

PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

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PARLIAMENT OF INDIA

1951

CONTENTS

Volume VII—From 2nd April to 16th May, 1951

	<i>Columns</i>
Monday, 2nd April, 1951—	
Oral Answers to Questions	2751—2795
Written Answers to Questions	2795—2814
Tuesday, 3rd April, 1951—	
Oral Answers to Questions	2815—2842
Written Answers to Questions	2842—2848
Wednesday, 4th April, 1951—	
Oral Answers to Questions	2849—2878
Written Answers to Questions	2878—2894
Friday, 6th April, 1951—	
Oral Answers to Questions	2895—2928
Written Answers to Questions	2928—2944
Saturday, 7th April, 1951—	
Oral Answers to Questions	2945—2971
Written Answers to Questions	2971—2986
Monday, 9th April, 1951—	
Oral Answers to Questions	2987—3012
Written Answers to Questions	3013—3030
Tuesday, 10th April, 1951—	
Oral Answers to Questions	3031—3061
Written Answers to Questions	3061—3072
Wednesday, 11th April, 1951—	
Oral Answers to Questions	3079—3108
Written Answers to Questions	3109—3132
Thursday, 12th April, 1951—	
Oral Answers to Questions	3133—3162
Written Answers to Questions	3162—3172
Saturday, 14th April, 1951—	
Oral Answers to Questions	3173—3204
Written Answers to Questions	3204—3212
Monday, 16th April, 1951—	
Oral Answers to Questions	3213—3242
Written Answers to Questions	3242—3254
Tuesday, 17th April, 1951—	
Oral Answers to Questions	3255—3286
Written Answers to Questions	3287—3300
Wednesday, 18th April, 1951—	
Oral Answers to Questions	3301—3330
Written Answers to Questions	3330—3344
235 P.S.D.	

Thursday, 19th April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3345—3372
Written Answers to Questions	.	.	.	.	.	.	3372—3380
Friday, 20th April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3381—3408
Written Answers to Questions	.	.	.	.	.	.	3408—3412
Saturday, 21st April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3413—3446
Written Answers to Questions	.	.	.	.	.	.	3447—3452
Monday, 23rd April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3453—3481
Written Answers to Questions	.	.	.	.	.	.	3481—3502
Tuesday, 24th April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3503—3532
Written Answers to Questions	.	.	.	.	.	.	3532—3546
Thursday, 26th April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3587—3615
Written Answers to Questions	.	.	.	.	.	.	3615—3636
Friday, 27th April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3637—3666
Written Answers to Questions	.	.	.	.	.	.	3666—3670
Saturday, 28th April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3671—3702
Written Answers to Questions	.	.	.	.	.	.	3702—3704
Monday, 30th April, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3705—3733
Written Answers to Questions	.	.	.	.	.	.	3733—3750
Tuesday, 1st May, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3751—3782
Written Answers to Questions	.	.	.	.	.	.	3782—3794
Wednesday, 2nd May, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3795—3826
Written Answers to Questions	.	.	.	.	.	.	3826—3840
Friday, 4th May, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3895—3926
Written Answers to Questions	.	.	.	.	.	.	3926—3930
Saturday, 5th May, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3931—3964
Written Answers to Questions	.	.	.	.	.	.	3965—3970
Monday, 7th May, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	3971—4007
Written Answers to Questions	.	.	.	.	.	.	4007—4020
Wednesday, 9th May, 1951—							
Oral Answers to Questions	.	.	.	.	.	.	4031—4093
Written Answers to Questions	.	.	.	.	.	.	4093—4103

Thursday, 10th May, 1951—

Oral Answers to Questions	4103—4132
Written Answers to Questions	4132—4140

Friday, 11th May, 1951—

Oral Answers to Questions	4141—4170
Written Answers to Questions	4170—4180

Saturday, 12th May, 1951—

Oral Answers to Questions	4181—4212
Written Answers to Questions	4212—4216

Monday, 14th May, 1951—

Oral Answers to Questions	4217—4245
Written Answers to Questions	4245—4254

Tuesday, 15th May, 1951—

Oral Answers to Questions	4255—4285
Written Answers to Questions	4285—4292

Wednesday, 16th May, 1951—

Oral Answers to Questions	4293—4320
Written Answers to Questions	4320—4325

THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

4061

4062

PARLIAMENT OF INDIA

Wednesday, 9th May, 1951.

The House met at Half-past Eight of the Clock.

[MR. SPEAKER in the Chair.]

ORAL ANSWERS TO QUESTIONS

STRENGTH OF ARMIES

***3966. Dr. Deshmukh:** (a) Will the Minister of Defence be pleased to state the strength of the Armies in each of the ex-Indian States which maintained an Army?

(b) What was the strength of officers and other ranks?

(c) What were their scale of pay and allowances?

(d) How many officers in each case have been retained?

(e) What were the pay and allowances they were getting before absorption in the Indian Army?

(f) What alternative employment has been found for the rest and if so, how many are employed and as what?

(g) How many more, if any, are likely to be offered alternate employment in the course of 1951-52?

The Minister of Defence (Sardar Baldev Singh): (a), (b) and (d). It is not in the public interest to disclose this information.

(c) and (e). A statement is laid on the Table of the House, showing the different rates of pay and allowances in force in the various State Forces prior to integration.—[See Appendix XXIV, annexure No. 32.]

(f) According to information at present available, nearly 4,250 Officers and men have absorbed in the civil departments, mainly in the State police forces.

(g) Over 4,000 vacancies are estimated to be still available in the

police forces of the part 'B' and 'C' States. In addition, a number of vacancies exist in the Railway Watch and Ward, Forest and Excise Department and the Transport services, where the discharged personnel are being and will be considered for absorption.

Dr. Deshmukh: May I know, Sir, if there is any separate organization to see that these ex-servicemen are properly rehabilitated?

Sardar Baldev Singh: There is a separate Department called the Rehabilitation Department which looks after the absorption of these discharge personnel.

Dr. Deshmukh: Are there any fund set apart to see that there is no hardship caused to these ex-servicemen?

Sardar Baldev Singh: Some funds are set apart for different schemes. These funds are quite apart from the benefits which an officer or a soldier gets when he is discharged. They are for general rehabilitation.

Dr. Deshmukh: Are the claims of these persons taken into consideration when recruiting fresh people? Are the claims of those people who have been removed from service considered when additional men are recruited in the Army?

Sardar Baldev Singh: Yes: that is the practice. Those who are suitable for re-employment, subject to physical fitness are given a certain amount of preference.

Shri Hanumanthaiya: Is there any idea of making use of these people for purposes of the Grow More Food Scheme?

Sardar Baldev Singh: It is very difficult to reply to that question but certain schemes are being finalized, for instance, the co-operative farming scheme and in such schemes the demobilized soldiers will be given adequate facilities.

सेठ गोविन्द दास : माननीय मंत्री जी मे अभी उन की संख्या बतलाई जिन को वहाँ से अलग होने के बाद नया काम मिल गया है। क्या मैं यह मान लूँ कि अब ऐसे कोई लोग नहीं रह गये हैं जिन को काम नहीं मिला है, और अब इस सम्बन्ध में कोई बेकारी नहीं है ?

[Seth Govind Das: The hon. Minister just now stated the number of those persons who have been able to find new work after their discharge. Are we to believe that now there are no more people left who have not been provided with work and that there is no longer any unemployment on that score?]

सरदार बलदेव सिंह : इस सवाल का जबाब देना तो मुश्किल है। जो पचास हजार आदमी फौज से निकाले गये हैं उन में से चार हजार को नौकरी मिली है और चार हजार के करीब नौकरियों के निकलने की उम्मीद है जिनमें उनको नौकरी देने के ऊपर विचार हो रहा है। अगर इन छाठ हजार को पचास हजार में से निकाल दिया जाय तो बयालीस हजार आदमी और हैं। उन के मुतालिक यह कहना नामुमकिन है कि सब को नौकरी मिल जायेगी।

[Sardar Baldev Singh: It is rather difficult to answer that question. Out of the fifty thousand men that have been discharged from the army only four thousand have been provided with jobs. About four thousand more jobs are expected to become available in the near future and the question of providing these jobs to them is under consideration. After subtracting this figure of eight thousand from fifty-thousand we still have forty-two thousand left and it is impossible to say that all of them would be provided with jobs.]

Mr. Speaker: We will go to the next question.

MARTIAL SONGS

*3967. Shri Jnani Ram: Will the Minister of Defence be pleased to state:

(a) whether there has been a plan to collect Martial Songs from various parts of the country;

(b) if so, the progress so far made; and

(c) the languages in which these songs are to be collected and published?

The Minister of Defence (Sardar Baldev Singh): (a) and (b). The hon. Member is probably referring to songs which are played to provide marching music for troops. In 1949 suggestions were invited from all over the country for such songs. 400 suggestions were received of which 6 have been selected. Necessary steps are being taken for their orchestration, so that they can be played by military brass bands.

(c) The selected songs are in Hindustani, but they will eventually be converted into Hindi.

Shri Jnani Ram: Will Government make arrangements to publish the other suggestions which they have not accepted in a book form?

Sardar Baldev Singh: I do not think any useful purpose will be served by publishing the other suggestions, but if the hon. Member is interested, I shall let him have the information.

Shri Jnani Ram: May I know if the suggestions submitted were in all the languages of the Schedule mentioned in the Constitution?

Sardar Baldev Singh: As I have explained, at present, there is no intention to have songs in all the languages mentioned in the Constitution. What we are trying to do is to have Hindi songs only for the present.

Mr. Speaker: His question was whether his suggestions in respect of songs in all languages were received.

Sardar Baldev Singh: I have not got that information, but we have selected only those songs which are understood by a large majority of troops.

Mr. Speaker: Let us go to the next question.

MANUFACTURING DUTY ON BIRI INDUSTRY

*3968. Pandit Munishwar Datt Upadhyay: (a) Will the Minister of Finance be pleased to state whether the imposition of manufacturing duty on Biri industry is likely to affect the industry adversely?

(b) What is the amount of Biri manufactured per year in India?

(c) What is the amount of licensing fee that Biri manufacturers have to pay on Biri industry?

The Minister of State for Finance (Shri Tyagi): (a) and (c). As the proposed excise duty on biris has since been withdrawn, the question does not arise.

(b) About 100 million lbs. of tobacco are manufactured into biris every year: the average number of biris produced out of one lb. of tobacco is 1,250

Pandit Munishwar Datt Upadhyay: May I know what was the income that Government received in 1948-49 from this tobacco?

Shri Tyagi: I am sorry, I have not got the figures for the year 1948-49 but if my friend would be satisfied with the figures for the next year, 1949-50, I may inform him that the total income received on the excise duty on tobacco, i.e., the tobacco which was cleared on payment was Rs. 20.27 Crores. For the next year it was Rs. 22 crores and 81.50 lakhs.

Pandit Munishwar Datt Upadhyay: What was the expected income from tobacco according to the proposals of the Finance Bill and what is the difference now after the change?

Shri Tyagi: Over the revenue received in 1950-51 according to the proposals of the Finance Bill we expected an increase of Rs. 10 crores and 52 lakhs but the House had been pleased to reduce the proposed duty. Now the effect would be that we would receive only Rs. 5 Crores and 42 lakhs over the last year's income, which means a difference of Rs. 5 crores and 10 lakhs between the Finance Bill proposals and the rates finally approved by the House.

Pandit Munishwar Datt Upadhyay: May I know the number of biri factories which are working and what is the number of workers employed?

Shri Tyagi: It is very difficult to give any exact number. For some time we have been trying to finalize the number of biri manufacturers but they are spread over the whole country in the shape of cottage industries and it is not possible to give the exact number.

Dr. Deshmukh: May I know if the increased duty on tobacco, which is used for biri manufacture has resulted in any reduction of the consumption of biris?

Shri Tyagi: It is too early to make any appraisal. It will be seen next year.

Shri A. C. Guha: May I know the revenue collected provisionally on account of the excise on biri tobacco before the duty was reduced?

Shri Tyagi: Some income was received on account of the licensing process already started. But, the licence fees were not fully paid. They resented paying Rs. 50/- for a licence. Therefore, orders were sent that the licence fees be also realised in instalments. Therefore, most of the biri manufacturers paid only Rs. 10 or 20 which are being refunded now. I am not in a position to give exact figures of the revenue received during that period.

PAYMENT OF DEPOSITS OF DISPLACED PERSONS BY BANKS

*3969. Dr. Ram Subhag Singh: Will the Minister of Finance be pleased to state the method of payment by the banks which are now running under schemes sanctioned by the Punjab High Court in regard to paying the deposits of the displaced persons?

The Minister of Finance (Shri C. D. Deshmukh): The banks which are working under schemes of arrangement sanctioned by the Punjab High Courts have to make payment to creditors (including the displaced persons) strictly in terms of the sanctioned schemes. These generally provide for a reduction in the deposits, the amount thus released being utilised partly for creation of a reserve for bad and doubtful debts and partly for issue of shares to the depositors. Payments against the reduced deposits are made in instalments spread over a period of 2 to 4 years. Government have no information regarding the progress made by the banks in implementing these schemes.

Dr. Ram Subhag Singh: May I know the number of banks which are now run under the schemes sanctioned by the Punjab High Court?

Shri C. D. Deshmukh: Ten.

Dr. Ram Subhag Singh: Is it a fact that some of these Banks have not even paid a single pie to their creditors?

Shri C. D. Deshmukh: As I said, I have no information regarding the progress made by the banks. So, I am not in a position to say whether any progress at all is made by any of these Banks. If any creditor is dissatisfied, the proper procedure is for him to approach the Punjab High Court for enforcing or modifying the terms of the respective schemes.

That is why the Reserve Bank is not in a position to watch the implementation of these schemes.

Dr. Ram Subhag Singh: May I know whether the Government of India have advanced any loan to any of these ten banks?

Shri C. D. Deshmukh: No; I do not think any loan has been advanced to any of the Banks, according to the information I have here.

Shri Sondhi: May I ask a question, Sir?

Mr. Speaker: I think this is a matter entirely between the shareholders and the various banks. The High Court has sanctioned schemes. It is not a matter, really speaking, under the jurisdiction of the Government of India.

Shri Sondhi: A general question, Sir.

Mr. Speaker: Next question.

INTEGRATION OF STATES FORCES

***3970. Shri M. V. Rama Rao:** Will the Minister of Defence be pleased to state:

(a) whether all the personnel of the States Forces who have been found suitable and for whom vacancies exist have been brought on to the Indian Army terms of service as from the 1st April, 1951, in accordance with the decision of Government set forth in the Brief Statement of the Activities of the Ministry of Defence during 1950-51;

(b) the number of the personnel who have been found suitable and the number of the vacancies which exist, for officers, cadets and other ranks;

(c) the number of personnel from the Mysore State Forces who have been found suitable and the number of vacancies in which they have been absorbed;

(d) the terms of the special mustering-out concessions which have been sanctioned for the Mysore State Forces personnel who have been found unsuitable for retention in the Indian Army; and

(e) the provision made for the resettlement of these discharged personnel in civil employment?

