central): Is it not necessary that there is prior authorisation given by the House to the Select Committee to reopen certain provisions in the original Act if necessary? That goes to the root of the matter. On previous occasions, particularly in reference to the Preventive Detention Act, there have been certain amending Bills which came up before us and we had to put forward that it is necessary for us to amend certain other sections of the original Bill, but it was always said that this is an amending Bill and therefore it had to be confined to certain particular specified sections.

On this occasion it appears to have happened that the Select Committee took it upon itself to amend the original provision of the Bill which had nothing to do with the amending Bill placed before the House. The Select Committee had only something to do with the amending provisions propounded by the Government and had nothing to do with the original provision. I think some sort of confusion has taken place.

Mr. Deputy-Speaker: There is no confusion so far as I can think. It is clear. So many times we have decided that the Select Committee shall not go out of the scope of what has been referred to it. Now, the hon. Law Minister has stated that the Select Committee has not gone beyond its scope because, as he says, even the omission of a clause is also an amendment of that clause.

I have said that even if we presume or take it for granted that the decision of the Select Committee was wrong, that it was unauthorised, then the Speaker cannot take it upon himself to reverse the decision of the Select Committee. It is for the House to reverse it if any such irregularity has happened at all.

Shri H. N. Mukerjee: Can the House do it in this fashion of more or less giving retrospective accord to something which was done without real authorisation?

Mr. Deputy-Speaker: This is what I am saying, i.e., that in this House an amendment will be moved to it. Now that amendment is before the House and the House can accept that amendment. The result then would be that what hon. Members think was unauthorised would be set right.

Shri H. N. Mukerjee: Since there are certain mechanisms of action, which have so far been built upon precedents, are we not going to demolish some of those precedents?

Pandit Thakur Das Bhargava: Suppose, the Select Committee was not authorised—whether it is authorised or not is a different matter; according to me the Select Committee was authorised to delete it—then my humble question is whether this House is competent to delete it or not.

Shri V. P. Nayar: Under what rule?

Pandit Thakur Das Bhargava: Under any other rule. Whenever we

legislate we always see whether it is proper to continue, delete or amend it. I quite agree with the hon. Law Minister that debate is also an amendment. Suppose the Select Committee made a wrong decision, then this House is perfectly competent to amend it or do whatever it likes with it.

Mr. Deputy-Speaker: This is what I said.

Shri Easwara Iyer: Sir, my hon. friend, Shri Kadiyan, may speak on my amendment. I have moved the amendment formally.

It is.

Shrimati Renu Chakravarty: I have moved my amendment. The real reason why I want to press this amendment is that I have been very surprised to find that the Select Committee has taken away a very important clause not only from the original Act, but even from the amending Bill, whereby people who had any direct interest in contracts were disqualified for standing for Parliament. Only a few days ago, we heard the horrors with which certain Members spoke about allowing Members of Parliament to become members of the Boards of directors of public corporations because that was going to corrupt Members of Parliament. At that time, we said that although there was a corrupting influence, no doubt, because of political and other reasons, we wanted that people with public opinion and public conscience should also be associated with public corporations. It was pressed again and again that once we allow them to come into commercial undertakings, this House will become corrupt. Now we are throwing open the floodgate and we are allowing people who have direct interest in contracts and those who are going to participate in commercial dealings in which the Government is a party. We are allowing these very people to come into the Parliament.

The original Act was very clear and I would like this House to accept that original clause which said:

"if, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account, he has any share or interest in a contract for the supply of goods to, or for the execution of any works or the performance of any services undertaken by, the appropriate Government;"

That person will be disqualified. I would be prepared to take away "the performance of any services" because that in itself would not necessarily be a contract or a commercial commitment on behalf of the Member of this House, to anything done in a commercial way for profit. Instead of doing that and taking away that small provision 'performance of any services undertaken' which might prevent Members of Parliament participating in many good works and services of the Government, we are not only not accepting it, but also the original amending Bill which stood thus

"If there subsists a contract entered into in the course of his trade or business by him with the appropriate Government for the supply of goods to or for the execution of any works under taken by that Government."

This was what was in the Amending Bill. The Select Committee in its wisdom has even taken away this. Even this has been taken away. If we judge this, we will see that the Select Committee has done this in order to allow the contractors to capture this House. It is a shocking state of affairs that we are taking away this sub-clause entirely. We are omitting it. I could understand if there was deletion of a small clause which would have a much broader meaning than actual contracts, actual making of profits in commercial dealings with the Government. That I would understand. Instead of doing that, we have deleted the entire clause even

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in its amended form as it was thought fit by the Government to bring forward in the amending Bill. I think this is a shocking state of affairs, that those very Members of this House who so many times threw up their hands in horror that we should not go even to public corporations—even one Member of the House should not be allowed; they should be disqualified—are going to pass the amending Bill throwing open the doors to those who will have direct contracts with the Government and we are going to allow them to come in as Members of this House. Therefore I strongly oppose this omission, and I hope this House will reject it.

Shri Naushir Bharucha: We must put up a board "All contractors welcome".

Shri Kodiyam (Quilon—Reserved—Sch Castes): I am very sorry that the Select Committee recommended the deletion of section 7(d) of the 1951 Act. As has been already pointed out by Shrimati Renu Chakravarty and also other hon. Members, it is a very dangerous amendment. Though it may look very simple, it is of far-reaching importance, and it has far-reaching consequences, because in my opinion it is against the very spirit of our Constitution, it is against the growth of democracy in our country. We want to preserve and maintain the independence of Members of Parliament and the State legislatures, so that we may function according to our Constitution and democracy in our country may prosper. I am sorry that the Select Committee has taken such a very dangerous decision. I appeal to the hon. Minister even at this very late stage to accept amendment No. 17 moved by Shri Easwara Iyer.

17 06 hrs.

[MR SPEAKER in the Chair]

Shri Easwara Iyer: The reason given by the Select Committee for the deletion of the original sub-section (d) itself was the future trend that may be there regarding purchase by the

[Shri Easwara Iyer]

Government of foodgrains and the likely consequential wholesale disqualification of persons. I certainly cannot see how that can be a ground for the deletion of this sub-section. In order to prevent an evil, you want to perpetuate another evil. We agree in principle that it is not desirable for Members of Parliament to have dealings with Government and get crumbs or favours from Government, but we are envisaging a condition in future where the Government may propose to buy foodgrains so that every supplier of foodgrains may be hit by this disqualification, and therefore in order to eschew that evil, we import other evils also. If I may be pardoned for using a common proverb, fearing a mouse you are setting fire to the house.

Here is a clause where the thin end of the wedge is being driven to allow Members of Parliament to curry favour with the party in power whereby the independence of the Members of Parliament is to be warped by such tendencies. We strongly and emphatically oppose the deletion of this section.

पंडित ठाकुर दास भागवत : जनाब स्पीकर साहब, मुझे बड़ी खुशी है कि हमारे कम्यूनिस्ट दोस्त जो डिस्कालिफिकेशन आफ मेम्बरस आफ पार्लियामेंट बिल पर बड़े जोर शोर से कह रहे थे कि लोगों को ऐसी हालत में रखा जा रहा है कि मेम्बर बना कर और सेक्रेटरी बना कर पार्लियामेंट के मेम्बरों को सेइयूस किया जा सकता है। आज उन की आंखें खुली हैं। यह लोग स्पीच दिया करते थे कि गवर्नमेंट ने हाउस की प्योरिटी और इंडेंडेंस को खत्म कर दिया। एक तरफ यह कहा जा रहा है कि कंट्रैक्टर्स के आने से हाउस खराब हो जायेगा, दूसरी तरफ हाउस ने आनरेबल मिनिस्टर साहब की स्पीच को सुना तो उस से जाहिर हुआ कि लाखों लोग ऐसे होंगे जिन के हक को

आप छीन रहे हैं। आज छोटे छोटे लोग हैं जिन से फूडग्रेन्स के लिये हमारी सरकार कंट्रैक्ट कर रही है। अगर वे अल्फाज रखे गये जोकि दूसरे मेम्बर साहबान ने अपने अमंडमेंट में दिये हैं तो मुझे डर है कि लाखों लेबरर्स भी इस बिल की जद में आ जायेंगे। कंट्रैक्ट का लपज इतना वाइड है जिस में सभी तरह के आदमी शामिल हो जाते हैं। लेकिन ताहम में चश्म पोशी नहीं कर सकता उस चीज से जो कम्यूनिस्ट पार्टी वालों ने फरमाया है और उन से बढ़ कर श्री भरूवा, श्री श्रीनारायण दास और श्री मूल चंद जैन ने जो चीज कही है उस को मैं फरामोश नहीं कर सकता। मुझे वह दिन बहुत बुरा मालूम होता है जबकि सी० पी० डब्ल्यू० डी० के कंट्रैक्टर्स और दूसरे लोग जो करोड़ों लाखों रुपयों की हैसियत रखते हैं, यहां आयें क्योंकि वह लोग यहां आ गये तो जरूर हाउस की प्योरिटी कायम नहीं रहेगी। मुझे इस वलाज से बहुत डर लगता है। जो तरमीम सेलेक्ट कमेटी की मोशन है वह मुश्किलात से भरा हुआ है। जो कुछ हमारे चेअरमैन साहब, सेलेक्ट कमेटी ने फरमाया में उस की ताईद करता हूँ। दर-असल ऐसा कलाज बनना चाहिये जिस की वजह से वह दरवाजा न खुले जिस को आप फ्लड-गेट कहते हैं। आज हम को वह दरवाजा नहीं खुलने देना चाहिये। लेकिन जो लोग गवर्नमेंट को अपना अनाज देंगे या उन की मजदूरी करते हैं वह भी हमारे इतने अजीब हैं जिस की इन्तहा नहीं है। मैं नहीं चाहता कि उन के राइट्स जाते रहें। मुझे इस का अफोस है कि इस बिल को सेलेक्ट कमेटी में सिर्फ दो दिन के लिये भेजा गया वरना सेलेक्ट कमेटी इस चीज का कोई न कोई साल्यूशन जरूर निकालती। मैं ने उन से दख्वास्त की कि आप सब लोगों को इस के अन्दर अमंडमेंट करने की इजाजत दे दें। लेकिन वह ला मिनिस्टर साहब ने मंजूर नहीं किया।