The Minister of Defence (Sardar Baldev Singh): (a) Yes.

(b) and (c). It is not in the public interest to disclose this information.

(d) I lay a statement on the Table of the House showing the mustering out concessions as generally admissi-

ble to the personnel of the States Forces, including the Mysore State Forces. [See Appendix XXIV, annexeure No. 34.]

(e) Efforts have been and are being made to find alternative employment for the discharge personnel. At the instance of the Government of India, a Committee has been set up in each of the Part 'B' States, including Mysore, to deal with the problem of rehabilitation of those who cannot be absorbed. The Government of India will make appropriate financial contribution.

Shri M. V. Rama Rao: May I know whether there is a single committee set up to deal with all these personnel in the various States or whether there are separate committees set up for the different States?

Sardar Baldev Singh: Separate committees for each of the States; it is not one committee for all the States.

Shri M. V. Rama Rao: The answer to part (b) of the question was that it is not in the public interest to disclose this information. May I know whether, in view of the answer to part (a) of the question, the answer to part (b) is not contained in the answer to part (a)?

Mr. Speaker: It is a matter of interpretation or opinion..

Shri M. V. Rama Rao: The answer to part (a).....

Mr. Speaker: The hon. Member is entitled to construe as he likes best. Next question.

CONTRACTS FOR CONSTRUCTIONS UNDER MINISTRY OF DEFENCE

***3971. Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Defence be pleased to state whether it is a fact that contracts for constructions and for the supply of articles under the Ministry of Defence are given under such terms as are liable to be altered in favour of the contractors on rise of price of materials or labour?

(b) Is it a fact that Government had to pay large sums of money in addition to the contractual amount owing to this provision in the contract?

(c) Are Government contemplating amendment of the above contract draft?

The Minister of Defence (Sardar Baldev Singh): (a) (i) No, in so far as Contracts for construction are concerned. There is, however, a provision in such Contracts that any.

fluctuations in the cost of material (i.e., not only 'rise' but also 'fall' in prices) due to an Act of a Legislature other than an Act relating to State Sales Tax, are liable for adjustment. This provision thus applies both ways for and against the Contractor.

(ii) In regard to the contracts for supply of stores which are for a year or for longer periods, the contract rates may be enhanced in favour of contractors if the market rates rise over 10 per cent. of the contract rates. Similarly, in such cases the contract rates may be reduced in favour of the Government if market rates fall below 10 per cent. of the contract rates. Fluctuations upto 10 per cent. of the contract rates are ignored.

(b) In view of the reply to part (a) of the Question, Government does not always stand to lose; it may, in fact sometimes gain if there is a reduction in the price of materials. As already pointed out, the possibility of loss or gain operates on both the Contractor and the Government equally.

(c) In view of reply to parts (a) and (b) above, Government do not consider it necessary to amend the contract form in so far construction is concerned. In respect of contract for supplies, however, the relevant clause is under review in view of the conditions now obtaining in the country.

Pandit Munishwar Datt Upadhyay: May I know whether the hon. Minister has got any instance in which the rate was reduced in favour of the Government, by which the Government gained anything?

Sardar Baldev Singh: There may have been some instances. If the hon. Member wants definite information, I will have to have notice.

Pandit Munishwar Datt Upadhyay: Is it not a fact that the rate had to be increased by 175 per cent. over the standard rate in certain cases of contracts, in favour of the contractors?

Sardar Baldev Singh: I think the hon. Member has slightly misunderstood the context. There is a general clause. When tenders are invited it is stated that the rates are above pre-war rates: 170 or 175 per cent. This kind of clause is there. That does not apply to the question that the hon. Member has raised.

Pandit Munishwar Datt Upadhyay: Do they not apply to the construction works undertaken by contractors?

Sardar Baldev Singh: They do apply; but the rates of the contract have not been increased by 175 per cent. after the receipt of the tenders. They are most probably included in the tenders which are submitted by the contractors.

Shri Hussain Imam: May I know from the hon. Minister whether a clause of this nature is present in the Jeep contract recently entered into for increase or decrease in prices?

Sardar Baldev Singh: I do not understand what connection this has with the Jeep contract.

PAY OF EMPLOYEES OF FACTORIES

*3972. **Dr. M. M. Das:** Will the Minister of Defence be pleased to state:

(a) whether the recommendations of the "Central Pay Commission" about the scales of pay are applicable to the employees of the factories run by the Defence Department;

(b) whether there was any strike in any of the factories run by the Defence Department during 1950-51; and,

(c) if so, the causes of the strike?

The Minister of Defence (**Sardar Baldev Singh**): (a) Yes, with certain modifications to suit the special conditions in the factories.

(b) and (c). There were eight strikes. The causes varied from local causes such as refusal of a particular day as a holiday to general issues such as dissatisfaction with rates of pay and allowances.

Dr. M. M. Das: May I know what were the factories that were involved in these strikes?

Sardar Baldev Singh: I am afraid I have not got information of the strikes in the different factories. If the hon. Member wants to know the exact information, I will have to have notice.

Dr. M. M. Das: May I know the total number of man hours lost in these strikes and how production suffered?

Sardar Baldev Singh: For that also, I will have to have notice.

Dr. M. M. Das: May I know how the compromise was arrived at and what were the terms of the compromise?

Sardar Baldev Singh: Does the hon. Member want to know for all the factories where there was strike?

Dr. M. M. Das: Yes.

Sardar Baldev Singh: I am afraid I have not got detailed information.

Dr. M. M. Das: May I know whether the laws governing industrial labour in the country are applicable to the factory labourers under the Defence Department?

Sardar Baldev Singh: Yes; that is so.

Mr. Speaker: Next question.

राजकुमार विद्यालय

* ३९७३. श्री जांगडे : (ए) क्या शिक्षा मंत्री ऐसे राजकुमार विद्यालयों की संख्या बतलाने की कृपा करेंगे जो भारत में विद्यमान थे अथवा अब भी विद्यमान हैं ?

(बी) यदि ऐसे विद्यालय अब भी विद्यमान हैं तो वहां किन किन विषयों अथवा कलाओं में शिक्षा दी जाती है ?

(सी) क्या उक्त विद्यालयों की शिक्षा-पद्धति तथा कार्य-व्यवस्था को वर्तमान स्थिति के समानुक्रम ढालने का कोई प्रयत्न किया जा रहा है ?

PRINCES COLLEGES

[*3973. Shri Jangde: (a) Will the Minister of Education be pleased to state the number of Princes' Colleges that existed or still exist in India?

(b) If such colleges still exist, what subjects or arts are taught there?

(c) Are any efforts being made to mould the systems of education and management of such colleges according to the existing situation?]

مستتر آف ایجوکیشن (مولانا آزاد) :

(اے) اور (بی) جہاں تک گورنمنٹ

آف انڈیا کو معلوم ہے یہ کہا جا سکتا

ہے کہ اب کوئی ایسا کالج موجود نہیں

جسے پرنسز کالج کہا جا سکے۔ آئریبل

ممبر کا مطلب غالباً ان انسٹیٹیوٹس

سے ہے جنو چھٹس کالج کے نام سے پکارے

جاتے تھے۔ اس طرح کے ہانچ کالج باقی

شہروں میں قائم تھے۔ اجمیر - اندور -

رائے پور - راجکوت اور لاہور - اب ان

کالجز کی وہ حالت باقی نہیں رہی

ہے۔ انہیں پبلک اسکولوں کا روپ دے

دیا گیا ہے اور پرائیویٹ سوسائٹیاں

انہیں چلا رہی ہیں۔

(سی) ان کے انتظام اور پڑھائی کے

تعلیم کا معاملہ ان سوسائٹیوں سے

تعلق رکھتا ہے جو انہیں چلا رہی ہیں

گورنمنٹ سے تعلق نہیں رکھتا۔

[The Minister of Education (Maulana Azad): (a) and (b). So far as the Government of India are aware there are no Princes' Colleges in India now. The hon. Member is presumably referring to institutions which were previously called Chiefs' Colleges. There were five such Colleges, at Ajmer, Indore, Raipur, Rajkot and Lahore. These are now maintained by private societies as special schools.

(c) Their organisation and courses of studies are the concern of the Societies which maintain them.]

ش्री جاंगडे : क्या माननीय शिक्षा मंत्री

बतलायेंगे कि क्या यह सत्य है कि इन कहे

जाने वाले राजकुमार कालिजों में ठाठबाट

इतना ऊंचा कर दिया गया है कि साधारण

आदमी अपने लड़कों को इन कालिजों में

नहीं भेज सकते ।

[Shri Jangde: Will the hon. Minister of Education be pleased to state if it is correct that the standard of living in these Princes' Colleges has been raised to such an extent that ordinary people cannot afford to send their sons there?]

مولانا آزاد : گورنمنٹ کے علم میں

اس طرح کی کوئی شکایت نہیں آئی

ہے گورنمنٹ معلوم کرنے کی کوشش کرے

گی۔ لیکن یہ بات یاد رکھلی چاہیئے

کہ ان کا انتظام پرائیویٹ سوسائٹیوں کے

ہاتھ میں ہے۔

[Maulana Azad: The Government have not received any complaint of

that kind. The Government will try to investigate. But it must be remembered that their management is in the hands of private societies.]

श्री जंगड़े : क्या माननीय शिक्षा मंत्री बतलायेंगे कि स्वतंत्रता मिलने के पहले इन राजकुमार कालिजों में कौन कौन से विषय पढ़ाये जाते थे।

[Shri Jangde: Will the hon. Minister of Education be pleased to state what subjects were taught in these Princes' Colleges during the pre-independence times?]

Mr. Speaker: That question has already been answered.

Pandit Krishna Chandra Sharma: Are any of the colleges affiliated to any of the Universities?

مولانا آزاد - اس بارے میں انہوں نے جو طریقہ پچھلے دنوں اختیار کیا تھا وہی اب بھی ہوگا - یونیورسٹیوں سے پہلے بھی ان کا تعلق تھا اور اب بھی ہے۔

[Maulana Azad: Their position in that respect must be the same as it has been heretofore. They had and still have their connections with universities.]

PRICE OF GOLD

*3974. Shri Sidhva: (a) Will the Minister of Finance be pleased to state the reason for gold prices rising in India?

(b) What is the demand of gold in India?

The Minister of Finance (Shri C. D. Deshmukh): (a) As in the case of other uncontrolled commodities, the price of gold in India is influenced by various factors like the interaction of supply and demand, general economic situation in the country and international developments.

(b) As already stated by me in reply to Starred Question No. 3497 by Shri M. Naik on the 25th April, 1951, it is not possible to make any reliable estimate.

Shri Sidhva: Is the price of gold in India the highest compared with

the price obtaining in other countries of the world?

Shri C. D. Deshmukh: It is difficult to make a comparison, because the price in India is of the free market, whereas the price in other countries is often the official price.

Shri Sidhva: May I know whether this high price has an adverse effect on the general economy of the country or is it to the contrary?

Shri C. D. Deshmukh: No, but sometimes adverse economic factors influence the price of gold the other way.

Shri Sidhva rose—

Mr. Speaker: I think we are entering into an argument.

Shri Sidhva: Just one question, Sir. If the importers wish to make their own arrangements for exchange will they be allowed to import gold?

Shri C. D. Deshmukh: Certainly not.

Shri A. C. Guha: May I know how the price of gold in India compares with that in adjoining countries like Pakistan, Ceylon and Burma?

Shri C. D. Deshmukh: I am sorry I have not got the prices in adjoining countries.

Shri Sondhi: What is the international price?

Shri C. D. Deshmukh: I have some figures. Bombay price free market Rs. 116/7, U.S.A. official price Rs. 62/8 per tola after conversion from dollars and ounces, U.K. official price the equivalent of Rs. 62/-, Europe free market Rs. 73/14/-, Beirut Rs. 74/13/- and Hongkong Rs. 80/15.

सेठ गोविन्द दास : बाजार में सोने की जो कीमत है उस में और रिजर्व बैंक ने सोने की जो कीमत मुकर्रर कर रखी है उसमें क्या कुछ फर्क है और अगर है तो यह फर्क क्यों रखा जा रहा है।

[Seth Govind Das: Is there any disparity as between the market rate of gold and its rate as fixed by the Reserve Bank and if so why?]

श्री सी० डी० देशमुख : रिजर्व बैंक ने तो कुछ कीमत मुकर्रर नहीं की है।

[Shri C. D. Deshmukh: The Reserve Bank has not fixed any such rate.]

Mr. Speaker: Next question.

I.A.S. TRAINING SCHOOL, DELHI

*3975. **Dr. M. V. Gangadhar Siva:** (a) Will the Minister of Home Affairs be pleased to state how many candidates, trained in the Indian Administrative Service Training School, Delhi, were approved by the Union Public Service Commission during the year 1949-1950 for the foreign services?

(b) Were all these candidates selected through open competition?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). On the results of the combined competitive examination held by the Union Public Service Commission in 1949, three candidates were selected for appointment to the Indian Foreign Service. During the interval between their recruitment and their departure for training abroad, two of them attended a specially designed short course at the Indian Administrative Service Training School. The third candidate was already abroad at the time of recruitment.

The Indian Administrative Service Training School is intended to train officers appointed on probation to the Indian Administrative Service after their selection by the Union Public Service Commission through a combined competitive examination.

Dr. M. V. Gangadhar Siva: What steps are being taken by the Government to see that the scheduled caste and backward class candidates are recruited to the I. A. S. Training School?

Mr. Speaker: I do not think I should allow that question. It has been asked every now and then and has been answered more than once.

Dr. M. V. Gangadhar Siva: What is the number of scheduled caste and backward class candidates approved by the U.P.S.C.?

Shri Rajagopalachari: I would request the hon. Member to wait for a subsequent question, on which this supplementary question would be more appropriate.

Pandit Munishwar Datt Upadhyay: May I know whether these I.A.S. candidates are allotted to different departments according to their choice or the choice of departments or the U.P.S.C.?

Shri Rajagopalachari: It is not very much their choice except the main division. As regards subsequent allotment it depends on the exigencies of the public service as well as their particular fitness.

Shri R. Velayudham: May I know whether any practical training in the administrative field is given, apart from the theoretical training which is now given in the school?

Shri Rajagopalachari: A great deal of training is given. I would ask the hon. Member to visit the school.

LIQUIDATION OF BANKS

*3976. **Shri A. C. Guha:** Will the Minister of Finance be pleased to state:

(a) the names of Banks that have ceased their operations in the years 1947, 1948, 1949 and 1950 in West Bengal;

(b) the amount of depositors' money involved in each of these cases;

(c) how many of these have been ordered to be liquidated and on what dates;

(d) how many of these have applied for re-organisation permission and how many of these applications have been sanctioned; and

(e) which of the banks ordered to be liquidated have paid any portion of the depositors' money and at what rate?

The Minister of Finance (Shri C. D. Deshmukh): (a) to (c). The information is not readily available. It is being obtained from the Registrar of Joint Stock Companies and will be laid on the Table of the House when received.

(d) Total applications received for Schemes of Arrangement were 43 out of which 25 schemes appear to have been sanctioned and 18 rejected or withdrawn or are pending. 12 Banks are still working under Schemes of Arrangement and 13 Banks whose schemes were sanctioned were subsequently ordered by Court to be wound up.

(e) Government have no information.

Shri A. C. Guha: With reference to part (b) relating to the amount of deposit money, is it necessary for the Government to go to the Registrar of Joint Stock companies for the amount of deposit money involved?

Shri C. D. Deshmukh: Yes, because prior to the enactment of the Banking Companies Act, 1949, the Reserve Bank had no statutory relationship with the non-scheduled banks and therefore were not in possession of the figures relating even to deposits.

Shri A. C. Guha: May I know the number of banks that have closed during the last four years?

Shri C. D. Deshmukh: I have a long list of the banks closed and I will have to add them up. I will give a full statement of all the information available.

Shri Sondhi: Is the Government aware that as much as Rs. 20 crores Bank deposit money have been lost on account of partition in the Punjab alone?

Shri C. D. Deshmukh: I have no precise information on that point.

Shri Hussain Imam: How many of the banks were scheduled banks and can the hon. Minister give any approximate idea of the number of non-scheduled banks?

Shri C. D. Deshmukh: I have no these questions would have to wait till the full statement is ready.

Shri A. C. Guha: Have the Government any information as to how many of the liquidators have completed their work?

Mr. Speaker: This is more or less information available from the courts. I do not see how the Government can keep themselves in touch with it.

Shri A. C. Guha: The liquidators have also to report to the Reserve Bank and my impression is that during these three or four years the liquidators have been squandering the depositors' money.

Mr. Speaker: The liquidators are under the control of the courts which order the closing of the bank. I do not see how the Reserve Bank have jurisdiction in the matter. It is entirely a matter in the hands of the courts. However, the question is about the statistical information. Are there any reports received by the Reserve Bank?

Shri C. D. Deshmukh: I do not think the Reserve Bank receives any report. There is a provision for the Reserve Bank to appoint a liquidator in certain cases and the capacity of the Reserve Bank to undertake this responsibility depends (a) on the personnel available to do this work and (b) on the existence of its own interest in the results of the liquidation itself: that is to say, if the Reserve Bank is interested then obviously it would be in the interest of the Reserve Bank to ask to be given this responsibility.

Mr. Speaker: Has the Reserve Bank any statistics as regards the banks in whose cases liquidation have been ordered? Does it keep these statistics?

Shri C. D. Deshmukh: Prior to 1949 it had no automatic means of getting this information.

Shri A. C. Guha: The hon. Minister stated that the Reserve Bank in many cases being an interested party cannot be appointed the liquidator, but then have Government considered the question of providing some other machinery for appointment as liquidators so that the process of liquidation may be done quickly and in the interest of the depositors?

Shri C. D. Deshmukh: This question assumes that Government is aware that the process of liquidation at present taking place is unsatisfactory and I was not able to answer that question earlier.

Shri Hussain Imam: rose—

Mr. Speaker: I don't think we will pursue this matter—it is trying to infringe upon the jurisdiction of the courts.

Shri Hussain Imam: May I ask a question on procedure, Sir?

Mr. Speaker: What is it?

Shri Hussain Imam: Do Government contemplate introduction of any legislation to make the Reserve Bank a party to all winding up proceedings?

Mr. Speaker: Order, order. That is not a matter of procedure.

CENTRAL SECRETARIAT RE-ORGANISATION SCHEME (GRADE I OFFICERS)

*3977. **Babu Gopinath Singh:** Will the Minister of Home Affairs be pleased to state the number of officers who have been selected for grade I posts under the Central Secretariat Re-organisation Scheme?

The Minister of Home Affairs (Shri Rajagopalachari): The number of officers so far recommended by the Union Public Service Commission as suitable for appointment to grade I posts of the Central Secretariat Service is 294. A supplementary list containing a few more names is expected in June.

Babu Gopinath Singh: May I know the criterion on which these selections were made?

Shri Rajagopalachari: Ability to fulfil the functions of the post, Sir.

Prof. S. N. Mishra: May I know whether in Grade I any manner of distinction is being maintained between those coming from the I.C.S. and those from the I.A.S.?

Shri Rajagopalachari: Most of the persons are already in service. Their work has been examined, selections have been made and all care is taken. I don't quite understand the distinction that the hon. Member is referring to between the I.C.S. and others.

Mr. Speaker: He means to say as regards the pay and amenities.

Prof. S. N. Mishra: Yes, Sir.

Shri Rajagopalachari: I am sorry, Sir, the question did not attract my attention regarding analysis of pay in the matter.

Shri Kesava Rao: Out of these 294 persons recommended for appointment by the U.P.S.C., how many are from the services, that is promoted from the lower grades and how many are newly recruited?

Shri Rajagopalachari: The 294 selected were selected from those in the various cadres. There is no question of promotion involved in the selection, unless the hon. Member wants me to go into the service history of each one of them—if the hon. Member wants an analysis of that kind I would request him to give me notice.

Babu Gopinath Singh: Can the Government undo any injustice done in certain cases?

Mr. Speaker: Order, order.

TIME FOR DISPOSAL OF PAPERS

*3978. **Shri Raj Kanwar:** Will the Minister of Home Affairs be pleased to state whether any attempt has been made in any Ministry, or in any of its attached offices, since 15th August 1947 to ascertain the average number of days taken in the disposal of the majority of papers received by it every day and if so, what is such an average?

The Minister of Home Affairs (Shri Rajagopalachari): No, Sir.

Shri Raj Kanwar: Are Government aware that in large business establishments papers are disposed of much more quickly—some papers on the very day of their receipt and some on the following day, and in any case within three days? Are there any insuperable difficulties in ensuring the same expedition in our Government offices as in business offices?

Shri Rajagopalachari: A comparison between the nature of the work involved in business establishments and that involved in Government would enable the hon. Member to see that the work is very different, very

different standards have to be adopted and very different issues have to be examined. Even in Government there are various departments and various grades of importance and complication in the work. No question of average can possibly be of any use whatsoever in such a large admixture except of course, the mere curiosity of the scientific statistician.

Shrimati Durgabai: May I ask.....

Mr. Speaker: We will go to the next question. I don't want to go into the arguments.

Shri Sidhva: But this question has also been raised in the report of the Estimates Committee.

Mr. Speaker: Whatever it may be, it is a question of argument.

Shrimati Durgabai: As mentioned this question of disposal of papers was raised in the Estimates Committee's report.

Mr. Speaker: I know, I have read that report and I also claim to have some knowledge of administration. But now we want to carry on some argument in the form of questions.

Shri Sidhva: rose—

Mr. Speaker: Order, order. (Interruptions).

Shri Sidhva: We want to know what steps Government have taken.

Mr. Speaker: Order, order. Hon. Members should not be talking when I can, "Order, order". (Interruptions) This question has been asked many a time.

Shri M. A. Ayyangar: This matter of disposal of papers?

Mr. Speaker: Yes.

Shri Hussain Imam: But we can't get time.....

Mr. Speaker: If he does not get time the remedy is somewhere else and in some other direction but not in repeating the question.

POLITICAL ORGANISATIONS

*3980. **Shri S. N. Das:** Will the Minister of Home Affairs be pleased to state the names of political organisations which have been declared unlawful by the Government of India?

The Minister of Home Affairs (Shri Rajagopalachari): There are now no political organisations declared unlawful by the Government of India unless the Muslim League National

Guards and Khaksars can be classed as political organisations.

Shri S. N. Das: May I know the names of the political organisations which have been declared unlawful by any of the States?

Shri Rajagopalachari: I am sorry the Government of India would not be able to answer that question.

Shri S. N. Das: May I know whether the persons detained by the Central Government or by the State Governments have been detained on account of individual illegal activities or on account of activities connected with some political organisation?

Shri Rajagopalachari: All detention is governed by the Detention Act. As for banning of political organisations that is a different matter altogether. Detention under the Detention Act must be based on material with reference to the individual.

Dr. M. M. Das: May I know whether the Central Government is consulted before a political organisation is declared unlawful by a State Government?

Shri Rajagopalachari: Probably, Sir, but as I said I cannot answer the question in the House.

Dr. Deshmukh: May I know if the Union of the Princes is a political organisation and, if so, has it been declared unlawful?

Mr. Speaker: Order, order.

Shri Kamath: Have Government, Sir, taken any steps to see that no ban exists on any political party so as to enable all parties to take part in the ensuing elections?

Shri Rajagopalachari: I have already answered that no political organisation has been declared unlawful; at present no political organisation stands under a ban under any order passed with reference to it as a political organisation. The R.S.S. was a volunteer organisation and the ban that has been imposed has been removed. The other two volunteer organisations, the Khaksars and the Muslim League National Guards, are only, as I said, volunteer organisations and not political organisations.

Dr. Deshmukh: On a point of order, Sir. I wish to raise a point of order. I had asked this question about the Princes' Union and you, Sir, called me to order. May I know what are the reasons why questions with regard to this organisation are not

being allowed to be asked? I say this because I had given notice of certain questions on the same subject and they have also been disallowed. I would like to know for what reasons there is a sort of a taboo on such questions and why no information is being made available to the Members?

Shri Rajagopalachari: May I intervene? It is really no matter of a point of order. It is not a political organisation and the Speaker probably thought that the question was unnecessary, if I may be excused for saying so.

Mr. Speaker: That is all right. In the first place this is not a point of order at all; and the reason why I disallowed that question was it was to my mind clearly a matter of opinion as to whether the activities of the Princes Union should be taken as political activities or not.

Dr. Deshmukh: But we want to know what policy, what view and what action is taken by Government. It is not a matter of opinion.

Mr. Speaker: I must emphatically express my disapproval against the suggestion made by the hon. Member that the Chair is allowing or disallowing questions to suit the convenience or otherwise of the Government. That is the implication of the remarks he made in the beginning as to why these questions are tabooed whether it is for this reason or for that and...

Dr. Deshmukh: This question was disallowed and I wanted to know why it was disallowed, as also the other questions I had given notice of?

Mr. Speaker: That is the outcome of the question; but when the hon. Member raised his point of order he said that he wanted to know why particular questions are not allowed whether they were inconvenient or what. Hon. Members should refrain from making such insinuations even when raising a point of order.

Dr. Deshmukh: I did not mean anything of that sort, I only wanted to know why they were disallowed.

Shri Kamath: He only wanted to know the reasons.

Mr. Speaker: That is the operative part of his remarks but before coming to the operative part he made some insinuations which are not fair.

DISPLACED GOVERNMENT EMPLOYEES FROM BAHAWALPUR AND KHAIRPUR

*3981. Shri S. N. Das: Will the Minister of Home Affairs be pleased to state:

(a) the number of displaced Government employees from each of the States of Bahawalpur and Khairpur who have been absorbed in the services of the Government of India; and

(b) whether their previous services have been counted for purposes of leave and pension?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Displaced employees of Bahawalpur and Khairpur States were not entitled to employment assistance on a priority basis through the Transfer Bureau under the Ministry of Home Affairs and therefore there is no register or record in this Ministry in respect of these people. Four of them were, however, appointed to posts under the Government of India on the recommendation of the Employment Co-ordination Committee. A few others might have been appointed either through the Employment Exchanges or on their own efforts.

(b) This element could be taken into account for fixation of pay but it is not possible for the Government of India to undertake obligations based on previous service in regard to leave or pension.

Shri S. N. Das: Sir, may I know whether the displaced Government employees from these States are treated on a par with those from the Provinces, I mean those displaced Government servants from the Provinces?

Shri Rajagopalachari: As I have explained again and again the Government of India's obligations were extended to cover certain cases. Based on the fact that the obligations were such as they must undertake, they were extended to Baluchistan, Sind and the N.W.F.P. to some extent. Bahawalpur and Khairpur which are Indian States which went to Pakistan stand in a different class altogether. Their employees could only be given such places as could be found for them without injury to those in whose favour we had obligations to perform. Therefore, no question of equality of treatment could possibly arise.

EXCAVATION OF BATESHWAR HILL

*3982. Shri S. N. Das: (a) Will the Minister of Education be pleased to state whether the exploratory excavation of the Bateshwar Hill in the State of Bihar has been finished?

(b) If so, what are the important subjects of discovery and to which period of history do they relate?

مسٹر آف ایجوکیشن (مولانا آزاد):

(اے) اور (بی) ہاں - اس جگہ کی

کھدائی کا کام پورا ہو چکا ہے - لیکن جو

چیزیں نکلی ہیں ان کی جانچ پڑتال

کی جا رہی ہے - یہ دوسرا کام ابھی پورا

نہیں ہوا -

[The Minister of Education (Maulana Azad): (a) and (b). Yes, Sir. The excavation of the Bateshwar Hill has been completed, but the finds are still under examination.]

بہی اےس۔ اےن۔ داس: کیا میں جان سکتا ہوں کہ جس جگہ یہ کھدائی ہوئی ہے وہاں کے آس پاس کی زمین میں کبھی پرانی چیزیں نکلتی ہیں؟

[Shri S. N. Das: May I know if any old relics are found in the land surrounding the site where these excavations have been carried out?]

مولانا آزاد: کھدائی کا کام

میں شروع کیا گیا اور دو ہفتے کے اندر

ختم ہو گیا - وہاں کوئی ایسی خاص

چیز نہیں ملی ہے جس کا سرفراز

پاس کی زمینوں میں ڈھونڈنا چاہتا

ہیلتوں کی ایک عمارت کا کھنڈر نکلا ہے

اور کچھ مٹی کے برتن ملے ہیں - ان

کی دیکھ بھال کی جا رہی ہے نہ ان کا

تعلق کس زمانے سے ہے -

[Maulana Azad: The work of excavation was started in March and was finished within two weeks. No object of special interest has been found there which might have necessitated further tracing out in the neighbouring lands. The ruins of a brick-built building have been found as also some earthen utensils. An investigation is being made to find out to what period they belong.]