मैं चाहता कि इस बिल के बारे में अपना खुला दिल रख कर, ओपेन माइंड रख कर आनरेबल मिनिस्टर कोई ऐसी चीज करें ताकि जिनको कि वह नहीं आ देना चाहते उनका रास्ता बंद हो जाय और जिनके लिये कि हम चाहते हैं कि रास्ता बंद न हो, उनके लिए रास्ता खुला रहे। अब मुश्किल यह है कि या तो आप चूज कीजिये जैसे कि वारेन हेस्टिंग्स के जमाने में टिकटिकी लगाई जाती थी और उसके एक तरफ लड़का होता था तो दूसरी तरफ लड़के का बाप जो चोट बंद की खाने से बचता तो दूसरे पर पड़ती और फिर जाये उधर मुश्किल होती। मैं अदब से अर्ज करना चाहता कि आप ठीक से सब बारी में बंध कर फ़ैसला करें। मैंने बेशक सब पर एक अमेंडमेंट दिया था कि ७ (डी) को अमिटेड कर दिया जाये जिसके लिये मेरे लघु कर्माचारियों को डर है कि उसका रहना मुश्किल नहीं है। मैं उनकी स्पीच को सुन कर उससे बिल्कुल मुतासिर हूँ। हम पहले भी उनको यह करने के लिये कहा था। अगर आप यह नहीं चाहते कि ऐसे लोग जो कि सरकार को खुराक बगैर हों, उनका रास्ता बंद हो और अगर आप यह चाहते हैं कि वह हाउस में आ सकें तो मेरी अदब से गुज़ारिश है कि जैसा उन्होंने फ़रमाया है कि वह एक कम्प्रीहेंसिव बिल लायेंगे और मैं चाहूंगा कि उस में ठीक से इसको तरफ़ीम करें और उस वक्त तक हम अपने हाथ स्टे कर दें। इस ७ (डी) को अमिटेड करने का अमेंडमेंट देकर हम अपने आप को जिम्मेदारियों से फ़रामोश नहीं कर सकते। मैं बहुत ही नाखुश हूंगा अपने दिल में अगर मेरे अमेंडमेंट की ज़रूरत से जो मैंने दी थी उसका यह असर हो कि यह लोग सब के सब आ जाय जिनको हम ठोकना चाहते हैं। इंडिपेंडेंस आफ़ पार्लियामेंट पहली चीज है और आखिरी चीज है जिसको कि हमें बरकरार रखना है और अगर यह कायम नहीं रहेगी तो ऐडमिनिस्ट्रेशन सारा का सारा खराब हो जायेगा। हमारा फ़र्ज यह है कि ऐसी तजवीज़ माँ कि लाठी भी

न टूटे और साँप भी मर जाय।

Shri A. K. Sen: I said while I was replying to the debate on the motion for consideration of the Bill as reported by the Select Committee, that I was not personally very happy about the complete deletion of section 7(d). At the same, we had to take into consideration the possibilities which were raised by various Members, namely, the possibilities of disqualifying hundreds of thousands of people who may be selling a few maunds of food-grains to Government.

We are prepared to accept amendment No. 28, which, I think, meets the position very fairly, so that contracts with the appropriate Government would be disqualified, whereas a contract for sale of goods such as food-grains and so on, which are not so important, would be exempt.

Mr. Speaker: I shall put amendment No. 28 to the vote of the House. The amendment reads thus:

Page 4,

for line 20, substitute:

“(a) for clause (d), the following clause shall be substituted, namely:—

“(d) if there subsists a contract entered into in the course of his trade or business by him with the appropriate Government for the execution of any works undertaken by that Government;”.

Shri Naushir Bharucha: What about supply of goods? That is not there.

Shri A. K. Sen: Goods should be excluded. That was our original Bill, but the present amendment excludes goods.

Mr. Speaker: The earlier portion does not seem to fit in with the later portion. ‘In the course of his trade or business for execution of works under-

[Mr Speaker]

taken by that Government' This normally appears to be supply of materials and goods

Shri A. K. Sen: Even a contractor's business is 'in the course of business'. That was in the original Bill also

Shrimati Renu Chakravartty: Does it mean that anybody who goes in for supply of goods to Government will be exempted?

Shri H. N. Mukerjee: Amendment No 17 was given prior notice of. The purport of it is the same. Only it goes a little further and includes supply of goods also. That should be accepted by Government if it has no particular objection to an amendment coming from the Opposition.

Shri A. K. Sen: That was the provision in the original Bill.

Mr. Speaker: At the last stage of the discussion, I cannot allow arguments to go on like this. Either Government accepted it or does not accept it. The hon. Minister has accepted only this portion deliberately and advisedly omitting the other portion relating to supply of goods. I am not going to allow any more argument.

Shri Easwara Iyer: On a point of clarification.

Mr. Speaker: There is no question of clarification now. I will put it to the House. Let the House decide. I can put both amendments to the vote of the House.

Shrimati Renu Chakravartty: May I make one submission? We are all agreed that poor peasants supplying a few maunds of gram to Government should not be disqualified. There is no difference of opinion on that. Could we not have a specific provision making that particular point clear? If we delete the term 'supply of goods', we will again be leaving the door open for many other cases of corruption.

Shri A. K. Sen: The Select Committee adjourned its deliberations for one day and invited Shri Easwara Iyer and others to give a suitable amendment. They could not do so. I certainly am not going to be party to a decision which will disqualify hundreds of thousands of cultivators (interruptions).

Shri Khushwaqt Rai: May I make a suggestion? If the Minister accepts my amendment with a proviso to the effect that 'Provided that sale of any goods in pursuance of an obligation imposed in that behalf by or under any enactment shall not be treated as a contract', then all these suppliers of food-grains will be exempt.

Shri Naushir Bharucha: Keep the original clause as it was.

Mr. Speaker: Evidently, what hon. Members want to know is this. If it is a contract, it is supply. If it is a finished one, it is sale. Contract for sale is different from sale. If it relates to a finished thing, there is no question of disqualification. Suppose there is a continuing contract for supply of goods, large quantities valued at crores of rupees. Hon. Members evidently want to know what difference there is between executing a small work under the public works contract and agreeing to supply for a whole year lots of goods worth many crores of rupees. Therefore, there seems to be some force in the argument. I leave it to the hon. Minister to accept it or reject it.

Shri A. K. Sen: I would rather accept the original provision.

Some Hon. Members: Agreed.

Shri Shree Narayan Das: My amendment No 11, which I have already moved, may be put to vote.

Mr. Speaker: The question is:

Page 4—

omit line 20

The motion was adopted.

Shri Shree Narayan Das: As a result of the adoption of my amendment, there will be some consequential amendments. Certain other clauses will have to be deleted.

Shri A. K. Sen: So far as adoption of amendment No. 11 is concerned, I would rather make it clear that it is accepted for the purpose of inserting the original provision of the Bill.

Shri Ranga (Tenali): That is the idea.

Shri A. K. Sen: That is the idea. But mere deletion will mean that there will be nothing. Instead of (a), it will be original clause (d).

Mr. Speaker: I agree. That is why I suggested that the clause as in the original Bill may be substituted for this.

I said that no amendment has been moved. I find that Shri Shree Narayan Das had moved his amendment, No 12, to substitute a clause for the present clause.

Shri A. K. Sen: As I explained originally, one of the main reasons for introducing the amendment was the various difficulties that had been faced by courts of law in interpreting the various words, share, account of Members etc.

Shri Shree Narayan Das: Sir, I have given my amendment No. 12 in which I have said....

Mr. Speaker: The Government is not accepting

Shri Easwara Iyer: There is my amendment No. 17 which is the same.

Shri A. K. Sen: Sir, I beg to move:

In clause 15 of the Bill, for sub-clause (a) substitute the following sub-clause:—

“(a) for clause (d) the following clause shall be substituted, namely:—

“(d) if there subsists a contract entered into in the course of his

trade or business by him with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government;”.

Mr. Speaker: The question is:

In clause 15 of the Bill, for sub-clause (a) substitute the following sub-clause:—

“(a) for clause (d) the following clause shall be substituted, namely:—

“(d) if there subsists a contract entered into in the course of his trade or business by him with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government.”.

The motion was adopted.

Mr. Speaker: I will put the other amendments. The question is:

Page 4.—

for line 20, substitute—

“(a) for clause (d), the following clause shall be substituted, namely —

“(d) if there subsists a contract entered into in the course of his trade or business by him with the appropriate Government for the supply of goods to or for the execution of any works undertaken by that Government;”.

The motion was negatived.

Mr. Speaker: The question is:

Page 4.—

for line 20, substitute—

“(a) for clause (d), the following clause shall be substituted, namely:—

“(d) if there subsists a contract entered into in the course of his trade or business for the

[Mr. Speaker]

supply of goods to or for the execution of any works undertaken by that Government;”’

The motion was negatived

Mr. Speaker: The question is:

Page 4,—

for line 20, substitute—

‘(a) for clause (d), the following clause shall be substituted, namely:—

“(d) if there subsists a contract entered into in the course of his normal trade or business by him or on his behalf with the appropriate Government for the supply of goods to or for the execution of any works undertaken by the Government.”’

The motion was negatived.

Mr. Speaker: The question is:

Page 4,—

for line 20, substitute—

‘(a) for clause (d), the following clause shall be substituted, namely:—

“(d) if whether by himself or by any person or body of persons in trust for him or for his benefit or on his account, he has any share or interest in a contract for the supply of goods to, or for the execution of any works undertaken by the appropriate Government;”’

The motion was negatived

Mr. Speaker: The question is:

Page 4,—

for line 20, substitute—

‘(a) for clause (d), the following clause shall be substituted, namely:—

“(d) if there subsists a contract entered into in the course of his trade or business by him with the appropriate Govern-

ment for the execution of any works undertaken by that Government;”’

The motion was negatived.