की ऐत० ऐन० दास : क्या मैं जान सकता हूँ कि जहाँ यह खुदाई की गयी है वहाँ कितना रकबा प्रोटेक्टेड एरिया है ?

[Shri S. N. Das: May I know how much area of the place where the excavations have been done is protected area?]

مولانا آزاد : میں سمجھتا ہوں جب کھدائی کسی جگہ کی جاتی ہے تو اس جگہ کو گھیر دیا جاتا ہے - لیکن اب کیا پوزیشن ہے یہ میں نہیں کہہ سکتا -

[Maulana Azad: I think when excavations are made at any place the site is enclosed. However, I cannot say what is the position now.]

CHINA CLAY

*3983. Shri S. C. Samanta: (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether Kaolin and China Clay and Felspar abound in the District of Bankura in West Bengal?

(b) If so, has any investigation been made and with what results?

(c) When and by whom was the investigation made?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) to (c). The occurrence of China clay and felspar in Bankura District is known. A special investigation was conducted in 1947-48 by an officer of the Geological Survey of India on a deposit near Kharidungri Village in the Darbhanga Raj Estate in Bankura District. The report indicates that there are deposits of white clay and the quantity available may be many thousand tons but detailed prospecting will be necessary before correct estimates can be given.

Shri S. C. Samanta: May I know how much area was systematically mapped by the surveyors?

Shri Buragohain: Although the occurrence of China clay in the district of Bankura was known since 1881 it was only recently that investigations were carried out and as I have said no detailed prospecting has so far been undertaken.

Shri S. C. Samanta: The hon. Minister has not answered my question whether there is felspar in the district.

Shri Buragohain: Felspar is a constituent of coarse granite and pegmatites which occur in certain parts of the district, for instance near Jhantipahari railway station. There is a belt running in a westerly direction which contains also numerous pegmatites. Some patches of this are rich enough in felspar to be worked. Both potash felspar and soda-lime felspar are found. But detailed investigations of the localities, which will provide good material and the quantities available, have not yet been undertaken.

Shri S. C. Samanta: May I know whether the village of Jhantipahari was surveyed and if so with what result?

Shri Buragohain: The other places surveyed are—Beriathol near Beldanga and Kalipur and near Shanaban village and also Pabayan village.

Shri S. C. Samanta: Is it a fact that one Shri T. Banerji compiled logs of some newly completed wells and if so what evidence was given by the substrata near Beriathol?

Shri Buragohain: I have already said that Beriathol is one of the places included where we find felspar rich rocks. I am not aware of any investigations carried on by the officer named by the hon. Member.

IRRIGATION AND ELECTRICITY SCHEMES OF MADRAS GOVERNMENT

*3984. Shri P. Basi Reddi: Will the Minister of Finance be pleased to state:

(a) what loan the Madras Government have asked for from the Government of India for financing their irrigation and electricity schemes in 1951-1952;

(b) whether Government have sanctioned any loan for the purposes; and

(c) if so, what is the amount of the loan sanctioned?

The Minister of Finance (Shri C. D. Deshmukh): (a) The Government of Madras had requested the Government of India to make a provision in their 1951-52 budget for a substantial loan to aid them in their irrigation and electricity schemes. No specific amount was asked for.

(b) No, Sir.

(c) Does not arise.

Shri P. Basi Reddi: Is it not a fact that the Government of Madras have represented that unless they are given loans it is impossible to proceed with their development schemes?

Shri C. D. Deshmukh: Yes, that was the nature of the representation.

Shri P. Basi Reddi: Is it a fact that the Government of Madras have also asked for grants in respect of these schemes?

Shri C. D. Deshmukh: No, I do not think it was a request for grant. It was a request for loan, that is, financial accommodation.

INDIAN FLEET

*3985. **Shri Jnani Ram:** Will the Minister of Defence be pleased to state whether it is a fact that the Indian fleet was sent in Commonwealth Goodwill Mission abroad and if so, when?

The Minister of Defence (**Sardar Baldev Singh**): Units of the Indian Navy made the following goodwill cruises to Commonwealth countries during the year 1950-51:

(i) I.N.S. *Delhi*, *Rajput*, *Ranjit* and *Rama* visited Singapore and Penang in June 1950. At the same time the 12th Frigate Flotilla, consisting of I.N.S. *Jumna*, *Kistna* and *Tir* carried out a goodwill cruise to the Malayan ports, Penang, Port Cweethenam, Port Dickson and Malacca.

(ii) At the invitation of the Australian and New Zealand Governments, I.N.S. *Rajput* visited the Australian and New Zealand ports. The *Rajput* left Bombay on the 18th December 1950 and returned on the 23rd March 1951. The visit to Australia was in connection with the Australian Centenary celebrations. All Commonwealth countries participated in these celebrations by sending units of their Navies.

Shri Jnani Ram: What was the cost of the expedition?

Sardar Baldev Singh: I have not got the cost of the cruise here. If he is interested, he will have to put down a separate question.

Shri Jnani Ram: Is it a fact that our Navy men were held in high esteem?

Sardar Baldev Singh: Yes. The House will be glad to know that wherever our Navy visited these establishments, it has earned a good name.

सेठ गोविन्द दास : यह गुडविल मिशन जिन देशों को उन के निमन्त्रण पर जाते हैं तो इन का कुछ खर्च उन देशों से भी मिलता है या कुल खर्च भारत सरकार को करना पड़ता है ?

[**Seth Govind Das:** In the case of the goodwill missions which go to other

countries is any part of the expenditure incurred on them borne by the countries visited or is it all borne by the Government of India?]

सरदार बलदेव सिंह : सब खर्च भारत सरकार को करना पड़ता है ।

[**Sardar Baldev Singh:** The entire expenditure has to be borne by the Government of India.]

Shri Kamath: What, Sir, was the occasion for sending units of the Fleet to Malayan waters in June 1950?

Sardar Baldev Singh: The main purpose of this cruise was training.

Shri Kamath: Is it a fact that on that occasion the units accompanied the Prime Minister?

Sardar Baldev Singh: Yes. That was one of the purposes. As the Prime Minister was visiting Indonesia at the same time, advantage was taken to have the honour of his visit to this cruiser *Delhi*.

Shri Kamath: How many days were given for training and.....

Mr. Speaker: Order, order. We shall go to the next question.

PASTEURIZING PLANTS IN D.V.C.

*3986. **Shri Jnani Ram:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the number of pasteurizing plants that have been installed in the Damodar Valley Corporation;

(b) the places where they have been installed; and

(c) the cost of the same?

The Deputy Minister of Works, Production and Supply (**Shri Buragohain**): (a) The Damodar Valley Corporation have not installed any Pasteurizing Plant.

(b) and (c). Do not arise.

Shri Jnani Ram: Is it under contemplation of Government to establish these plants in the D.V.C.?

Shri Buragohain: I do not think I can usefully add to what I have already stated.

आई० ए० एस० तथा आई० सी० एस०

में अनुसूचित जातियों के व्यक्ति

* ३९८७. श्री जांगड़े : क्या गृहकार्य मंत्री बतलाने की कृपा करेंगे :

(ए) अनुसूचित जातियों के उन व्यक्तियों की संख्या जो आई० ए० एस० अथवा आई० सी० एस० अथवा किसी अन्य इसी स्तर की परीक्षा में उत्तीर्ण होने के पश्चात् भारत सरकार के अधीन कार्य कर रहे हैं; तथा

(बी) अनुसूचित जातियों के उन व्यक्तियों की संख्या जो भारत सरकार के अधीन कार्य कर रहे हैं तथा यथाक्रम (१) ५०० रु० (२) १००० रु० तथा (३) २००० रु० से अधिक वेतन प्राप्त कर रहे हैं ?

SCHEDULED CASTES IN I.A.S. AND I.C.S.

[*3987. Shri Jangde: Will the Minister of Home Affairs be pleased to state:

(a) the number of scheduled caste persons who are serving under the Government of India after passing the I.A.S. or I.C.S. or any other equivalent examinations; and

(b) the number of scheduled caste persons serving under the Government of India and drawing salaries of more than (i) Rs. 500, (ii) Rs. 1,000, and (iii) Rs. 2,000 respectively?]

The Minister of Home Affairs (Shri Rajagopalachari): (a) The numbers of scheduled caste officers serving in the All India Services and Central Service Class I are as follows:

I.C.S. 2

One of them is borne on the West Bengal Cadre and is at present serving under the Government of India. The other is borne on the Assam Cadre and is serving under the Government of Assam.

I.A.S. 10

Two of them were appointed on the results of the competitive examinations held in 1949 and 1950 respectively and eight others selected under the emergency recruitment scheme.

Central Services Class I

(appointed since 1947)

Indian Foreign Service 1
Railway Service Class I 1

(b) The information required namely, an analysis according to salaries scales is being collected.

Shri Jangde: Are there any scheduled caste persons serving in any of our Embassies abroad?

Shri Rajagopalachari: I have already said that one scheduled caste candidate has been selected for the Indian Foreign Service in the Central Services Class I and I hope that he will find a place in our foreign Embassies some time.

Shri Kamath: Arising out of part (b) of the question, is the hon. Minister in a position to state whether the number of scheduled caste persons serving in the Government of India has increased or decreased since January 26, 1950?

Shri Rajagopalachari: I have already given accurate figures according to the question. As regards the total number and also whether there has been an increase or decrease, I am not in a position to say. But my impression is that the number has increased.

Shri Jangde: What is the percentage of the number of scheduled caste officers as compared to the total number of officers serving in high posts in the Government of India?

Shri Rajagopalachari: The percentage of scheduled caste persons holding high offices in the Government of India is not anything much, but that is not due. I am afraid I must add, to any injustice on the part of anybody.

GOI, GUMBAZ AT BIJAPUR

*3988. Dr. Ram Subhag Singh: Will the Minister of Education be pleased to state whether the repair work of the Gol Gumbaz at Bijapur has been completed?

مسٹر آف ایجوکیشن (مولانا آزاد):

ہاں - کام پورا ہو چکا -

[The Minister of Education (Maulana Azad): Yes, Sir.]

डा० राम मुभाग सिंह : इस गोल गुम्बज की मरम्मत के लिये कुल कितना खर्चा खर्च हुआ था ?

[Dr. Ram Subhag Singh: What is the total expenditure incurred on the repair of this Gol Gumbaz?]

مولانا آزاد - کل خرچ کا اندازہ ۲ لاکھ ۲۸ ہزار کیا گیا تھا -

[Maulana Azad: The estimate of total expenditure was two lakhs and twenty-eight thousand.]

काका भगवन्त राय : जनाब, क्या मैं जान सकता हूँ कि हुकमते हिन्दू साकाना आसारे कदी मा की हिकायत के लिये क्या खर्च करती है ?

[Kaka Bhagwant Roy: Sir, may I know what is the annual expenditure incurred by the Government of India for the protection of the ancient monuments?]

مولانا آزاد : اس سوال کا موجودہ

سوال سے کوئی تعلق نہیں ہے۔

[Maulana Azad: That has nothing to do with the present question.]

Mr. Speaker: It does not really arise out of this.

Shri Rathnaswamy: There is one Question, No. 3992, which is, I believe, of vital importance.

Mr. Speaker: So, he wants precedence.

Shri Rathnaswamy: Yes, Sir.

Mr. Speaker: If the two hon. Members Shri Munishwar Datt Upadhyay and Shri Krishnand Rai are prepared to give way, I have no objection. If they agree, their questions will be dropped and Shri Rathnaswamy's question will be put.

Pandit Munishwar Datt Upadhyay: I would like to put my question, No. 3989.

TREASURY SAVINGS DEPOSIT CERTIFICATE SCHEME

*3989. Pandit Munishwar Datt Upadhyay: (a) Will the Minister of Finance be pleased to state when the ten year Treasury Savings Deposit Certificate scheme was introduced by the Government of India?

(b) What is the amount realised under this scheme upto the end of April, 1951 State-wise?

(c) What is the amount realised upto the end of April 1951 from the National Savings Certificate scheme?

(d) When was this scheme introduced?

(e) What is the difference between the two schemes?

The Minister of Finance (Shri C. D. Deshmukh): (a) From the 1st February, 1951.

(b) Figures of investments upto 21st April only are available. A statement showing the State-wise investments upto this date is laid on the Table. [See Appendix XXIV, annexure No. 35.]

(c) Sales upto the end of March 1951 amounted to Rs. 163 crores approximately. Figures of sales for April 1951 are not yet available.

(d) From October, 1943.

(e) The main difference is that in the case of National Savings Certificate interest accumulates and is payable at the time of maturity, whereas in the case of Treasury Savings Deposit Certificate interest is payable annually.

Pandit Munishwar Datt Upadhyay: When one scheme was already in operation, why was the second scheme introduced? Was the first one unpopular?

Shri C. D. Deshmukh: No, Sir. We introduced it to supplement the other scheme. We find as a result of experience that there has been a net increase in the proceeds from these various forms of national savings.

Pandit Munishwar Datt Upadhyay: Is there any independent machinery to carry out these schemes or is it attached to some Departments?

Shri C. D. Deshmukh: There is a National Savings Commissioner who co-ordinates all efforts in this direction under the Central Government in consultation with the State Governments. He has also officers stationed in the various cities.

Pandit Munishwar Datt Upadhyay: What about the treasuries?

Shri C. D. Deshmukh: The Treasury Savings Deposit Certificates naturally are issued with the assistance of the treasury Savings?

Dr. Deshmukh: There was a commission of 1 per cent. in the case of the National Savings Certificates. Is that going to be re-introduced in this case also?

Shri C. D. Deshmukh: Not in this case. As I have said in answer to previous questions, the scheme of employing Commission Agent has been revived as an experimental measure in three States, but I do not believe that they are required for the purposes of this latest scheme.

Dr. Deshmukh: What are those States?

WRITTEN ANSWERS TO QUESTIONS

LEGISLATION RELATING TO CORRUPTION

*3979. Shri Kishorimohan Tripathi: (a) Will the Minister of Home Affairs be pleased to state whether it is a fact that Government propose to amend the law relating to corruption in various forms among Government employees, so as to give adequate protection to informants?

(b) If so, when will such a legislation be brought before the Parliament?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). Government are considering the amendment of section 337 of the Code of Criminal Procedure with a view to enabling courts to grant pardon to accomplices in corruption cases so as to enable their evidence being taken.

RESTRICTIONS TO GO TO ANDAMANS

***3990. Shri Krishnanand Rai:** Will the Minister of Home Affairs be pleased to state:

(a) whether certain special permissions or passes are still required to go to and come from Andamans by Indians also;

(b) whether these restrictions are akin to those imposed during British days or whether certain changes have been made, and if so, what are those changes;

(c) whether for movements from India to Andamans and vice versa, Andamans are treated as some special entity and if so, in what way;

(d) whether the Penal law imposed on Andamans during the Penal settlement still exist or changes have been made, and if so, what; and

(e) whether the cause-way between Chatham Island and Hado is open to the private vehicular traffic during the time of embarkation and disembarkation or not and if not, why not?

The Minister of Home Affairs (Shri Rajagopalachari) (a) and (b). No special permission or pass is required for travel to or from the Andamans. Shipping Agents, however, require the Chief Commissioner's permission for the sale of tickets by the s.s. *Maharaja* which is the only passenger vessel that plies regularly between the mainland and the Islands and is under charter by Government. This is necessary for the purpose of giving priority to persons travelling on duty or on urgent business.

(c) No, Sir.

(d) No penal laws were imposed on Andamans. Laws operative during the time when the island was a Penal Settlement are no longer in operation. Certain laws and regulations have already been amended, others are under review. The Islands have been placed under the jurisdiction of the Calcutta High Court.

(e) The cause-way is open to private vehicular traffic during embarkation and disembarkation.

ARCHAEOLOGICAL FINDS

***3991. Shri Krishnanand Rai:** (a) Will the Minister of Education be pleased to state what are the Chief Archaeological finds discovered in India during 1950?

(b) How many of them are going to be further excavated in 1951?

(c) Which of these excavations are being carried out at present by Government's Archaeological Department and what amount of money do Government propose to spend over them in the year 1951?

(d) Do Government propose to finance in 1951 any private institution or university engaged in any successful Archaeological excavation?

(e) If so, which are these excavations and to what extent do the Government propose to finance?

The Minister of Education (Maulana Azad): (a) The Chief archaeological discoveries during 1950 were as follows:

(i) About 15 sites in the North-Western part of Bikaner Division relating to the period of Mohenjodaro and Harappa.

(ii) Several sites in Bikaner, East Punjab and West U.P. including Hastinapur of the pre-Mauryan period.

(iii) The Jhoshitarama monastery at Kausambi near Allahabad, where Buddha is said to have lived.

(iv) A few sites at Nasik and its neighbourhood relating to the period from palaeolithic to early Christian era.

(b) The sites to be excavated in 1951 are still under consideration.

(c) The Department of Archaeology excavated at Hastinapur during the cold season of 1950-51. The budget provision for excavation charges during 1951-52 is Rs. 30,000/.

(d) and (e). The Allahabad University has approached the Government of India for financial assistance for Kausambi excavation and the matter is under consideration.

MADRAS GOVERNMENT'S COMMUNAL G.O.

***3992. Shri Rathnaswamy:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Madras Government's communal Government Order was held by the Supreme Court as being ultra vires of the Indian Constitution; and

(b) whether the Government of Madras has approached the Government of India to introduce necessary amendments to the relevant Article of the Constitution?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Yes.

(b) The Chief Minister has been in correspondence with the Prime Minister on the subject.

SPECIAL RECRUITMENT BOARD

***3993. Shri A. C. Guha:** Will the Minister of Home Affairs be pleased to state:

(a) the period during which the Special Recruitment Board functioned;

(b) the number of officers recruited from each of the States and for each of the departments of the Government of India; and

(c) the number of political sufferers called upon by the Board for interview and the number of political sufferers appointed on the recommendation of the Board?

The Minister of Home Affairs (Shri Rajagopalachari): (a) The Special Recruitment Board was set up on the 7th June, 1948. It is still functioning.

(b) A Statement is laid on the Table of the House. [See Appendix XXIV, annexure No. 36.]

(c) Two were interviewed and both were appointed to the Indian Police Service.

TRANSFER OF CASES FROM HYDERABAD

***3994. Shri Ganamukhi:** (a) Will the Minister of Home Affairs be pleased to state the number of cases pending before the judicial committee of Hyderabad and transferred to the Supreme Court on the commencement of the Constitution?

(b) Out of them, how many were criminal appeals and how many civil appeals?

(c) How many of these cases have been disposed of and how many are still pending before the Supreme Court?

The Minister of Home Affairs (Shri Rajagopalachari): (a) I have given all particulars in answer to Question No. 3598 on the 28th April 1951. 389 cases

(b) 56 criminal appeals, 317 civil appeals and 16 miscellaneous petitions.

(c) All these cases have been disposed of, with the exception of 10

civil appeals, which were transferred by the Division Court at Hyderabad to the Supreme Court at Delhi because of their importance and the points of law involved in them. These 10 civil appeals are still pending.

HIGHER TECHNOLOGICAL TRAINING INSTITUTION, KHARGPUR

***3995. Shri Ganamukhi:** (a) Will the Minister of Education be pleased to state whether it is a fact that Government have decided to open an institution for higher technological training at Khargpur?

(b) If so, what is the amount proposed to be spent on equipment and establishment?

(c) Has the recruitment of teachers begun and if so, do Government propose to employ foreign experts as teachers?

The Minister of Education (Maulana Azad): (a) Yes; Steps have already been taken to establish the institution.

(b) The total non-recurring expenditure on equipment is estimated at Rs. 1,11,70,000 and the ultimate recurring expenditure on establishment will be Rs. 23,35,000.

(c) Yes; Foreign experts are being employed in positions requiring specialized knowledge in certain subjects and only when suitable Indians are not available to fill those positions.

PAKISTAN FLAG ON CASTLE BARRACKS

***3996. Shri Sidhva:** (a) Will the Minister of Defence be pleased to state whether any Pakistan flag found flying on the top of the flag-staff in Castle Barracks?

(b) What steps have been taken against persons who had a hand in the affair?

The Minister of Defence (Sardar Baldev Singh): (a) A flag purporting to represent the Pakistan flag, though not identical with it, was found flying on the flagstaff of the Indian Naval Barracks, Bombay on the Independence Day 1950.

(b) Two ratings who were implicated in this incident were tried by Court-martial, found guilty and sentenced to seven years rigorous imprisonment and dismissal with disgrace from the Naval Service.

POSTS ADVERTISED BY U.P.S.C.

***3997. Shri Deogirikar:** (a) Will the Minister of Home Affairs be pleased to state how many posts were advertised for being filled in in the Departments of the Government of India by

the Union Public Service Commission in the years 1948, 1949 and 1950?

(b) How many posts from amongst them were filled in, from outside and how many were selected from amongst the staff already in the service during the respective years mentioned above?

The Minister of Home Affairs (Shri Rajagopalachari): (a) The number of posts advertised by the Union Public Service Commission for recruitment by selection in the years mentioned is as follows:

1948	...	1099
1949	...	1501
1950	...	675

(b) The information is not readily available. Its collection at present will involve a great deal of time and labour. If the hon. Member insists it will of course be collected.

KOYNA VALLEY RIVER PROJECT

***3998. Shri Deogirikar:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether the Government of India have examined the scheme of Koyna Valley river project submitted to them by the Bombay State?

(b) If so, what action has been taken in the matter?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) Yes, Sir.

(b) The Scheme has been examined by the Central Waterpower Irrigation and Navigation Commission and the Central Electricity Commission at the Centre and by an Expert Committee appointed by the Government of Bombay. Further action necessary will be taken up by the Government of Bombay who will take up the project for execution as and when they find it convenient to do so.

GEOLOGICAL SURVEY (ALUMINIUM)

***3999. Shri Kumbhar:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether the Government of India are aware of any Geological Survey made by the then Kolhapur State Government about deposits of Aluminium in the vicinity of Radhanagari mountains?

(b) If so, what is its percentage?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) and (b). The Geological Survey of India has no definite information whether deposits in the vicinity of Radhanagari were survey-

ed by the former Kolhapur State Government. The Geological Survey of India has however surveyed the deposits, and report that the samples analysed contained 53 to 56 per cent of Alumina.

RECOMMENDATIONS OF I. N. A. ADVISORY COMMITTEE

***4000. Shri Kumbhar:** (a) Will the Minister of Defence be pleased to state whether Government have received a memorandum from the I.N.A. Advisory Committee on the occasion of the joint meeting of the All-India I.N.A. Enquiry and Relief Committee and the I.N.A. Advisory Committee on the 14th April, 1951?

(b) If so, what are Government's views on the recommendations proposed in that memorandum?

The Minister of Defence (Sardar Baldev Singh): (a) and (b). The memorandum referred to was not received by Government but by the Prime Minister in his capacity as the Chairman of the All-India I.N.A. Inquiry and Relief Committee at the meeting of the Committee held on the 14th April, 1951. Most of the recommendations contained in the memorandum had already been considered by Government and the decisions of Government announced in press notes issued from time to time. Individual cases are being inquired into and action taken where this is found necessary.

CAUSES OF EARTH QUAKE OF 1950

***4001. Shri J. N. Hazarika:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the findings of the investigations on the causes and effects of the great earthquake of 15th August, 1950, and the reasons of, continuous tremors thereafter;

(b) whether the aerial reconnaissance of the affected area has been complete; and

(c) if not, how long it will take to find out, *inter alia*, the full picture of topographical changes?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) A preliminary report on the Assam Earthquake 1950 has been received from the Geological Survey of India. The report indicates that all the Indian Earthquakes are of tectonic origin and the destructive ones are caused by a sudden fracture of a portion of the earth's crust or by relative movements along

old fault-planes. All earthquakes are followed by tremors which may last sometimes for a period of years. Further information will be available when the detailed report now under preparation with the Geological Survey of India is received.

(b) and (c). It has been ascertained from the Surveyor General of India that an aerial reconnaissance was carried out by the Air Survey Company of India and photo mosaics have been supplied to the Government of Assam.

DENTAL AND EYE SURVEY OF STUDENTS

*4002. Shri Raj Kanwar: Will the Minister of Education be pleased to state:

(a) whether any dental and eye survey of school children and college students has been undertaken in the Centrally Administered Areas and if so, with what result; and

(b) if no such survey has been undertaken, whether Government intend to carry it out in the near future in the general interest of the student community?

The Minister of Education (Maulana Asad): (a) No, Sir.

(b) Government will certainly give consideration to this suggestion but the present acute financial stringency has created very serious obstacles.

CLAIMS FOR REFUND OF EXCISE DUTY ON SALT

*4003. Sardar Hukam Singh: Will the Minister of Finance be pleased to state:

(a) whether Government have received any claims for the refund of excise duty on salt held in stock on the 1st April 1947 in the area now included in Pakistan,

(b) if so, whether any claims have been decided so far; and

(c) if not, why not?

The Minister of Finance (Shri C. D. Deshmukh): (a) About 400 claims of this description have been lodged with the Government of India since the 1st April 1947. Their total value, as computed by the claimants themselves, would amount to about Rs. 10 lakhs.

(b) Two claims of the value of Rs. 7584-9-0 have been decided.

(c) The principal difficulty in the settlement of these claims is the determination of the important question as to which of the two Governments

concerned, namely, the Government of India or the Government of Pakistan, is primarily responsible for such settlement. With a view, however, to preventing hardship to the claimants, the Government of India have been trying to prevail upon the Government of Pakistan to agree to an arrangement by which the Government in whose area the deposit was originally made, or the revenue credited, should meet the claims for the refund, even though the claimant may now be residing in the territory of the other Government. This was in pursuance of an Agreement arrived at between the two Governments at the time of the Partition, namely, that the liability for deposits is to be allocated between the two Governments on a territorial basis, and each Government would receive a credit in the debt settlement for the liabilities thus assumed by it. The Government of India have not, however, met with much success in the negotiations so far.

EXTENSION OF RAJPUTANA DESERT

*4004. Shri M. Nalk: (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether it is a fact that the Uttar Pradesh is being threatened with extension of Rajputana desert through the western border districts of Mathura and Agra?

(b) Have Government conducted any geological enquiry into the matter and if so, with what results?

(c) Have any permanent measures been taken to check this extension?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) to (c). The Geological Survey of India have not made a specific study of the growth of desert conditions in the Mathura-Agra area of Uttar Pradesh.

They report that while it could not categorically be asserted that this area is an extension of the Rajputana desert, desert conditions such as wind erosion and drift of eroded material due to destruction of plant cover by human agency and the exposure of bare cultivated areas to strong winds during and just after a long dry season are likely to be operative there.

DEPOSITS IN STATE BANKS

286. Shri Dwivedi: Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the public deposits in Savings Bank Account of the former State Banks have been

blocked because of the integration of State Banks into District Treasuries in Vindhya Pradesh;

(b) whether it is further a fact that a sum of more than twenty-thousand rupees belonging to Shri Gandhi National Memorial Fund, which was a deposit in the Savings Bank Account with the Chhatarpur State Bank, is not being paid back irrespective of repeated requests and trying reminders by the Gandhi Smarak Nidhi Office bearers for the last two years;

(c) the total sum of such deposits in various State Banks, the interest accrued to them and the time likely to be taken in repayment of these deposits; and

(d) the names of Officers and other persons responsible for such delay?

The Minister of Finance (Shri C. D. Deshmukh): (a) to (d). The information is being collected and will be laid on the Table of the House in due course.

OLD MONUMENTS

283. Pandit Munishwar Datt Upadhyay: (a) Will the Minister of Education be pleased to state whether any monuments have been found in the district of Lucknow, which appear to be as old as first century B.C.?

(b) If so, how far have the excavations been done?

(c) Is it proposed to pursue the excavations still further?

The Minister of Education (Maulana Azad): (a) A site at Bhadoi in the district of Lucknow has recently been brought to the notice of the Department of Archaeology. The finds belong to the Kushan, Gupta and medieval periods.

(b) and (c). No excavation has been conducted by the Department of Archaeology.

OPIMUM

288. Pandit Munishwar Datt Upadhyay: (a) Will the Minister of Finance be pleased to state what is the amount of opium seized by the Ajmer Police and Octroi officials in the first week of April, 1951?

(b) How many officials and non-officials were involved in this seizure?

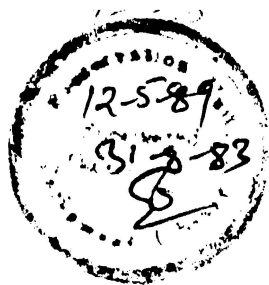
(c) What action is being taken against the offenders?

The Minister of Finance (Shri C. D. Deshmukh): (a) The total quantity of opium seized was nine maunds and seven seers.

(b) Five persons, all non-officials, were involved in the seizure.

(c) These arrested offenders have been sent up for trial in the Stipendiary Magistrate's Court Ajmer.

Wednesday, 1st May, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

Third Session

of the

PARLIAMENT OF INDIA

1950-51

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers.)