Mr. Speaker: The question is:

Page 4,—

for line 20, substitute—

‘(a) for clause (d), the following clause shall be substituted, namely:—

“(d) if there subsists a contract in course of his trade or business whether by himself or by any person or body of persons, in trust for him or for his benefit or on his account in which he has any share or interest for the supply of goods to or for the execution of any works undertaken by the appropriate Government;”’

The motion was negatived.

Mr. Speaker: The question is:

“That clause 15, as amended, stand part of the Bill.”

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Clause 16 was added to the Bill.

Mr. Speaker: We shall take up clause 17

Shri Shree Nārāyan Dās: If clause 16 is passed as it is, it will be irrelevant because it refers to clause 15. If we pass it in that way . . . (Interruptions).

Shri Nāqahīr Bhargava: We may pass on to other clauses; in the meantime let them examine this.

Shri A. K. Saha: There is no difficulty.

Clause 17.—(Amendment of section 9).

Shri A. K. Sen: I have Government amendment No. 13. It is really a consequential amendment and I do not think there will be any objection.

Amendment made:

Page 4,—

for clause 17, substitute—

“17. Amendment of section 9.—
In section 9 of the 1951—Act,—

(a) clause (b) of sub-section (1) shall be omitted; and

(b) sub-section (2) shall be omitted.”

— [Shri A. K. Sen.]

Mr. Speaker: The question is:

“That clause 17, as amended, stand part of the Bill.”

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Clauses 18 to 24 were added to the Bill.

Clause 25.—(Substitution of new section for section 61.)

Shri Easwara Iyer: Sir, I have two amendments to clause 25.

I beg to move:

Page 5,—

omit lines 24 to 31.

Page 5, lines 35 to 37,—

omit “or does not produce on demand his identity card before the presiding officer or a polling officer of the polling station”.

Shrimati Renu Chakravartty: I have also two amendments—Nos. 22 and 23.

Mr. Speaker: Amendment No. 22 is the same as 18 and amendment No. 23 is the same as 19. I will treat Nos. 18 and 19 as moved.

Shrimati Renu Chakravartty: May I speak for a minute? Sir, the reason why we have sought for omission of sub-section (b) is not because we are not aware that impersonation takes place during elections which is a very great evil and which we should all attempt to eradicate but because the method by which this is being attempted is not something which we feel will be successful. Rather, on the other hand, we feel that it will create a condition which is very difficult for the voters themselves.

The point as has already been stated is that if it is so notified, the entire electorate will have to carry identity cards with or without photos. This whole question of photo-taking itself is very difficult. Take for instance my constituency. There are many other constituencies where about thirty per cent. of the voters are Muslims. The Muslim women will never allow to photograph them and they will never come to the polls. Not only that. Even among our Hindu women, even in cities, I know many families where the men will not allow their women to be photographed. The hon. Law Minister will point out that the provision says: “With or without photographs”. Let us take even the identity cards. We know how they lose even the slip of paper given to them so that they can go and vote—the slip containing the number, etc., given to the various voters. They lose them if you give them the day before the elections. Now, once you notify this, you are going to give those cards at least six months or a year before. I can tell you that a very large percentage of the electorate will lose these cards. They will not be able to bring them to the polling booths. Leave the rural people. Take the large number of people who live in *bastis*. Take even the educated people. These are small identity cards. Even Members of Parliament will lose their identity cards. We know how many times they lose things and go to the Notice Office.

This is a very dangerous clause and this is not the way you are going to eradicate the false voting. If you

[Shrimati Renu Chakravarty]

really want to eradicate false vote, I am sure all political parties will agree that we should not have false votes and it should be done on the basis of an understanding between the political parties. We shall have to have some sort of an understanding. That is the way to do it. If you try to put in this clause, it will bring about a great hardship . . . (Interruptions.)

An Hon. Member: What about your Party?

Shrimati Renu Chakravarty: I think the Congress Party has absolutely perfected that machinery. Therefore, we need not raise those points now. That is completely extraneous. Those who argue like that vote for false voting. Let us think how to eliminate it. I would ask him to say whether this will really not be a hardship upon the electorate

Ch. Ranbir Singh (Rohtak): We will be happy.

Shrimati Renu Chakravarty: Sir, he comes from Punjab and he thinks that his electorate is so advanced that it will be possible to carry these cards and that there will be no difficulty in photographing or other things that are required by the statute:

Not only that Another very important thing has to be considered especially from the point of view of the poorer sections in the villages and in the cities We have seen how the power of money is exercised during the elections. We have seen how money rules during the elections I can say that there will be many many instances when power of money will buy up these identity cards. All of us know the way ballot papers are bought. There will be many instances when people with money, people with power in the villages and in the urban areas will be able to get hold of these cards and the people concerned will be disenfranchised. Therefore, Sir, this should not be allowed. This

should not be looked at from the party point of view.

All of us, with our experience of two general elections with varying electorates do know the difficulties that face every party. It may be that those who have more money and are more powerful will think that they can buy the votes, but that is not a healthy thing and I am sure Members of Parliament would not like to pass any clause in the Bill which will not really clench the procedure for elections. The idea of this particular sub-clause is to clench that procedure. I have also raised many other points in this regard, and I would really request the hon Minister not to press this sub-clause (b).

We have all stated that we have great faith in the Election Commission. The traditions of the Electoral Commission have been such that we have reached great conclusions about the way in which we are going to carry out our elections I feel that the Election Commission with the leaders of all parties should sit together and evolve a much more proper way, much more effective way of eliminating false voting But, for God's sake do not include here a statutory clause which will bind us down and will actually work against the very purpose for which we have introduced it

Some Hon. Members rose—

Mr. Speaker: The hon Minister—there is no time; actually we have already exceeded the time.

Shri Khadlikar (Ahmednagar): Sir, this is a very important matter, and we are trying to apply certain measures in a mechanical way to our Indian conditions. Look at the things that are happening today in the countryside particularly in the rural areas. When there is a little temptation, a voter is asked to bring from the booth the blank voting paper and one after another a chain is established outside

and voting or marking is done. We have seen such instances. When identity cards are distributed somebody with money will say that he will keep the cards with him. Only if he is satisfied that the voter will vote for him the identity card will be issued at the time of elections to the voter concerned. This is a practice which we see in the country-side.

What I would humbly appeal on this occasion is, when we are amending a major Act which is really going to help to eradicate certain bad practices that we find everywhere, and all of us are interested that there should not be impersonation, as my hon. friend suggested, the only method is that all the parties must get together and educate the electorate. If you try to eradicate corruption or impersonation by the methods provided in the bill, it will not bring the desired results.

Therefore, what I would humbly submit is that this question of distribution of identity cards is going to prove a source of corruption and result in the control of voters in the hands of a few. There will be bids for Rs. 5, Rs. 10 and so on for the identity cards. We will find that in the country-side, and sometimes it will act as a hardship on those who genuinely want to vote according to their conscience. There will be a lot of pressure from outside and their votes will be really in the hands of those who can control them. I would suggest that this provision should be entirely dropped.

Shri Dasappa (Bangalore): Sir, I will not take much time of the House. There is some force in the argument that there should not be any insistence on photographs. I know, Sir, many Muslims, in particular, take strong exception to their being photographed. Even men take objection. Therefore, that should not be insisted upon among Muslims and other people who have got some conscientious objection to it. But so far as the identity cards are concerned, I can see no

objection. That is a practice which prevails in a number of corporations and municipalities, where there are Muslims and non-Muslims and indeed people of every community. Well before hand, the persons are sent round and the identity cards are issued to the voters by those who know the area and who know what to do. That is one of the best ways of preventing false personation.

Then there is the other idea, namely, of an arrangement between political parties that they should not resort to false impersonation. That is a splendid ideal, but I am afraid it is not so easily reached in the elections.

Shri A. K. Sen: I had replied to the criticisms against this provision many times. The main discussion was really taken up on these two main problems—section (7)(d) and the system of identity cards. Shrimati Renu Chakravarty has really in her usual way criticised this provision because she is consistent in one thing, and that is, that the electoral machinery or the Government machinery should never be credited with any sense. She has talked about the possibility of the voters losing their identity cards. I suppose that is a consideration which must be very much in the minds of the Election Commission. It is a matter of the rule-making powers, of devising means by which the mechanics of identity cards may be actually carried out. What I can envisage is that there will be duplicate identity cards,—one with the Election Office and the other with the voter. Even if the voter loses the identity card, he goes and finds the duplicate with the polling officer. I do not see any harm in that. The identity card will fix him and it is absolutely essential that in many urban areas we have some system of identity cards. We give the powers to the Election Commission, the powers regarding the mechanics of it. I assure they will be devised by the Election Commission and framed in the form of rules. I have no doubt that

[Shri A. K. Sen]

the Election Commission will consult the different parties and explain it to them.

Mr. Speaker: The question is:

Page 5,—

omit lines 24 to 31.

The motion was negatived.

Mr. Speaker: The questions is:

Page 5, lines 35 to 37,—

omit "or does not produce on demand his identity card before the presiding officer or a polling officer of the polling station."

The motion was negatived.

Mr Speaker: The questions is

"That clause 25 stand part of the Bill"

The motion was adopted

Clause 25 was added to the Bill

Clauses 26 and 27 were added to the Bill

Clause 28— (Amendment of section 90)

श्री कृष्णबल्लभ राव अध्यक्ष महोदय मैं अपनी एमेंडमेंट नम्बर २४ पेश करता हूँ जो इस प्रकार है —

Page 6, line 8,—

after "shall" insert "not"

अध्यक्ष महोदय, जनरल डिस्कशन में मैंने यह बताया था कि ६०(३) के मातहत इलेक्शन कमिशन को वहाँ अधिकार मिले हुए हैं जो कि सेक्शन २५ में इलेक्शन कमिशन को दिये गये हैं। इलेक्शन कमिशन प्रत्येक कोर्ट भाषा देता है तो उसके खिलाफ कोई अपील नहीं होती है। जब एक और अपील करने की शक्ति प्रदान की गई है, तब उसको आप्रोपियेट बलना जा रहा है। मैं यह प्रार्थना करता हूँ कि इससे बर्बादी न हो। जब ही अपील करने का इजाजत दे दिया जा रहा है, तब बार तो ६०(३) में और दूसरी बार

६० में और आप कहते हैं कि जो कुछ ही उस पर अपील की जा सकती है। मैं समझता हूँ इससे आप इलेक्शन कमीशनर का सर्वाधिकार रहे हैं जो कि वाकिफ नहीं है और मैं चाहता हूँ इस पर गौर कर लिया जावे।

Mr. Speaker: The amendment is before the House.

Shri A. K. Sen: I am afraid I cannot accept this amendment, because the provision has been included really on the recommendations of the Election Commissioner and I suppose we should pay due regard to his recommendations

Mr. Speaker: The question is:

Page 6, line 8,—

after "shall" insert "not"

The motion was negatived.

Mr. Speaker: The question is

"That clause 28 stand part of the Bill"

The motion was adopted

Clause 28 was added to the Bill.

Clauses 28A and 28B (New)

Shri A. K. Sen: There is a Government amendment. Consequent upon the amendment of section 123, the other sections have to be put on par.

Mr. Speaker: The consequence of this is that two clauses 28A and 28B are added. Is it so?

Shri A. K. Sen: Yes, Sir.

Amendment made:

Page 6,—

after line 9, insert—

28A. Amendment of section 90.— In section 90 of the 1961-Act, in sub-clause (i) of clause (c) of sub-section (1), the words "by or with the consent of any candidate or his agent" shall be omitted.

28B Amendment of section 100
—In section 100 of the 1951-Act,—

(a) in sub-clause (u) of clause (d) of sub-section (1), for the words "by a person other than that candidate or his election agent or a person acting with the consent of such candidate or election agent" the words "by an agent other than his election agent" shall be substituted, and

(b) in sub-section (2), clause (b) shall be omitted'

[Shri A K Sen]

— Mr. Speaker. The question is

"That new clauses 28A and 28B stand part of the Bill"

The motion was adopted

New Clauses 28A and 28B were added to the Bill

Clause 28— (Amendment of section 116A)

Shri A. K. Sen. Government are prepared to accept amendments No 5 and 6 of Shri Keshava

Amendments made

Page 6, line 13,—

after "Election Commission" insert—

"and the Speaker or Chairman, as the case may be, of the House of Parliament or of the State Legislature concerned"

Page 6, line 19,—

after "Commission" insert—

"and the Speaker or Chairman, as the case may be, of the House of Parliament or of the State Legislature concerned"

[Shri Keshava]

Mr. Speaker: The question is—

"That clause 29, as amended, stand part of the Bill"

The motion was adopted

Clause 29, as amended, was added to the Bill.

Clause 29— (Amendment of section 117)

Shri Khushwaqt Rai: Sir, I beg to move

Page 6,—

for clause 30, substitute—

'30 Amendment of section 117—
In section 117 of the 1951-Act,—

(1) the words "the Secretary to" shall be omitted; and

(2) the following Explanation shall be added, namely—

"Explanation—It shall be treated as a sufficient compliance of the provisions of section 117 if the petitioner encloses with the petition a receipt showing that the deposit has been made in a Government Treasury or in the Reserve Bank of India and is available to the Election Commission for the purposes of section 121"

Shri A K Sen: I am afraid I cannot accept it

Mr. Speaker: The question is—

Page 6,—

for clause 30, substitute—

'30 Amendment of section 117—
In section 117 of the 1951-Act,—

(1) the words "the Secretary to" shall be omitted, and

(2) the following Explanation shall be added, namely—

"Explanation.—It shall be treated as a sufficient compliance of the provisions of section 117 if the petitioner encloses with the petition a receipt showing that the deposit has been made in a Government treasury or in the Reserve Bank of India and is available to the Election Commission for the purposes of section 121"

The motion was negatived.

Mr. Speaker: The question is

"That clause 30 stand part of the Bill."

The motion was adopted

Clause 30 was added to the Bill

Clauses 31 to 33 were added to the Bill

Clause 34— (Amendment of section 123)

Shri B. Das Gupta: Sir, I beg to move:

Page 7, lines 12 and 13,—

omit "with the consent of a candidate or his election agent"

Page 8,—

for lines 3 to 23, substitute—

"(b) in clause (7), for sub-clause (f), the following sub-clause shall be substituted, namely—"

Pandit Thakur Das Bhargava: Sir, I beg to move

Page 8,—

omit lines 22 to 30

Page 8, line 25,—

omit "lambardars, malguzars"

Page 8, line 29,—

for "but who do not discharge any police functions" substitute—

"whose duty is to help the police"

जा कुछ मुझे भ्रजं करना था वह तो मैं ने उसी वक्त भ्रजं कर दिया था जब कि बिल हाउस के सामने कंसिडरेशन के लिये था। यहा पर मैं सिर्फ यह बतलाना चाहता हू कि मैं ने सेलेक्ट कमेटी के मोशन के अवसर पर भ्रजं किया था कि ऐसे लोग हैं जो कि इस बिल में दिलचस्पी रखते हैं, उन को भी इजाजत दी जाय कि वह सेलेक्ट कमेटी के सामने जायें और वहा पर अपनी बात कह सकें। लेकिन इस की इजाजत नहीं हुई। हमारे प्रान्सेबल मिनिस्टर साहब ने कहा कि जो चीज हमारे बिल के अन्दर थी,

सेलेक्ट कमेटी उस के बाहर नहीं जा सकता थी, और ऐसा क्लम भी है नोडिन में एक यह क्लाम रखा गया है वह भी प्रोरिजिनल बिल में नहीं था। वह सेलेक्ट कमेटी के सुपुर्द नहीं किया गया और इस हाउस में क्लम के मुताबिक कोई इस तरह का क्लाम बिल के अन्दर नहीं आ सकता। यह बिल्कुल कायदे की चीज है कि इस हाउस के अन्दर यह हिस्सा बिल में फिट नहीं कर सकता। मैं भ्रजं करूंगा कि जो बिल अभी पास नहीं किया गया लेजिस्लेचर के अन्दर उसको बिना पत्र कहा जा रहा है कि। इस को शामिल कर दिया जाय। जब कभी बिल पास होगा तो हम देखेंगे कि यह चीज कहा तक रखे जाने के काबिल है। मैं बिल में जो चीज हम रखने जा रहे हैं उस के लिये हमारे मारे कम्पनिस्ट दोस्त यह कह रहे थे कि हम प्रोरिटी कायम कर रहे हैं पार्लियामेंट की। प्रोरिटी यहा पर ठेकेदारों से नहीं बल्कि बीकीदारों और मालगुजारों लम्बरदा १ और इम तरह के दूसरे प्राइमियो से रखी जा रही है। मैं कहना चाहता हू कि बिल प्राय तो मुनामिब वक्त पर आये। इस वक्त यह चीज मुनामिब नहीं है क्योंकि इम का जिक्र प्रोरिजिनल बिल में नहीं था। सेलेक्ट कमेटी में भी नहीं था। सलिय हाउस को अक्लवार नहीं कि इम तरह की गलत चीजे यहा पर रखे। मैं भ्रजं करना चाहता हू कि यहा पर इम लीगल चीज को खत्म कर के अपना काम चलाना चाहते हैं। वरना अगर देखा जाय तो यह बिल जो है वह डबल इन्लीगैलिटी का है। इम के अन्दर सा १ की सारी चीजे जो हैं वह एम्बीगुइटी से भरी हुई हैं। ला मिनिस्टर साहब को चाहिये वह इस पर गौर करे, वह काफी तजुर्बा रखते हैं उन को मालूम होगा कि इस में बैलेन्स नहीं रखा गया है। बिल का यह प्रोरिजिन कई माइने रखना है और मुबहिम है जब तक यह माफ नहीं किया जायेगा कि एलेक्शन पिटीशन्स की यह प्राउड बनेगी, तब तक आखिर हमारे कोर्टस फसला क्या करे। जब तक यह माफ नहीं होता तब तक मेरिस के ऊपर भी यह बिल पास होने के काबिल नहीं है।

Mr. Speaker: The amendments are before the House

Shri A. K. Sen: This clause is quite connected with what precedes, because clause 34 really deals with the question of corrupt practices, what practices attach to the election agent and what corrupt practices are attached to the candidate. In that context, it has become necessary. As rightly pointed out by several Members of the Select Committee, in the Removal of Disqualification Act, we have exempted *lambardars* and certain other revenue officers who do not discharge the functions of police officers from the ambit of disqualification. It would be highly incongruous to provide that they have the right to stand by themselves and say that if they assisted others, that would amount to a corrupt practice. It is for that purpose that this amendment was moved. We thought it was absolutely correct and in consonance with the other Act which had been passed by the Lok Sabha, that we should not allow the assistance of these people causing disqualification for the candidate, when they themselves are capable of standing as Members of Parliament. I do not see how it is not connected.

Mr. Speaker: Is actual consent necessary? Is not connivance not enough? That is the difficulty.

The question is—

Page 7, lines 12 and 13,—

omit "with the consent of candidate or his election agent."

The motion was negatived.

Mr. Speaker: The question is—

Page 8,—

for lines 3 to 23, substitute—

"(b) in clause (7), for sub-clause (f), the following sub-clause shall be substituted, namely—"

The motion was negatived.

Mr. Speaker: The question is—

Page 8,—

omit lines 22 to 30.

The motion was negatived.

Mr. Speaker: The question is—

Page 8, line 25,—

omit "*lambardars, malguzars*"

The motion was negatived.