OFFICIAL REPORT

8344

8345

PARLIAMENT OF INDIA

Wednesday, 9th May, 1951

The House met at Half Past Eight of the Clock

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-30 A.M.

RESIGNATION OF SHRI BALWANT SINHA MEHTA

Mr. Speaker: I have to inform hon. Members that Shri Balwant Sinha Mehta has resigned his seat in Parliament with effect from the 5th May, 1951.

ELECTION TO COMMITTEES

COUNCIL OF INDIAN INSTITUTE OF SCIENCE

مولانا آزاد - جلاب مہن تحریک
کرتا ہوں کہ یہ ہاؤس ایسے طریقے
سے جو آنریبل اسپیکر تھرا دیں
ایک ممبر کے چلمے کی گارورانی انجام
دے۔ یہ ممبر اندرون انستی تھروٹ
آف سائنس بلنگور کی کونسل مہن
سنہ ۱۹۵۱ سے سنہ ۱۹۵۳ تک - جس
مہن یہ دونوں برس شامل ہیں -
پارلیمنٹ کی نمایندگی کریگا - اس
کا تعلق بلنگور انستی تھروٹ کی روائڈ
اسکیم کی دفعہ ۱۳ (۲) اور وبکولیشن
(۱) ۲ سے ہے۔

[The Minister of Education (Maulana Azad): I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, a Member to represent Parliament on the Council of the Indian Institute of Science, Bangalore, for the triennium 1951-53 (both years inclusive) in pursuance of the provisions of clause 14(ii) of the Revised Scheme for the administration and management of the properties and Funds of the said Institute and under Regulation 2(1) of the Regulations of the Institute."

Mr. Speaker: The question is:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, a Member to represent Parliament on the Council of the Indian Institute of Science, Bangalore, for the triennium 1951-53 (both years inclusive) in pursuance of the provisions of clause 14(ii) of the Revised Scheme for the administration and management of the properties and Funds of the said Institute and under Regulation 2(1) of the Regulations of the Institute."

The motion was adopted.

STANDING COMMITTEE FOR MINISTRY OF EXTERNAL AFFAIRS

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member from among themselves to serve on the Standing Advisory Committee attached to the Ministry of External Affairs for the unexpired portion of the financial year 1951-52, vice Shri V. Kodandarama Reddy, resigned."

Mr. Speaker: The question is:

"That this House do proceed to elect, in such manner as the hon.

[Mr. Speaker]

the Speaker may direct, one Member from among themselves to serve on the Standing Advisory Committee attached to the Ministry of External Affairs for the unexpired portion of the financial year 1951-52, vice Shri V. Kodandarama Reddy, resigned."

The motion was adopted.

STANDING COMMITTEE FOR MINISTRY OF DEFENCE

Shri Satya Narayan Sinha: I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member from among themselves to serve on the Standing Advisory Committee attached to the Ministry of Defence for the unexpired portion of the financial year 1951-52, vice Pandit Thakur Das Bhargava, resigned."

Mr. Speaker: The question is:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member from among themselves to serve on the Standing Advisory Committee attached to the Ministry of Defence for the unexpired portion of the financial year 1951-52, vice Pandit Thakur Das Bhargava, resigned."

The motion was adopted.

STANDING COMMITTEE FOR MINISTRY OF STATES

Shri Satya Narayan Sinha: I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member from among themselves to serve on the Standing Advisory Committee attached to the Ministry of States for the unexpired portion of the financial year 1951-52, vice Colonel B. H. Zaidi, resigned."

Mr. Speaker: The question is:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member from among themselves to serve on the Standing Advisory Committee attached to the Ministry of States for the unexpired portion of the financial year 1951-52, vice Colonel B. H. Zaidi, resigned."

The motion was adopted.

Mr. Speaker: I have to inform hon. Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees, namely:—

	Date for nomination	Date for election
(1) Council of the Indian Institute of Science, Bangalore.		
(2) Standing Committee for the Ministry of External Affairs.	10-5-51	14-5-51
(3) Standing Committee for the Ministry of Defence.		
(4) Standing Committee for the Ministry of States.		

The nominations for these Committees will be received in the Parliamentary Notice Office upto 12 Noon on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's room (No. 21) in the Parliament House between the hours 10-30 A.M. and 1 P.M.

Shri Rathnaswamy (Madras): Before we go to the legislative business, may I ask, whether in view of the importance and the serious proportions the question of abolition of communal G.O. has assumed in the Madras State, whether it would be possible for Government to make a statement on the issue?

Mr. Speaker: I think the better course would be for the hon. Member to have approached the Minister and ascertained from him whether Government thought it fit and proper to make a statement on the subject. I thought the hon. Member was trying to make some point in respect of the business coming before the House. It is very irregular to make requests without first informing the Chair about it.

REPRESENTATION OF THE PEOPLE (NO. 2) BILL

The Minister of Law (Dr. Ambedkar):
I beg to move:

"That the Bill to provide for the conduct of elections to the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt and illegal practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections, as reported by the Select Committee, be taken into consideration."

In the few observations that I propose to make in support of the motion, I wish to draw the attention of the House to the changes made by the Select Committee in the Bill and also to the changes proposed by some of the Members of the Select Committee in their minutes of dissent. The House will agree that the Bill is a very big one, extending to about 169 clauses. The Select Committee has made changes in various clauses of the original Bill and it is hardly possible for me to deal with every single change proposed by the Committee. I think it would be enough if I were to draw the attention of the House to the most important changes which have been made by the Select Committee.

So far as I see, I find that the Select Committee has made four important changes in the original Bill. The first clause in which important changes have been introduced is clause 7, which deals with the disqualifications for being chosen and for being a Member of Parliament or of a State Legislature. The House will recall that the clause as it stood originally had only three cases of disqualification in it. The first disqualification in the original Bill was founded on a conviction for an electoral offence, either connected with corrupt practice or an illegal practice. The second disqualification in the Bill was founded on a conviction for an offence enacted by the penal law of the country as distinguished from an electoral offence, for instance, an offence under the Penal Code or some other local criminal law. The third one was the disqualification which was founded on what might be called the actual serving of a sentence during the course of the election. That will be found in the original clause 7, sub-clause (2). And the fourth was failure to lodge election expenses in accordance with the law and within the time.

So far as these original proposals are concerned, the only change to which the Select Committee has made is with regard to the disqualification contained in sub-clause (2) of clause 7.

[MR. DEPUTY-SPEAKER in the Chair]

That provision the Select Committee has dropped. And the reason is this that the clause is unnecessary so far as a sentence is for two years or more. If the sentence is for less than two years the Committee felt that there was no necessity to enact a disqualification on that ground because, assuming that a man was elected to the House, it would still be necessary for him to obtain the permission of the House to absent himself beyond sixty days, which is the rule now, and if the House did not grant him the permission his seat might thereby be rendered vacant. On that ground the Committee felt that it was unnecessary to retain it.

To this clause 7 the Committee has added four new disqualifications which are very important. The first is that the holding of a contract with Government would, under the provisions now made by the Select Committee, be a disqualification. Secondly, the holding of a licence or permit from Government for dealing in commodities which are subject to control so far as their price or movement is concerned would also be a disqualification. Thirdly, the holding of a Directorship in a company in which the Government has a share or interest would be a disqualification; and fourthly, dismissal of a government servant for corruption. These are the four new disqualifications which the Select Committee has added to the original clause.

Now I come to the second change which the Select Committee has made. The House will remember that there was in the original Bill a clause which was numbered 35. The object of that clause was this. The clause intended to separate proceedings with regard to nomination from proceedings with regard to actual election. As hon. Members will remember, an election proceeding falls into two divisions. The first is the stage of nomination and the second is the stage of election. Under the law as it existed the provision was this that there was no finality to the proceedings with regard to nomination. There may be objections to nominations and yet the election could continue to its final course, and it is only when an election petition was filed for challenging the result of the election that it was open to any party who was a party to the election to raise the question before

[Dr. Ambedkar]

the Election Tribunal that the nomination paper of a particular candidate was wrongly admitted or that the nomination paper of a particular candidate was wrongly rejected. Then if the Election Tribunal came to the conclusion that either of the two grounds was well-founded it was open to the Election Tribunal to set aside the whole of the election. It has been felt by many persons who are interested in politics that that was not a very fair thing, to have the whole of the election gone through with the enormous amount of expenditure which various candidates would incur and then to be ultimately faced with this solitary single issue whether the nomination paper was properly admitted or rejected and then the whole election to be set aside. It has been felt that it was a very wrong thing and that it was desirable to sever the nomination proceedings from the election proceedings and that the election should proceed after the nomination proceedings have been finalised and made **conclusive**, so that no such issue could be raised before the Election Tribunal when the election was challenged. I personally felt that that point of view was a very good and a very sound one and that if it was possible we should treat the nomination issue as a preliminary issue, as civil lawyers call it, and have it disposed of completely and finally, so that we could then proceed to the real election and the challenge to the real election could be limited only either to corrupt practice or to illegal practice or to intimidation and cases of that sort in which the election was neither fair nor free.

Unfortunately the Committee did not agree with that view, although, as Members will see from the Report of the Select Committee, they expressed a great deal of sympathy with the provisions contained in the original clause 35. The Committee was greatly influenced by the fact that before the nomination proceedings could be deemed to have been concluded and finally settled it would be necessary for somebody to investigate whether the questions as to qualifications and disqualifications of a candidate were properly decided. The Committee felt that if the issue of qualifications and disqualifications of candidates were to be decided before the actual election starts the interval between nomination and election might be very long and the election might not take place as expeditiously as we would all wish it to take place. That was the governing factor which led the Committee to reject the provisions contained in the

original clause 35. Notwithstanding that, as hon. Members who have read the Report of the Select Committee would notice, the Committee has said that they like the provision, and, if during the passage of the Bill in the House it was possible to evolve some formula which would avoid that delay that Members feared would take place between the conclusion of the nomination proceedings and the start of the election, they would welcome such a provision. I myself have not been able to think of anything which I could at this stage put before the House. I am told that such a provision does exist in the Madras law which deals with the election of the District Local Boards. It was after a long time that I was able to get a copy of that and I have not had time to apply my mind to it. I therefore—speaking from my point of view—propose to keep this question rather open.

Then I come to the third change which the Select Committee has made and that relates to the Election Tribunal. First of all I may refer to the changes made in the personnel of the Tribunal. As the House will remember, the original provisions in the Bill said that District Judges, advocates of ten years' standing and subordinate judges might be regarded as eligible to act as Members of an Election Tribunal. The Select Committee has cut out 'subordinate judges'. They think they ought not be regarded as eligible for sitting on an Election Tribunal and they have added retired District Judges and retired and sitting High Court Judges as persons eligible for being appointed to an Election Tribunal. With regard to the two other matters relating to the Election Tribunal, namely, the constitution of the Tribunal and the question of appeal, the Select Committee has made no change, so that the Tribunal as originally provided would continue to be a Tribunal of two members, one Chairman and one Member. Similarly the provisions with regard to appeal will also continue. As the House knows, we provide no regular appeal at all. What is proposed is that if the two Members differ, there will be an automatic reference to the High Court.

Then I refer to the fourth change which the Select Committee has made and which, from what has happened recently, I think is a very salutary and a very important change. The House will remember, that in the original draft Bill the power to fill casual vacancies was left to the State Governments to decide. It was a matter left entirely within their power and within

their discretion. The Select Committee felt that the State Governments might not be very diligent in the matter of exercising these powers and casual vacancies might remain unfilled for a long time, depriving constituencies of their opportunity to have their representatives sitting in Parliament or in the State Legislature. The Committee has therefore decided that this power, instead of being left with the State Governments, should be vested in the Election Commission which has nothing to do with Parliament or with the State Legislature. It is he now who will fix the date of election; it is he now who will issue writs to the constituencies for holding the election and for sending their representatives. This I think is a very salutary change. These are the four important changes which the Select Committee has made in the Bill.

I will now proceed to deal with the changes proposed in the Minutes of Dissent. Analysing the Minutes of Dissent, I find that the Members who have subscribed to their Minutes of Dissent propose 10 different changes to be made in the Bill, as reported by the Select Committee. The first change is an alteration in the disqualification clause introduced by the Select Committee in sub-clause (d) of clause 7. This change is proposed by two members of the Select Committee, Mr. Gokulbhai Bhatt and my friend, Mr. Goenka. Among themselves they do not seem to be *ad idem*. Mr. Bhatt has no objection to the disqualification relating to holding of a contract to continue as it is. His only objection is to the holding of licences or permits, but my hon. friend, Mr. Goenka objects to both. As I said, these provisions did not exist in the original Bill; they were introduced by the Select Committee. I do not mind giving to the House my own personal reactions to these additional provisions. The first thing I feel is that there is no doubt that the clauses, as worded in the Select Committee draft of the Bill, appear to be somewhat severe. I personally feel that we could make a distinction between disqualification for being chosen and disqualification for continuing to be Members of Parliament. We ourselves have been making that distinction. I do not quite understand what difficulty or political injustice can arise if we said that while persons holding a contract from Government or having a licence from Government are free to stand as candidates for election they would become disqualified for continuing to be Members of Parliament. I cannot see any difficulty in making a provision of this sort. In other words, we may permit a

holder of a contract or a holder of a licence to stand as a candidate. After he has been elected, he may be presented with this alternative, either he gives up his contract and continues to be a Member of Parliament or he decides not to be a Member of Parliament and continues his contract....

Pandit Maitra (West Bengal): Which ever is more profitable!

Dr. Ambedkar: Whatever it is, my point is this. I think it would be too much to say that none of these people shall be entitled to stand as a candidate. There may be something in the argument that they should not continue to be Members of Parliament. I think we could make that change.

Shri Sidhva (Madhya Pradesh): Has Government any view on this?

10 A.M.

Dr. Ambedkar: In course of time Government's view will be known. With regard to the other question of licences and so on, no doubt a great agitation is going on in the country by the business community that if this clause stood as it now stands in the draft Bill of the Select Committee, the whole of the business community would be disfranchised from playing its part in Parliament, I mean in the political affairs of the country. I am sure that we do not want to bring about such a result. Every section of the community should have an opportunity of taking part in the politics of the country, of coming into Parliament, placing its points of view, modifying legislation in any way it thinks it ought to be. Parliament ought not to be a sectional body, representing any particular class or any particular group or any particular community so that the point of view of all others goes un-represented. I think that would be a very unfair thing; it would be a disservice to Parliament in my judgment if such a thing happens. At the same time, I am quite clear in my mind that while the business community should have a fair opportunity to influence politics and to come into Parliament, we do not want Parliament to be converted into a Stock Exchange.

Pandit Maitra: They are already dominating.