Mr. Speaker: The question is—

Page 8, line 29,—

for "but who do not discharge any police functions" substitute "whose duty is to help the police".

The motion was negatived.

Mr. Speaker: The question is—

"That clause 34 stand part of the Bill"

The motion was adopted.

Clause 34 was added to the Bill.

Clauses 35, 36 and 37 were added to the Bill.

Mr. Speaker: The question is—

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill"

The motion was adopted.

Clause 1, Enacting Formula and the Long Title were added to the Bill.

Shri A. K. Sen: I beg to move—

"That the Bill, as amended, be passed"

Mr. Speaker: The question is—

"That the Bill, as amended, be passed"

The motion was adopted.

17.48 hrs.

ORISSA WEIGHTS AND MEASURES (DELHI REPEAL) BILL

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): I beg to move.

"That the Bill to provide for the repeal of the Orissa Weights and Measures Act, 1943, in its application to the Union Territory of Delhi, be taken into consideration."

This is a very simple three-clause Bill to which no amendments have been tabled.

Mr. Speaker: The time allotted is 30 minutes.

Shri Ranga (Tenali): There are no amendments, Sir.

Mr. Speaker: It won't take much time.

Shri Satish Chandra: At present, the Orissa Weights and Measures Act has been extended to Delhi. According to this Act, the old standards of weights and measures are being enforced in this union territory. From 1st October, 1958, metric system of weights and measures has also been introduced in Delhi. For that purpose, the Act passed by Rajasthan in 1958 has been extended to this Union Territory. We have been advised that while we can introduce the Rajasthan Act in Delhi by notification, under the Delhi Laws Act, an Act once introduced in Delhi cannot be repealed without the consent of Parliament. Therefore, this measure has been brought before Parliament. During the transition period both the systems are continuing. So, the Bill provides for a gradual repeal of the Orissa Act. As and when the provisions of the Rajasthan Act are enforced in Delhi, to that extent the provisions of the

Orissa Act will get repealed automatically.

I move.

Mr. Speaker: The question is:

"That the Bill to provide for the repeal of the Orissa Weights and Measures Act, 1943, in its application to the Union Territory of Delhi, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That clauses 1, 2, 3, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

Clauses 1, 2, 3, the Enacting Formula and the Long Title were added to the Bill.

Shri Satish Chandra: I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

17.52 hrs.

PROCUREMENT OF RICE IN ANDHRA*

Mr. Speaker: The House will now take up the discussion on points arising out of the answer given on the 12th December, 1958 to Starred Question No. 901 regarding procurement of rice in Andhra.

Shri Vasudevan Nair (Thiruvella): I am very grateful to you for giving me an occasion to raise this discussion in spite of the fact that there was very heavy pressure of work before you.

*Half-an-Hour Discussion.

This discussion is about the procurement of Andhra rice, but that is a problem that intimately affects our State of Kerala.

On December 12, in answer to Starred Question No. 301 the hon. Minister of Food and Agriculture was pleased to state that the Central Government was not entering the Andhra market because the Central Government wanted to give the Kerala Government a chance to buy from the Andhra market, but in answer to certain supplementaries he gave certain contradictory answers. That is the main reason why I wanted to raise this discussion.

The question was posed before the hon. Minister whether the Kerala Government approached the Central Government for the rice that the Central Government was procuring from Andhra at controlled prices. Under the provisions of the Essential Commodities Act, the Central Government is procuring rice from Andhra, and after the formation of the Southern Zone the Central Government has procured nearly 2,60,000 tons of rice from the four surplus districts of Andhra Pradesh. When the question was raised whether the demand came from Kerala that they should be given first priority from thus procured rice, I am sorry the hon. Minister did not give any answer to it.

You are quite aware that our biggest problem is that of food. We are unfortunately 50 per cent. deficit. We are having the biggest problem among all the States in India as far as food deficit is concerned. Before the formation of the southern rice zone we used to get nearly 25 to 26 thousand tons of rice from the Central Government at a subsidised price, but after the formation of the southern rice zone, the Central Government told the Kerala Government: "You have now to depend entirely on the Andhra market. You can go there and buy as you please. We are not in a position to supply you rice any more." At the same time we were surprised to find

that the Central Government was there in the market, and they procured nearly 2,60,000 tons of rice. That itself resulted in a rise in price as far as Andhra Pradesh was concerned. Besides, the hon. Minister himself stated in this House that large-scale smuggling was going on from the southern zone especially to Bombay. As a result of all these factors, although the southern rice zone was formed in order to stabilise the price of rice in all the four States, the fact is that not only in Kerala, but even in Andhra Pradesh itself which is a surplus State in rice, even in the four surplus districts of Guantur, Krishna, East Godavari and West Godavari in Andhra, there is a spiralling of prices. According to the information available from the Treasury Benches, the price of rice per maund in Vijayawada now is Rs. 29 or Rs. 21 or Rs. 22. The Kerala Government have been asked to go to the market. The Kerala Government have been asked to depend on the whims and fancies of the Andhra Pradesh market. The activities of the millers in Andhra Pradesh are well-known, and it is very difficult for the Kerala Government to procure rice from the open market.

As a matter of fact, the Kerala Government wanted nearly 70,000 tons of rice and they called for tenders, but it is strange that nobody was prepared to accept the tenders. So, the Kerala Government approached the Central Government, and appealed to the Central Government that from the rice that was procured from the Andhra Pradesh State—the southern zone was mainly formed for the benefit of the deficit State of Kerala—the Kerala State should be given 20,000 tons of rice per month. If we get 20,000 tons of rice per month, we can run our fair price shops. Somebody may argue that it is not possible to keep on these fair price shops. We have nearly six thousand fair price shops in the Kerala State. There is plenty of rice everywhere, there is no scarcity of rice in the southern zone, but the difficulty is that the prices are rising. In our State, per bag of rice, that is, two-

[Shri Vasudevan Nair]

maunds of rice, people have to pay something like Rs. 40, in some places, the price is Rs. 42 and Rs. 44, and everywhere, the prices are rising. These prices stood nearly at Rs 38 per bag, which comes to Rs. 19 per maund. In order to keep down the price in the open market, these fair price shops are to be run, and we have to give something through the fair price shops. Otherwise, the prices will be going up. And where are we to get the rice for these fair price shops? That is the main question. And our request before the Central Government was, is, and will be this. The Central Government cannot say that they have nothing to do with it, that they have no responsibility, and that we have to go to the open market, we have to depend on the trends in the market, we have to depend on the whims and fancies of the market. We plead with the Central Government that they should give priority to the Kerala Government when they procure rice from Andhra Pradesh.

It is now the harvesting season. But even before that, during the last so many months, they have procured 2,60,000 tons. You, Sir, will be interested to know that out of 2,60,000 tons of rice procured from this zone, the Kerala Government were allotted only 68,000 tons, and out of these 68,000 tons 24,000 tons were given on a replacement basis, that is, as loan.

As a matter of fact, for the last three months, there is practically nothing in our fair price shops. When it was found that the Central Government were not prepared to help the Kerala Government by giving rice to them from the rice that they procured from the Andhra Pradesh at controlled rates, the Kerala Government then approached the Central Government and told them they should at least be allowed to go to the open market to purchase. Sir, you will be interested to know that even that was not allowed. That is, in these surplus districts, in these four districts, in the name of

legality,—because there is the law—we cannot go and purchase; we can go outside these four districts and purchase, we have to go to Nellore and Rayalaseema and purchase rice. That was the answer given by the Central Government, unfortunately, to the Kerala Government.

We request the Central Government to reconsider this question and give priority to the Kerala Government when they procure rice from Andhra Pradesh. The price can be fixed in advance. There is quarrel about price between the Andhra Pradesh Government and the Central Government. We know that. Again, there is quarrel between the millers and the Central Government. We know that. As a matter of fact, there was a strike by millers last month. But then, the Central Government can fix the price, and at whatever price they purchase, they should give 20,000 tons of rice at least per month to the Kerala Government. That is our prayer.

There is no question of expenditure from the pocket of the Central Government. That does not arise at all because the conditions and the terms put forward by the Kerala Government are that they will meet all the expenses on transport, they will give the entire price, so, not a naya paisa need be spent by the Central Government. So there is no question of subsidising. The Kerala Government are prepared to spend nearly a crore of rupees for subsidising rice. During this budget year the Kerala Government have set apart a crore of rupees for selling the rice at subsidised rates through the fair price shops. But the problem is where is the rice to get from?

18 hrs.

I give force to my argument by citing the instances of supply of rice and wheat and other foodgrains to other States in this country by the Central Government. There may be

an argument that in other States there is no Zone; so the Central Government will have to feed them. There may be some validity in that argument. I was able to find out that from January to July 1958, the State of Bihar was given 4,80,000 tons of rice from the Central Government at subsidised rates. The State of West Bengal was given 5,16,000 tons of rice by the Central Government. You are aware that if we are 50 per cent deficit in food, West Bengal has only 15—20 per cent deficit. We are very glad that the Centre is giving rice to West Bengal at subsidised rates. We will appeal to them to give more to West Bengal. But when all these States are helped by the Central Government, why is the Kerala Government not given practically anything for the last so many months? U.P. is given 60,000 tons of wheat per month. They gave to Bombay from January to November 1958, 2,91,000 tons. In November 1958, West Bengal was again given 41,000 tons of rice and 61,000 tons of wheat. All the States in India which are facing difficulties as far as food is concerned are helped liberally. I should say, by the Central Government except Kerala. My question is: why cannot that hand of friendship be extended to Kerala?

The Central Government are spending a lot of money by way of subsidy. We do not demand any subsidy. The Kerala Government is prepared to spend nearly a crore of rupees for subsidising rice, but it has to get rice at controlled rates, at the rates fixed by the Government of India.