Dr. Ambedkar: Another thing that we must bear in mind, and which I think goes to the root of the matter is that our Parliament and our Electoral law should be so constituted that the independence of the Members of Parliament as against the Government must be scrupulously observed. There can be no use in a Parliament if we adopt a system which permits the Govern-

[Dr. Ambedkar]

ment to corrupt the whole of the Parliament either by offering political offices or by offering some other advantages. If a Parliament cannot act independently without fear or without favour from the Government, in my judgment, such a Parliament is of no use at all. Therefore, while it is necessary to permit every class of people to come into Parliament and to play their part, you must at the same time place some safeguards whereby Parliament will not be converted into a sort of what I might call chorus girls who would be saying always ditto to what the Government say.

Shrimati Durgabai (Madras): Why girls?

Dr. C. D. Pande rose—

Mr. Deputy-Speaker: What is it?

Dr. Ambedkar: My point is, as I said, we have to sail within two limits. One limit is this: that our electoral law should not be such as to deliberately shut out any particular section or any particular community. The second limit is this: the electoral law must be such that it would maintain an amount of freedom in Parliament. Within these two limits, anybody who has any suggestion to make with regard to the improvement of the provision relating to this particular disqualification will have my sympathetic hearing.

Mr. Deputy-Speaker: Is there any provision regarding political jobs? The hon. Minister was saying that political jobs or contracts ought not to be allowed to corrupt Members of Parliament.

Dr. Ambedkar: To that point, my reply is this. I wish very much that we adopted the principle of the British law where there has been a definite limit laid down to the number of Ministers, Parliamentary Secretaries, Ministers of State, and so on. I hope some day we shall be able to pass legislation of that kind so that Government will not be in a position to increase its supporters by offering political jobs such as Ministers and Deputy Ministers and Parliamentary Secretaries to anybody in the House. This matter.....

Seth Govind Das (Madhya Pradesh): Why not have those provisions now?

Dr. Ambedkar: That cannot be done; that is a matter dealing with Ministerial affairs. I do not know; perhaps, you may remember that this

question was considered at the time when the Government of India Act, 1935, was made. One proposal was...

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): That was by a foreign Government.

Dr. Ambedkar: Wisdom is wisdom whether it comes from inside or outside the country.

Pandit Munishwar Datt Upadhyay (Uttar Pradesh): Are you in agreement with this?

Dr. Ambedkar: Yes; I said so. I remember when the Government of India Act, 1935 was framed, this very question was raised whether we should allow the Prime Minister.....

Pandit Thakur Das Bhargava (Punjab): Article 102 is already there; every body holding an office of profit is disqualified.

Dr. Ambedkar: We have limited that. If anybody becomes a Minister, he ceases to come under that disqualification. I do not want to go into that now. This question apart, I shall answer the query that you put.

Shri Sidhva: Why not incorporate all those things here?

Dr. Ambedkar: I cannot do all sorts of things in this Bill.

Shri Kamath (Madhya Pradesh): You were referring to the Government of India Act, 1935. What was it?

Dr. Ambedkar: I said about the Government of India Act, 1935, because I had been at the Round Table Conference where this very question was raised namely, whether it was necessary to put a limit on the number of Ministers that could be appointed. The point there was that it might be possible for the Ministry to so expand as to have a large number of people in the Ministry so that the House may be disabled. There were two proposals made. One proposal was that a maximum number should be fixed in the Act, that not more than a certain number of persons could be appointed as Ministers. The second proposal was—I do not know whether the Members would like it or not—to fix a maximum salary for the Ministry as a whole, so that, if they wanted to expand, they could do so by dividing the spoils and lowering the share of each one. Neither suggestion was adopted and it was left to the good sense.....

Seth Govind Das: We can have both.

Pandit Munishwar Datt Upadhyay: Could you limit the number of Ministers under the Constitution?

Dr. Ambedkar: The House can.

The Minister of State for Transport and Railways (Shri Santhanam): It cannot; please read the Constitution.

Dr. Ambedkar: I am very sorry; I should think that we can. There is nothing in the Constitution to prevent that. All that the Constitution says is that there shall be a Council of Ministers to advise the President. It does not say how many Ministers there will be.

Shrimati Durgabai: On a point of order, Sir.....

Mr. Deputy-Speaker: The hon. Member is on a point of order. Will the hon. Minister give way?

Shrimati Durgabai: On a point of order, Sir, may I know whether the hon. Minister is making any insinuation against the Government that whenever they appoint more Ministers or Deputy-Ministers they are appointing them only to disable the House?

Dr. Ambedkar: I am replying to the Chair. I wanted to drop the thing; it was Mr. Kamath who wanted me to say something.

Mr. Deputy-Speaker: I do not think there is any insinuation.

Dr. Ambedkar: I hope my hon. lady friend is not intending to create bad blood between myself and the Ministry.

I come to the next question. The second proposal is that the Princes should be declared to be disqualified for being chosen as Members. The point is made by my hon. friend Mr. Raj Bahadur—I hope he is here—and his friends.

Shri Raj Bahadur (Rajasthan): I am here.

Dr. Ambedkar: Mr. Rama Rao has appended a separate minute of his own. The ground which has been urged by Mr. Raj Bahadur and his friends is that the Princes are holders of Office of profit. It seems to me that if that contention is correct, it is not necessary for us to introduce any kind of clause in this Bill at all, because the Constitution itself lays down in article 102 that holders of offices of profit shall not be eligible for being Members of Parliament. If his contention is that they are holders of office of

profit, they automatically come under article 102 of the Constitution. It has laid down this disqualification which this Parliament can neither amend nor enlarge. The only thing he can do is to act under article 103 which says that if any person who is a holder of an office of profit is a Member of Parliament, the matter may be referred to the President and the President shall after obtaining the opinion of the Election Commission, give his decision according to such opinion. To take a concrete case. Suppose any particular prince—I think they call them princes—is elected to this House or to any Chamber of the State Legislature, all that is necessary to do, if my friend is correct, is to apply to the President saying that he is a disqualified person and so cannot take a seat in Parliament. Therefore, on his own argument it is unnecessary to introduce any clause for the purpose in this Bill. It is for him to say whether his contention that they are holders of offices of profit is correct or incorrect. On that subject I do not propose to express any opinion now.

Shri Sidhva: They get a sort of pension.

• **Dr. Ambedkar:** There is vast difference between pension-holders and these cases.

Shri Hussain Imam (Bihar): What about Government pensioners? Are they holding offices of profit?

Dr. Ambedkar: I do not wish to be dragged into this aspect of the matter. The point is very simple. The question is whether if they are holders of offices of profit, they are disqualified. If that be so, the disqualification is there under article 102. You have only to refer to the provisions of article 102 and get the person removed from Parliament.

Shri Raj Bahadur: It is a case for the lawyers again.

Dr. Ambedkar: Why not? The hon. Member is himself a lawyer. Why should he shut himself out?

Shri Shymnandan Sahaya (Bihar): Cannot the matter be raised before the Election Commission?

Dr. Ambedkar: It is unnecessary to go to that length. The remedy is very simple, as I have already explained.

Well, then. If my friend's contention is that the holding of an office of profit is not a good ground for disqualifying them, then the House in enacting a provision for disqualifying them must, of course, have some justi-

[Dr. Ambedkar]

fication. Referring, for instance, to the composition of the House of Commons it may be pointed out that the clergy of England are disqualified for being members of the House of Commons. Similarly a person holding a peerage which entitles him to sit in the House of Lords is a disqualification for being a Member of the House of Commons. Now, in both these cases there is ample justification why they are disqualified. If my friend were to study the history of the case, he will know that the clergy were disqualified by the Act of 1801 because it was felt that under the Protestant Revolution when the State became the head of the Church or when the Church and the State became one—what are called advowsons—that is to say, churches where service is offered and payments made, these became a sort of gift in the hands of the State and consequently it was felt that churchmen and priests were holders of offices of profit and therefore they must be disqualified. With regard to members of the House of Lords being disqualified from being members of the House of Commons, there again the justification is quite obvious, namely, that a person cannot be a member of two Houses. This is the principle which we have also embodied. Therefore the disqualification of these two classes of people, although it exists in England, is founded on the two justifications which I have given. If my friend could suggest some justification other than the ground of office of profit, it would be open to consider whether such a justification is valid here.

Dr. Parmar (Himachal Pardesh): Can the Princes not be excluded on the ground that they are political pensioners?

Dr. Ambedkar: I do not know why political pensions should be regarded a disqualification. Of course, as hon. Members know, Dr. Johnson, the author of the first English Dictionary, defined a political pensioner as a slave of the Government. But he himself subsequently accepted a pension from government. It is no use being too logical.

Dr. Parmar: Are political pensioners debarred from the House of Commons?

Dr. Ambedkar: No, only Peers and lunatics, as they used to say in the days of the Reforms.

The third point raised in the Minutes of Dissent relates to the reservation of seats to the Scheduled Castes in double-member constituencies. This point is dealt with at considerable

length by Mr. Sarangdhar Das and Mr. Rama Rao. It seems to me that this matter has already been concluded by the Representation of the People Act of 1950 which this House passed last year. A reference to section 6, sub-section (2), clause (d) of that Act would show that the House left this matter for the President to decide in an appropriate case. I therefore, do not think that we can do anything now, unless we go back and amend that Act.

Apart from that, I should like to draw the attention of the House to certain considerations which have prevailed upon the Government in making the sort of reservations which have been made. I think it necessary to draw a distinction between what may be called a reserved constituency and a constituency in which a seat is reserved. I think these are two very different things, and the question that has to be considered is what was the intention, whether it was to adopt the system of a reserved constituency or a system of a constituency in which a seat is reserved. There again, it seems to me, if you refer to the intentions of the Constituent Assembly, the matter is more or less concluded. The first point is this. Our friends will remember—I shall refer to it presently—that the Constituent Assembly passed a Resolution in favour of what is called distributive voting. Now, my submission is this. Would there have been any necessity to pass a Resolution regarding distributive voting unless it was the intention of the Constituent Assembly that the constituency should be one in which a seat is reserved? If the intention was that it should be a reserved constituency, no such question would have arisen, because the system of one man, one vote, would have applied. Secondly, although the Constitution does not expressly make any reference to this matter, the intention of the makers of the Constitution and of the Constituent Assembly appears to be clear by a reference to article 332, clause (5). My friend Mr. Chaliha must be very familiar with that article. The House will recall that a contention was raised whether a constituency should be reserved for the tribal area so that in that area only a tribal candidate would stand. On the other side the question was raised that if a constituency was so framed that only a tribal candidate could stand, the rest of the non-tribal people would be completely disfranchised. And that was not a desirable thing, the Assembly decided. Consequently in passing article 332 (5) they made the special provision that

if such a thing was to be done, then certain areas in which the non-tribal people were concentrated should be separated and given separate representation. I therefore conclude, from the fact that the Constituent Assembly supported distributive voting and from the fact that there is a provision in article 332, clause (5), that the intention of the Constituent Assembly was that the system to be ordinarily adopted is the system of a seat being reserved in a constituency. It was on this construction of these provisions that the Representation of the People Act, 1950, contained the provision which is embodied in section 6, subsection 2, clause (d).

With regard to the question of distributive voting, there again both my friends Pandit Kunzru and Mr. Das have expatiated at considerable length on the vicious character of this system. As I said, it is quite open to argue that the cumulative system is better in that it enables minorities, social or political, to muster their strength and have their representative elected to the House. As I said just now, we have not got a clean slate to act upon. As my friend will remember this matter was discussed in the Constituent Assembly and a motion was moved by no less a person than the late Sardar Patel, in which he proposed that all special representation for all minorities, such as the Muslims, Christians and so on, shall be abolished and that they shall be retained only for the scheduled castes and scheduled tribes, and wherever a seat is reserved in a constituency for these two classes the system of voting shall be distributive voting. That resolution was accepted by the Constituent Assembly. No doubt there was a certain amount of debate on that question but ultimately the decision of the Assembly was in favour of distributive voting. It seems to me that our Parliament must pay some special regard to the decisions of the Constituent Assembly, because, after all, it is from the Constituent Assembly that we have derived our power and authority. Certain decisions taken by the Constituent Assembly we have got in our Constitution, certain others which we could not embody in our Constitution remain outstanding. It does not mean that because we have not embodied those decisions in the Constitution we are not to pay any regard to them. Therefore it seems to me that whatever may be the view-point on the subject—I do not deny that there is some validity in the contention of the other side—I think personally that the matter must be regarded as concluded. It would

of course be open to the House to take any step they like, if as a result of experience in the next or subsequent elections they find that the system is not a good one and ought to be substituted. But for the moment the decision of the Constituent Assembly must stand.

The fifth point raised is the declaration of the results. That is also raised by my friend Mr. Sarangdhar Das. If I understand him correctly—he will correct me if I am wrong, for it is not quite clear to me—what he wants is that the results of the election should not be announced piecemeal, constituency by constituency, or province by province, but that all results should be announced on the same day. I take it that he has no objection to counting the votes piecemeal, constituency by constituency, and making the record of it complete. There is a difference between counting and announcing....

Shri Gautam (Uttar Pradesh): Counting is done in the presence of the candidate.

Dr. Ambedkar: Yes, of course. Those provisions are there. The only question is as you finish your counting for the constituency, will you publish the results in the gazette or will you wait until all the counting has been done in all the constituencies and the result is announced in a consolidated form in one issue of the Gazette.

Seth Govind Das: What would be the use? Will it not be published in the various newspapers? (*Interruption*)

Dr. Ambedkar: I want to understand his minute of dissent. His argument seems to me, and it is not unsound, is that people after all are carried away by what is called the herd instinct. If people had voted in one way in one constituency other people like to do so in their own constituency. It is a psychological point. He felt that if the result of the election in one constituency was announced, which was unfavourable to any particular party, then the other constituency also might say "Our neighbours have voted in one particular way and why make an experiment of voting in some other way. Let us vote in the same way."

Seth Govind Das: When the counting will take place in the presence of the candidate it would be known to all newspapers and how will you be able to withhold the result?

Dr. Ambedkar: You cannot. As I said no electoral law can be either

[Dr. Ambedkar]

foolproof or knave-proof. All sorts of loopholes will remain.

Shri Sarangdhar Das (Orissa): I had put in the minute of dissent and I have also given an amendment, because there is a possibility of having the general election in some of the States, whereas other States are not ready with their electoral rolls and would like to have the elections some-time later. That is why I want that the results of the earlier elections should be held over until the later elections are over and all the results are announced simultaneously.

Dr. Ambedkar: I was only trying to understand him, because his minute deals with that in a few sentences. No doubt the matter will be considered, because there is something to be said for the point of view he has urged.

Mr. Deputy-Speaker: It does not affect any individual election.