If the Kerala Government is just left at the mercy of the market, what is going to happen? I will furnish you with some figures. It has been calculated that for our fair price shops we should have 25,000 tons of rice per month on an average. In that case, if we have to depend on the market, the price is somewhere at Rs. 40 per bag or Rs. 20 per maund. Now there is some arrangement between the Kerala Government and the Andhra Pradesh Government for the time

being, and they supply rice at Rs. 40 per bag from Andhra.

Mr. Speaker: What is the price at which the Centre purchases?

Shri Vasudevan Nair: Rs. 16 per maund

Mr. Speaker: Kerala is asked to pay Rs. 40?

Shri Vasudevan Nair: We are forced to pay at that rate because the Central Government refuses to buy at the controlled rice. They bought 2,60,000 tons from Andhra, but they gave only 45,000 tons out of that quantity to Kerala. So we are forced to depend upon the open market. The result is that the entire resources of the State of Kerala are fleeced. If we have to import grain at Rs. 40 per bag, it will cost Rs. 480 lakhs per year. If a Government which has only a revenue of Rs. 30 crores—Rs. 32 crores has to spend Rs. 480 lakhs per year for importing rice at such a high cost, you can imagine what will happen to that State. But if the Central Government is prepared to supply this rice at controlled rate, that is, Rs. 16 per maund, that will be of help to us. Let it be Rs. 17 per maund; we have no objection, whatever be the price. I have no quarrel with Shri Ranga. They can settle the dispute among themselves. Whatever be the price fixed by the Central Government, at that price if we are supplied rice, we will have to spend only something like Rs. 200 lakhs. So the difference is to the tune of Rs. 250 lakhs or Rs. 280 lakhs.

In his recent statement at a Press conference, our Chief Minister calculated this difference and announced that it would be a great burden on the Kerala Government. It is only fair that the Central Government comes to the help of the Kerala Government in this great difficulty.

I do not want to go into other questions just now. Unfortunately, this question of food is made a subject of political battle in our country today. That is a very sorry state of affairs.

Mr. Speaker: Hon. Members are forgetting the scope of the half-an-hour discussion arising out of questions. I have allowed the hon. Member a long time already. But a general discussion about policy and political affairs is absolutely irrelevant.

Shri Vasudevan Nair: I am not going into such questions. I am only interested in getting food for the State of Kerala which is in great difficulty. I would urge upon the Central Government—this is the time of harvest—to continue purchases or procurement whatever it may be, and give the first priority to the Kerala State when they decide to send out this rice procured from the Andhra State.

If there is an arrangement between the Central Government and the State Government, many other problems will be solved. If the arrangement is between the Andhra Government and the mills and the Kerala Government, the question of transport, the question of godowns etc. are there. If it is with the Central Government, then they can store the rice even in the godowns they have got at Cochin and from there stocks can be regularly sent to Kerala. It would be a much better arrangement and it would be very good for the entire people of the State. I say the Central Government should come forward boldly and show that they are anxious to help the people who are in great difficulties; and the impression that is prevalent—the unfortunate impression—should be removed by the Central Government by its own action. That is by prayer.

Shri Easwara Iyer (Trivandrum): Sir, I would like to put one or two questions. In view of the fact .

Mr. Speaker: Hon. Members do not follow the Rules of Procedure. I do not know why this book is there. Every hon. Member who wants to put a question must have given notice.

Shri Easwara Iyer: My name is there, Sir.

Shri T. B. Vittal Rao: Are we to give separate notices, Sir?

Shri Easwara Iyer: In view of the fact that the Central Government has fixed a procurement price for the 4 districts of East Godavari, West Godavari, Guntur and Krishna and allowed procurement of rice so far as the Kerala State is concerned and only the ceiling price is fixed, since the Kerala Government has no effective machinery to enforce procurement in another State, what is it that prevents the Central Government from making the procurement and giving it on payment to the Kerala State?

Mr. Speaker: Shri Ranga

Shri Maniyangadan (Kottayam): Sir, I had given notice.

The Kerala Government would not purchase rice from Andhra. . . .

Mr. Speaker: I have already called Shri Ranga.

Shri Ranga: Mr. Speaker, Sir, in view of the fact that it should be possible for the Kerala State Government as well as the Andhra State Government to deal with each other and that in Andhra there are plenty of facilities for storing whatever food-grains the Kerala Government wants to purchase from the mill-owners and also from co-operative marketing societies, I do not know why the Union Government should have thought of themselves going into the market. The misunderstanding among the peasants there is that our Government is somehow very much fond of the Kerala Government for obvious reasons and in that way they are subordinating the interests of the agriculturists of Andhra in order to better the interests of consumers, whether they are in Kerala or anywhere else. I would like to know whether the Government of India would be willing to come to an agreement with the Government of Andhra in regard to the payment of, if not remunerative price, at least a decent

enough price so that the peasants would be satisfied—I mean the smaller people as well as middle-class people—and at the same time the Kerala consumers would not have the opportunity—the Kerala Government also—of continuing their unjust allegation that Andhra peasants and mill-owners and the Andhra Government are anxious to profit at the cost of the consumers. May I know whether the Government of India would consider these points favourably in the interest of both the producers as well as the consumers and not pursue the policy that they have been pursuing in keeping down the interests of the producers alone in order to satisfy the political fascination of the consumers, wherever they may be, in Kerala or elsewhere?

Shri Maniyangadan: It was stated by the Food Minister of Kerala that they could not purchase rice from Andhra because the Central Government would not allow them I want to know whether there was any ban imposed on the Kerala Government by the Central Government to purchase rice from four districts of Andhra State. Also, the Chief Minister recently at a Press Conference stated that the Southern Zone was imposed upon the Kerala State. I want to know whether it is a fact I read it in the newspaper (*Interruptions.*)

Shri Vasudevan Nair: The statement is here; it is wrong.

Shri Rami Reddy (Cuddapah): In view of the fact that the procurement price fixed for Andhra rice is not commensurate with the cost of production, because all other essential commodities are being sold at a very high price and also because this rise in the price of essential commodities has not been taken into account at the time of fixing the procurement price, may I know if the Central Government which has to procure

through its own agency and supply rice to the Kerala Government would give an enhanced price over and above the procurement price?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): Mr. Speaker, I welcome this opportunity to clarify certain matters which are more or less assuming a controversial nature. This morning we heard in the radio the charge of discrimination against the Kerala Government levelled against the Centre by no less a person than the Chief Minister of the Kerala State. There have been other leaders of the party in power in the State levelling the same charge. Responsible persons have been making statements in the Press and on the platform to the effect that the Centre is behaving in a manner prejudicial to the interest of the Kerala State.

What are the real facts? My hon friend has stated that there has been some mistake in the answer given to the effect that the Central Government was not entering the Andhra markets. What was stated in the answer which is the subject-matter of this discussion is:

“Fresh requisition orders are not being issued at present. Requisitioning is resorted to only when substantial stocks of rice are available with the millers or the stockists but are not offered to the Government.”

That is the position of the Central Government. At any rate the policy of the Central Government is only to procure the net surplus of rice that will be available in Andhra after allowing free movement of rice to the baucity areas and also satisfying the needs of Kerala. The Central Government intends to procure if there is any balance left from the regions in Andhra.

My hon friend has stated that although it has been stated that the

[Shri A. M. Thomas]

Central Government is not entering the Andhra market, more than two lakhs tons of rice have been procured from the four delta districts. It is true that 2,57,000 tons of rice have been procured from Andhra. 77,000 tons in 1957 and 180,000 tons in 1958. But, Sir, you will notice that although this quantity has been procured, during the very same period, 1,98,000 tons have been made available to, not only the Kerala Government but the States of Madras and Mysore as well—small quantities to the States of Madras and Mysore, and the major portion has gone to Kerala.

Shri Vasudevan Nair: What is the separate figure for Kerala?

Shri A. M. Thomas: I have got separate figures also.

Shri Ranga: More than 50 per cent.

Shri A. M. Thomas: In 1958 itself the Kerala State has been given 68,000 tons out of Central stocks, so that what is moved from Andhra outside the zone is a negligible quantity.

Shri Vasudevan Nair: There is 24,000 tons replacement also.

Shri A. M. Thomas: Whatever it be—you have not replaced—we have made this quantity available to the Kerala Government.

Mr. Speaker: The whole thing has been eaten; replacement will come up later on.

Shri A. M. Thomas: Sir, the formation of the southern zone has not been given the proper significance in the arguments that have been advanced by my hon. friend. This southern zone consisting of the States of Andhra Pradesh, Mysore, Madras and Kerala has been formed mainly with the idea of helping the deficit State of Kerala. It was done inspite of the

opposition from the Andhra Government and inspite of the unwillingness of the State of Madras to have such a zone. Mysore was more or less amenable, but as far as Madras was concerned their case was that Kerala should be cordoned off. Anyhow, Madras was not sympathetic to the idea of the formation of a southern zone, but we persuaded them to accept this arrangement, and it was done mainly with the idea of helping the State of Kerala.

After the formation of the southern zone, you will agree, Sir, that some time is necessary for things to stabilise. It was in the month of July that this southern zone was formed. Even after that, although it was estimated that at this stage the southern zone will be not only self-sufficient, but there will be a little surplus we have been giving to the State of Kerala large quantities. As I said, the southern zone was formed in July. In the month of July itself we gave Kerala State 26,000 tons. In August, we gave another 26,000 tons.

Mr. Speaker: What is the total quantity that they require?

Shri A. M. Thomas: The total quantity required, according to my hon friend for running fair price shops is 25,000 tons.

Mr. Speaker: Per month?

Shri A. M. Thomas: Yes.

Mr. Speaker: What is the total quantity supplied by the Central Government?

Shri A. M. Thomas: Now, Sir, we are not giving any further supplies because, according to us, the zone is self-sufficient and since there is movement on private account to Kerala State, if, as a matter of fact, the Kerala Government wants to run these fair price shops it must purchase rice on its own responsibility and make distribution.

One fact which we have to bear in mind in this connection is that we have to take the price level in the various States in the southern zone. In spite of the fact that Kerala is deficit the price level in Andhra, in Mysore, in Madras and in Kerala is more or less the same.

Mr. Speaker: What is the price in Andhra?

Shri A. M. Thomas: The price in Andhra now ranges from Rs. 17 to Rs. 21 or Rs. 22 per maund.

Mr. Speaker: What about Madras?

Shri A. M. Thomas: In Madras it goes to even Rs. 23 in certain parts.

Mr. Speaker: It was Rs. 40 in Kerala.

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): That was per bag of two maunds.

Mr. Speaker: Therefore, the people in Kerala do not pay more than the people in Andhra.

Shri A. M. Thomas: The people in Kerala do not pay more.

Shri Vasudevan Nair: That is a petty argument of the Ministry. The point is, what was the price and what is the rise. What is the rise in price? That is the point, because, always in Kerala, traditionally, the price is very low there (*Interruptions*).

Shri A. M. Thomas: I am replying to the points. There is no use of arguing like that.

Mr. Speaker: Let me put one question. Does Kerala want to have rice cheaper in its own place than even in Andhra?

Shri Vasudevan Nair: Than in Bengal.

Mr. Speaker: I am afraid the hon. Members are forgetting one thing.

There are 20 districts in Andhra, while only four districts are surplus, and the other districts are as badly famine-stricken as the districts in other States perhaps. What is the price in those districts and what is the price in Kerala?

Shri Ranga: It is lower in Kerala.

Shri A. M. Thomas: The position is thus. I may also mention that in certain months the price level in Kerala was even lower than the price level in Madras. I have got the latest price bulletin.

Mr. Speaker: What is the price in Chittoor?

Shri A. M. Thomas: What my friend wants is, you should not have any regard to the claims of such areas as Chittoor or to the claims of Madras, but just give attention only to the situation in Kerala. That is the position of my friend. After the formation of the zone, in February, 1958, when things stabilized themselves, when the price came down to a reasonable level we reviewed the position. During the months of January to June, 1958 the wholesale price of rice in Kerala rose between Rs. 17 and Rs. 19 per maund, as compared to Rs. 19 to Rs. 24 in West Bengal, Rs. 20-25 per maund in Bihar and Rs. 20-28 in Bombay. That is for coarse rice; it is not for medium rice.

Shri Vasudevan Nair: What is the meaning of this argument?

Mr. Speaker: The argument is that the Central Government is interested in seeing that every part of India gets its due share and is not starved.

Shri Nagi Reddy: Even though a lot of rice is given to Bengal, because of maldistribution their price is rising, and because of proper distribution in Kerala the price is reducing.

Mr. Speaker: Therefore, the Kerala Government must take charge of the Bengal Government also!

Shri V. P. Nayar: Wait till next time.

Shri A. M. Thomas: The position of the Centre vis a vis the other States is this. After the last crop in the south was harvested, the price of rice got stabilized and we informed the various Governments that hereafter we would not be in a position to make supplies from the Central stocks, but even then in spite of that, the Kerala Government was being supplied rice, when we refused supplies to Madras and Mysore. The quantity that has been supplied to the Kerala Government, as stated by me, is 67.8 thousand tons of rice in the current year, whereas, during this period in question, neither the Madras Government, in spite of their request, nor the Mysore Government were supplied any rice. In spite of the request made from places in Andhra like Chittoor, we were not able to supply any rice

Shri Braj Raj Singh (Firozabad): We have already exceeded the time

Mr. Speaker: I allowed the hon. Members to raise a discussion. The Minister must explain.

Shri A. M. Thomas: From February the Kerala Government wanted to maintain fair price shops, and we told them, "If you want to maintain fair price shops, it would be your own responsibility to have to procure stocks to maintain the fair price shops." We have also been helping the Kerala Government to procure rice. We issued instructions to our procurement officers in Andhra to render all possible assistance to the Kerala Government to make purchases in Andhra and not to requisition any of the stocks purchased by the Kerala Government from any rice mill in Andhra.

Then we also rendered assistance in arranging wagon supply for despatch of rice from Andhra to Kerala. We have also to take into account the movement on private trade account

from the Andhra region and also from the Madras region to the State of Kerala. You will notice that by railway alone the quantity moved for one year from the districts of Tanjore and Tiruchirapalli in Madras and from the Vijayawada Division in Andhra Pradesh to Kerala amounted to more than three lakh tons. I am not taking into consideration the other heavy movements made by lorries. The Madras Government was complaining about it.

Mr. Speaker: The hon. Minister's contention seems to be that there is sufficient food available for Kerala. The only question is that they want it at a lower price.

Shri A. M. Thomas: For that they will have to subsidise it.

Mr. Speaker: They want the Central Government to subsidise it.

Shri A. M. Thomas: We have told the Kerala Government that as far as we are concerned we are not insisting that they must bear the same burden as the previous Governments were bearing. The previous Governments were giving subsidy to the extent of Rs 1½ crores per year. We have told them, "You bear the burden to the extent of a crore of rupees and if you go above a crore of rupees, we will also share in it."

Shri Ranga: 50 per cent

Shri A. M. Thomas: Can there be a more reasonable offer to the Kerala Government than this? Even now, my hon. friend is saying, we have to pay Rs 3 or Rs 4 more. If they have to pay and subsidise more than a crore of rupees, the Central Government will also share in it.

Shri Easwara Iyer: Can we purchase now from the East Godavari, West Godavari and Guntur districts at the open market price?

Shri A. M. Thomas: With regard to this, we have deliberately announced

this control price for these districts to maintain prices at a reasonable level in the southern zone

Shri Nagi Reddy: But it is not available at controlled rates. It is never available except for Central Government.

Shri Thirumala Rao (Kakinada): How much out of this Rs. 1 crore subsidy have the Kerala Government saved? They want to save on it and throw the burden on the general taxpayer.

Shri A. M. Thomas: I have read in the papers what the Food Minister has said in the Assembly that he was not quite definite about the figure but in another context it seems to have been stated that Rs. 40 lakhs they have had to spend.

Mr. Speaker: What is the price at which they sell at the fair price shops?

Shri A. M. Thomas: At Rs. 16 per maund. I do not know at what price they are selling now.

Mr. Speaker: They are selling at Rs. 16 in Kerala?

Shri A. M. Thomas: Rs. 16 is the price that has been fixed by us to sell the stocks that we make available to the State Government. With regard to the other thing they can stipulate their own price.

Shri Vasudevan Nair: That is Rs. 16.

Shri V. P. Nayar: Central Government stocks at Rs. 16 and local stocks at Rs. 20.

Shri A. M. Thomas: We have fixed these control prices for these Delta regions mainly because we wanted to stabilise prices in the south and to meet the situation arising from the millers hoarding and not releasing their stocks in the open market.

Shri Ranga: Why do you again use the wrong word 'hoarding'? When you take it away, it means robbing.

Shri A. M. Thomas: Shri Ranga's complaint is different. That is not the subject matter of the half-an-hour discussion here.

My hon. friend's complaint is that the Kerala Government is in a helpless position. The Kerala Government has entered into some arrangement with the Andhra millers through the good offices of the Andhra Pradesh Government for supply of rice to the Kerala State. They could have entered into this arrangement long before. They could also have called for tenders for supply of rice within the State or they could have also procured from another region rather than from these Delta regions.

Shri Vasudevan Nair: What is your objection? What is the objection of the Central Government to give rice at controlled rates?

Mr. Speaker: It is Andhra's objection. (Interruption) We have heard sufficiently.

Shri A. M. Thomas: In short what my hon. friend wants is that the Kerala Government should be given favourable treatment.

Shri Vasudevan Nair: No, no.

Shri A. M. Thomas: which we are not in a position to give to other States within the zone.

I submit.

Mr. Speaker: What about Madras and Mysore? Have they to procure in Andhra or are they supplied?

Shri A. M. Thomas: They are not supplied.

Mr. Speaker: Are they supplied any rice by the Centre or are they also obliged to procure some quantity in the open market or elsewhere in the same zone?

Shri A. M. Thomas: If they want, they have to procure; we are not supplying them anything

Mr Speaker: Nothing is supplied to them?

Shri A. M. Thomas: No

Mr. Speaker: As is supplied to Kerala?

Shri A. M. Thomas: No (Interruption)

Mr Speaker. Let him conclude

Shri A. M. Thomas: This is the lean season and naturally the prices are high. With the arrival of the new crop, the situation may improve. When the prices are a little high, what the Kerala Government and my friends of the Communist party want is, to just absolve themselves of all responsibility and put the blame on the Centre. When the price level stabilised itself and there was more or less a comfortable position from February to July and when we were experiencing a situation one of the most difficult in recent years in the States in the North what the Kerala Government as well as the Communist party were saying was as disclosed by their resolution in Amritsar, pointing out how the Kerala Government has handled the food problem the Centre has made a muddle of itself and it has hopelessly failed, whereas the Kerala Government has succeeded. Let them take credit, I have absolutely no objection, for the formation of the Southern zone and for making things easier for the free flow of rice to Kerala. Let them take credit, I have no objection. When they are experiencing some difficulty in the matter of prices and other things, then they put the blame on the Centre and they want to absolve themselves of the responsibility. That is the position.

I have not got the time. The proceedings at Amritsar are there. It was in last April or May. (Interruption)

Mr Speaker: Order, order. They have by their own statement said that they are absolutely well off.

Shri Nagi Reddy: What we said was, because of proper distribution the prices in Kerala were better than in any other State.

Shri M. V. Krishnappa: Even without the Communists, things are much better in Madras and Mysore.

Shri Nagi Reddy: Take credit.

Shri A. M. Thomas: It was on the 5th April 1957 that the Communist party came to power in Kerala. Taking stock of the situation after one year they were of opinion that things were all right. What they said was like this:

"Even in normal years, there is scarcity during the lean months of June and July. This year it was much worse because of the price rise all over the country. But, the Government by timely effective steps had been to a great extent able to save the situation.

Then they say—they also take credit—

"Extension of fair price shops, introduction of family identity cards etc., had kept the price during the lean months this year at levels more or less the same or even lower than in previous years and thus while prices had shot up in the other States to unprecedented heights."

Shri Nagi Reddy: Which other States did not do?

Shri A. M. Thomas: This was the claim. Is it the case that after one year, the Central Government is discriminating against Kerala?

Shri Vasudevan Nair: We are prepared to give the credit to Shri A. M. Thomas. Please give us rice.

Shri A. M. Thomas: Since we are in some difficulty in these lean months it is said that the Central Government is discriminating against Kerala. I leave it to the House to judge whether there is any substance in the arguments advanced by my friends.

I do not think it is necessary to take the time of the House. My hon. friends' points are absolutely devoid of any merit. Whatever was possible for the Centre to do, it has done. It

has never shirked its duty or responsibility.

Mr. Speaker: The Food Minister comes from Kerala. He won't let it down.

Shri Nagi Reddy: We expect so.

Mr. Speaker: The House will stand adjourned *sine die*.

18.35 hrs.

The Lok Sabha then adjourned sine die.

[Saturday, the 20th December 1958]

PAPERS LAID ON THE TABLE	COLUMNS 6549-61	PAPERS LAID ON THE TABLE—contd.	COLUMNS
The following papers were laid on the Table—		(vi) G S R No 1157 dated the 5th December, 1958 making certain further amendment to the Rajasthan Gram (Prohibition of Export) Order, 1958.	
(1) A copy of the Report on the Second General Elections in India, 1957 (Volume I—General).		(vii) G S R No 1158 dated the 5th December, 1958 containing the Rice (Uttar Pradesh) Price Control Order, 1958	
(2) A copy of Notification No G S R 1162 dated the 13th December, 1958, under sub-section (2) of Section 3 of the All India Services Act, 1957		(viii) G S R No. 1158A dated the 7th December, 1958	
(3) A copy of the statement correcting the reply given on the 30th August, 1958 to a supplementary by Shri D A Katti on Starred Question No 695 regarding Government of India 'scholarship' to Scheduled Caste and Scheduled Tribe students		(ix) G S R No 1160 dated the 8th December 1958	
(4) A copy of the Report of the Study Group on Social Security		(x) G S R No 1190 dated the 11th December, 1958	
(5) A copy of each of the following Notifications under sub-section (6) of section 3 of the Essential Commodities Act 1955—		(xi) G S R No 1191 dated the 11th December 1958	
(i) G S R No 1120 dated the 28th November 1958 making certain amendment to the Delh Roller Flour Mills (Atta Price Control) Order 1958		MINUTES OF COMMITTEE ON GOVERNMENT ASSURANCES—LAID ON THE TABLE	6561
(ii) G S R No 1170 dated the 29th November, 1958 making certain further amendment to the Orissa Rice (Prohibition of Export) Order 1957		Minutes of the Tenth sitting were laid on the Table	
(iii) G S R No 1152, dated the 3rd December 1958 making certain further amendments to the Rice and Paddy (West Bengal) Second Price Control Order 1958		MINUTES OF COMMITTEE ON APPOINTMENT OF MEMBERS FROM THE SITTINGS OF THE HOUSE—LAID ON THE TABLE	6561-62
(iv) G S R No 1155 dated the 4th December 1958.		Minutes of the Tenth and Eleventh sittings were laid on the Table	
(v) G.S.R. No 1156 dated the 4th December, 1958.		MESSAGE FROM RAJYA SABHA	6562
		Secretary reported a message from Rajya Sabha that at its sitting held on the 15th December, 1958 Rajya Sabha had passed the Parliament (Prevention of Disqualification) Bill 1958 passed by Lok Sabha on the 3rd December 1958 with amendments and had returned the Bill with the request that the concurrence of Lok Sabha to the amendments be communicated to Rajya Sabha.	

**BILL AS AMENDED BY
RAJYA SABHA—LAID
ON THE TABLE**

Secretary laid on the Table the Parliament (Prevention of Disqualification) Bill, 1958, which had been returned by Rajya Sabha with amendments.

**CALLING ATTENTION
TO MATTER OF UR-
GENT PUBLIC IM-
PORTANCE**

Shri M. Elias called the attention of the Minister of Steel, Mines and Fuel to the reported lay-off of 800 workers by the Assam Railway Trading Company due to reduced coal allocation.

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh) made a statement in regard thereto.

LEAVE OF ABSENCE

Shri Menais were granted leave of absence from the sittings of the Lok Sabha.

**STATEMENT BY MINI-
STER**

The Deputy Minister of Civil Aviation (Shri Mohiuddin) made a statement correcting the reply given on the 4th December, 1958 to Starred Question No. 563 by Sarvashri S. Hansda and Satish Chandra Samanta regarding dues from Pakistan.

BILLS PASSED

(i) The Minister of Law (Shri A. K. Sen) moved that the Prevention of Disqualification (Amendment) Bill be taken into consideration. The motion was adopted. After clause-by-clause consideration the Bill was passed.

(ii) The Deputy Minister of Finance (Shri B. R. Bhagat) moved that the Foreign Exchange Regulation (Amendment) Bill be taken into consideration. The motion was adopted. After clause-by-clause consideration the Bill was passed.

COLUMNS

6563

6563-64

6564-65

6566

6566—6605,
6642—6746

BILLS PASSED—contd.

(iii) The Minister of Law (Shri A. K. Sen) moved that the Representation of the People (Amendment) Bill, as reported by the Select Committee be taken into consideration. The motion was adopted. After clause-by-clause consideration the Bill was passed as amended.

(iv) The Deputy Minister of Commerce and Industry (Shri Satish Chandra) moved that the Orissa Weights and Measures (Delhi Repeal) Bill be taken into consideration. The motion was adopted. After clause-by-clause consideration the Bill was passed.

**MOTION TO CONCUR
WITH RAJYA SABHA
IN JOINING JOINT
COMMITTEE ON THE
BILL—ADOPTED**

COLUMNS

6505—42

The Deputy Minister of Commerce and Industry (Shri Satish Chandra) moved for concurrence in the recommendation of Rajya Sabha for reference of the Cost and Workers Accountants Bill, 1958 to a Joint Committee and appointment thereon of twenty Members from among the Members of Lok Sabha. After some discussion the motion was adopted.

**HALF-AN-HOUR DIS-
CUSSION**

Shri P. K. Vasudevan Nair raised a half-an-hour discussion on points arising out of the answer given on the 12th December, 1958 to Starred Question No. 901 regarding procurement of rice in Andhra.

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas) replied to the debate.

The Lok Sabha adjourned sine die

6746—68

RESUME OF THE SIXTH SESSION
OF SECOND LOK SABHA

1. PERIOD OF THE SESSION	17th November to 20th December, 1958.	7. GOVERNMENT RESOLUTIONS:—	
2. NUMBER OF SITTINGS	26	(i) Moved	Nil
3. TOTAL NUMBER OF SITTING HOURS	168 hrs. 53 minutes.	(ii) Adopted	Nil
4. NUMBER OF DIVISIONS HELD	8	8. PRIVATE MEMBERS' RESOLUTIONS :—	
5. GOVERNMENT BILLS :—		(i) Received	698
(i) Pending at the commencement of the Session	9	(ii) Adopted	Nil
(ii) Introduced	17	(iii) Included in the List of Business	19
(iii) Laid on the Table as passed by Rajya Sabha	2	(iv) Withdrawn	2
(iv) Referred to Select Committees	Representation of the People (Amendment) Bill, 1958.	(v) Negatived	1
(v) Referred to Joint Committees.	Indian Electricity (Amendment) Bill, 1958.	9. GOVERNMENT MOTIONS :—	
(vi) Reported by Select Committees	Representation of the People (Amendment) Bill, 1958.	(i) Moved	3
(vii) Reported by Joint Committee	Delhi Rent Control Bill, 1958.	(ii) Adopted	1
(viii) Passed	17	10. PRIVATE MEMBERS' MOTIONS :—	
(ix) Returned by Rajya Sabha without any amendment	4	(i) Received	58
(x) Returned by Rajya Sabha with amendments	1	(ii) Admitted	26
(xi) Pending at the end of the Session	10	(iii) Moved	5
6. PRIVATE MEMBERS' BILLS :—		11. MOTIONS RE. MODIFICATIONS TO STATUTORY RULES :—	
(i) Pending at the commencement of the session	72	(i) Received	Nil
(ii) Introduced	15	(ii) Admitted	8 moved during the Fifth Session and discussed during the Sixth Session. One was adopted as Resolution
(iii) Withdrawn	1	(iii) Moved	
(iv) Pending at the end of the session	85		
		12. DISCUSSION HELD ON MOTIONS OF URGENT PUBLIC IMPORTANCE	4
		13. HALF-AN HOUR DISCUSSIONS HELD	8
		14. NUMBER OF MATTERS OF URGENT PUBLIC IMPORTANCE TO WHICH ATTENTION OF MINISTER WAS CALLED AND STATEMENTS WERE MADE OR LAID BY MINISTER	11

15. ADJOURNMENT MOTIONS :—

- (i) Received
- (ii) Admitted Nil
- (iii) Consent withheld by Speaker

16. QUESTIONS ASKED .—

- (i) Starred 1243
- (ii) Unstarred (Including Starred Questions converted as Unstarred Questions) 2196
- (iii) Short Notice Questions

17. REPORTS OF PARLIAMENTARY COMMITTEES—PRESENTED :—

- (i) Business Advisory Committee 3
- (ii) Committee of Privileges Two (Sixth and Seventh) $\frac{3}{4}$
- (iii) Committee on Absence of Members from the Sittings of the House 2
- (iv) Committee on Petitions One (Fifth)
- (v) Committee on Private Members' Bills and Resolutions Five
- (vi) Committee on Subordinate Legislation One (Fourth)
- (vii) Rules Committee Nil