Dr. Ambedkar: It does not. I am only making a distinction between counting and announcing which is really the important thing.

Shri Naziruddin Ahmad (West Bengal): The counting will be public and the result will be known and published in the papers.

Dr. Ambedkar: As regards counting it is there in the rules. Then there is this ticklish question of the use of conveyances. The Bill does not permit the candidate to employ cars or other means of transport for conveying his voters but it does permit the voter himself, if he has got a car, to use it for the purpose of going to the polling booth and registering his vote.

Seth Govind Das: Can a voter hire a car?

Dr. Ambedkar: He may if he wants to pay, but our friends are rather worried over this. They say that it is perfectly possible for a candidate to circumvent this provision by putting a few pieces of money into the hands of the voter and say "You hire the car and I pay for your conveyance. Come and vote for me." Therefore they say this provision would be nugatory. I do not deny the possibility of such circumvention but the question we have to consider is whether this provision will be circumvented on such a large scale as altogether to nullify the provisions of this particular section. My reply is that it would not be so possible. That is my view. On the

other hand, we have to take into consideration two other factors—I shall be very frank about it. We are making provision for our polling booths to be within two or three miles of each village. In that event perhaps it is not necessary to use a car at all. On the other hand, there is also the fact that there are many people who have got a right to vote, who are willing to vote, but who on account of their old age are not able to walk to the polling stations. There are many people who are lame or who have some kind of a physical disability which prevents them from going to the polling booths on their feet.

An Hon. Member: Such as ladies.

Dr. Ambedkar: Well, I do not know. If you say ladies, yes,—women in India walk and therefore I am not concerned with them.

Dr. Deshmukh (Madhya Pradesh): What are our sisters in this House, ladies or women?

Dr. Ambedkar: I shall leave it to them to answer.

Therefore, as I said, in determining this question we have to take into consideration these various factors. One is this that our polling booths will be much nearer than they used to be. Secondly, there may be a good many people who on account of their physical disability will not be able to go to the polls. Are you going to deny altogether any kind of physical aid by way of transport to such people to go and register their votes?

Shri J. R. Kapoor (Uttar Pradesh): Make an exception in their case.

Dr. Ambedkar: As I said, I am not concluding the matter by expressing any dogmatic opinion. I am putting both sides of the question before the House. It is for the House to determine. Personally, I do not mind if transport is completely stopped; anybody who wants to vote may go on foot and vote. But we have got to consider this question that there are a large number of people who may not be in a position to go and we must make some kind of a provision for them.

Then I come to another point which is very important: obtaining of assistance from Government servants in the elections. That point is raised by Mr. Gokulbhai Bhatt and also, I believe, by my friend Mr. Khandubhai Desai. I cannot help saying that this is a very important provision and in considering this the following points, I think, require attention. We must

make a distinction between the right to vote and the right to take active part either in forming a political party or in helping an existing political party. So far as the right to vote is concerned, nobody in this country is denied that right; neither the Government officers employed in the civil services nor the military personnel have any impediments placed in their way in the matter of exercising their right to vote. The only question that arises for consideration is this, whether they should be permitted to form an association of themselves for the purpose of starting a political party or helping any particular political party. It seems to me that to allow the civil or military servants of the Government to take part in party politics is nothing short of sowing the seeds of subverting the Government. That point can never be forgotten, it seems to me. If our Secretariat servants were allowed to form a political organisation as against the existing Government or in favour of some other Government that they wish to bring about, what would happen to the administration? Could they be expected to be loyal to a Government which they intended to overthrow by their political activities? It seems to me the whole administration will come down to pieces. Secondly, it must be remembered—and I emphasise it because I find that it is not generally remembered as it ought to be—that whether the political part of the Government, the Ministers and so on, is partial or impartial or whether they side on one side or the other is a matter of small moment. What is of importance is the impartiality of the administration. The administration, in my judgment, is far more important than Government as such. And supposing the administration was permitted to associate itself with political parties, would the administration be impartial? Would they not favour those who work with them and disfavour those who do not work with them? What would happen to the administration? Therefore, I am very strongly opposed to the suggestion made by my friend, Mr. Khandubhai Desai or by Mr. Gokulbhai Bhatt that the administration should be permitted to take part in politics or to help any particular candidate by holding meetings for him, for canvassing, for collecting funds, and this, that or the other. I think it is absolutely subversive of civil and military government.

श्री भट्ट : हमारे मुझाब का यह

मतलब नहीं है।

[Shri Bhatt (Bombay): That is not the idea behind my suggestion.]

Shri Khandubhai Desai (Bombay): You were not replying to my minute regarding the activities of ordinary employees of Government in support of any candidate.

Dr. Ambedkar: I thought you were dealing with it generally, but if you were to move an amendment then the matter will be debated at a later date. I have plenty of material on this subject and I think I shall be able to satisfy the House on this point.

श्री भट्ट : मैं ने जो सुझाया है वह अफसरों और एडमिनिस्ट्रेशन की पोस्ट वाले आदमियों के लिये नहीं है लेकिन मालूमी काम करने वाले छोटे लोग हैं, जिनको छोटे कर्मचारी कहते हैं, उनके लिये कहा है।

[Shri Bhatt: What I have suggested does not concern the officers and persons holding administrative posts but only the ordinary run of employees known as the officials.]

Dr. Ambedkar: It is very difficult to make a distinction between मामूली कर्मचारी and बड़े कर्मचारी.

There is one other question and that is with regard to the use of symbols. The Select Committee has decided that religious and national symbols shall not be used. Our friend, Mr. Das, and then Mr. Man and Dr. Syama Prasad Mookerjee differ. Mr. Das is in favour of the provision but he wants to extend it. He said that there might be colourable imitations of the prohibited symbol and since they were only colourable and not actual it might be possible for members of the political party to get round this particular provision. Well, as I said, I do not know whether I can find any suitable words to prohibit colourable imitation. I have not as yet found any suitable expression to overcome that difficulty. Our friend, Mr. Man, and Dr. Syama Prasad Mookerjee object to it. They say symbols should be permitted,—the Hindu Mahasabha should have its Bhagwa flag, the Akali Party should have its own flag to carry on the election campaign. I think that the provision in the Bill as reported by the Select Committee is a very sound one, because I think that elections ought to be conducted on issues which have nothing to do with, for instance, religion or culture. A political party should not be permitted to appeal to

[Dr. Ambedkar]

any emotion which is aroused by reason of something which has nothing to do with the daily affairs of the people.

Shri Kamath: What about political emotion?

Dr. Ambedkar: Political emotion—enthusiasm—is all right, but I think that any emotion other than political emotion should not be permitted. Therefore, this is a good provision and the suggestions made are unacceptable to me.

Then I come to the last point in the Select Committee's Report which I know has caused a great deal of heart burning, i.e. with regard to the return of election expenses—what expenditure must be included in the return? Mr. Goenka who has raised this matter in the course of his minute of dissent says that if the clause stands as at present, a political party will not be free or entitled to spend money on elections and he thinks that that is a situation which ought not to be allowed. The political party should be permitted to spend money on elections, which a candidate—and this is the most important part—need not show in his return of election expenses. The last point that the candidate need not show is most important. It seems to me that his contention is founded on a misunderstanding of what is meant by election expenses. Since the Select Committee reported, I have myself gone a great deal into the cases which have been decided by the Election Tribunals in England over a long course of years, and I would like to give to the House some of the results arrived at by the Election Tribunals in England. In considering this question, the first point that has to be borne in mind is that we are dealing with 'election expenses' and we have to understand very clearly what is meant by 'election expenses' of a candidate. Election expense means 'expense incurred during a period beginning from the commencement of the election and ending with the conclusion of the election'.

Shri Kamath: Does commencement mean nomination or polling?

Dr. Ambedkar: I am coming to that. It may be before that.

Therefore, we must bear this in mind—that the phrase 'election expense' has reference to a definite period, namely, the period commencing from the beginning of the election and the period ending with the conclusion of the election. Any expense incurred by

anybody before the commencement of the election is not election expense.

Shri Kamath: What is the commencement—nomination or polling?

Dr. Ambedkar: I am coming to that. If you will let me proceed, I shall explain. I have spent some considerable time and taken considerable trouble over this, because I myself wanted to understand it.

Mr. Deputy-Speaker: Is there any such restriction in the body of the Bill?

Dr. Ambedkar: No such thing, but I am talking about the judicial interpretation of the phrase 'election expense'.

Mr. Deputy-Speaker: Does that mean 'all expenses in anticipation of the election'?

Dr. Ambedkar: The emphasis is on the word 'election'. Election means an event which has a beginning and an end. Therefore, what I am saying is that we are only concerned with expenses incurred on an election which has a beginning and an end.

Shri Kamath: Everything has.

Dr. Ambedkar: Some things probably have not. Some things are *sanatan*—they have no beginning and no end. But election is not *sanatan*. Having regard to this fact, any expenditure incurred before the commencement of the election, whether it is incurred by the candidate or whether it is incurred by the political party, does not come within the meaning of election expenses. A political party may be free to spend any amount of money before the election commences, because that would not be part of the election expenses. After the conclusion of the election, a political party or a candidate may do anything. A candidate, after he is elected, might invite people, subject of course to the food regulations, to a dinner in the Imperial Hotel. That is not part of the election expense. Therefore, barring these two things, a political party is free to incur any expenses. That is not barred by this clause.

Shri Sidhva: What about 'during elections'?

Seth Govind Das rose—

Dr. Ambedkar: Do not cross-examine me. Let me go on. If you have a complete idea of what I have to say, you will probably have no questions to ask at the end.

Now, I come to the point raised by my hon. friend Mr. Sidhva about the expenses during the event of elections. Let us examine the situation in a very concrete way, not theoretically. What happens when an election is on? Two things may happen. One is that there may be political meetings or political lectures.

Shri Sidhva: Also political pamphlets.

Dr. Ambedkar: I am coming to that separately. I am taking each case by itself. First let us consider political meetings and political lectures. I think everybody will agree that these political meetings and political lectures could be divided into two classes. Political meetings and political lectures may be intended for the advancement of the political principles of a particular party without reference to any particular candidate. The Conservative Party may come and say, "Well, we believe in property. We believe in freedom of industry and things of that sort," without any reference to any particular candidate. On the other hand, there may be political meetings and political lectures for the specific purpose of advancing the candidature of a particular individual. So far as judicial decisions are concerned, expenditure incurred on political meetings and political lectures which are not centred round the idea of promoting the candidature of any particular individual is not part of the election expenses. Therefore, a political party would be free to go to any constituency; organise meetings or a series of lectures; send lecturers for the purpose of propagating its principles and faith, without mentioning names. On the other hand, as I said a meeting may be organised in which the intention is to win over the voters to the side of a particular candidate. Then obviously, it is part of the election expenses. I have now given you the line which should be drawn between expenses which are part of the election expenses and expenses which are not part of the election expenses.

Seth Govind Das: Very confusing.

Dr. Ambedkar: Yes, it is very confusing. You want a straight line, but you cannot have it.

Now take the other case—for instance the issue of books, pamphlets, posters and things of that sort. There again, you have got to make some sort of a distinction. Books, pamphlets, posters, etc., which are for the purpose of propagating the principles of a party are not part of election

expenses and need not be shown in the return by the candidate. On the other hand, if there is a book saying "20 points in favour of Mr. so and so—why he should be elected" or if a poster is put out giving the photograph of the candidate, giving below something in praise of him and recommending him to the electorate, obviously that is in furtherance and advancement of his election. Therefore, expenditure on that would be expenditure chargeable to the election and should be mentioned in the return of election expenses.

I am giving the results of the election petitions tried by the various tribunals in Great Britain. This is the distinction that they have drawn. Anything which does not promote or advance the election prospects of any particular candidate is not part of the election expenses and therefore free to be incurred by anybody, whether a political party, a philanthropist, friend or anyone who wishes to take interest in this matter. These are, as I said, the guiding principles which the various election tribunals in England have laid down for the purpose of determining what expenditure is chargeable as election returns and if our election tribunals follow the same rules, there is more than enough room for political parties to spend their money in furtherance of their political faith. If they do something for the special benefit of any particular candidate, then, of course, that becomes part of his election expenditure and must be shown in his return of election expenses. Sir, I think I have exhausted all the points which arise from the report of the Select Committee and the Minutes of Dissent that have been recorded by hon. Members.

Shri Satish Chandra (Uttar Pradesh): What about the duration of election? What will determine the commencement and the conclusion of the election?

Dr. Ambedkar: The courts have held that no doubt polling is one fact which is the other end of the election—the election has concluded.

With regard to the commencement of the election, courts have said that it is a question to be determined by fact.

Ordinarily, if there is nothing to the contrary, then the date of nomination would be the date of the commencement of the election. But they say it is perfectly possible for a candidate long before the election takes place to publicly announce that he is going to be a candidate. He may not only announce, but may incur some expendi-

[Dr. Ambedkar]

ture in order to steal a march over some other candidate. If that is so, then the date on which he has announced himself publicly as a candidate shall be the date of commencement of election in his case.

Dr. C. D. Pande (Uttar Pradesh): Then everybody will have his own date.

Dr. Ambedkar: I suppose so. Sir, that is all that I have to say.

Mr. Deputy-Speaker: After the Minister's statement today nobody will announce his candidature openly.

Shri Sondhi (Punjab): There are some people who have already announced it in Delhi—what about them?

Dr. Ambedkar: I have nothing to add to what I have said and I commend the motion to the House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide for the conduct of elections to the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt and illegal practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections, as reported by the Select Committee, be taken into consideration."

I was the Chairman of the Select Committee on this Bill, and as such, may I make a suggestion for the consideration of the House. There is no one single principle running through the whole Bill. There are various points dealt with in different clauses to which the hon. Minister for Law referred. Therefore, to cut short the discussion on this Bill—if the House is agreeable,—I will put the consideration motion to the House and then the real discussion will begin on the clauses.

Some Hon. Members: No, no.

Shri Sidhva: I think it is a healthy suggestion that you have made.

Shri Gautam: It will be very difficult for the House to decide whether there is some connection between one clause and the other. If you introduce this, then the tyranny of the majority will start not today, but tomorrow. Therefore, as protector of the privileges of this House, and especially of the minorities, I would request you not to introduce this novel procedure.

Mr. Deputy-Speaker: Let me not be misunderstood. I have nothing to say against the majority or the minority. I have only made an appeal to the House, irrespective of the question of majority or minority.

Shri Kamath: It is a very gratifying to hear Mr. Mohanlal Gautam talk of the interests of the minority.

Mr. Deputy-Speaker: At any rate, I hope Members will bear my observation in mind and try to conclude before the end of the day.

Shri Gautam: I congratulate the Government for introducing this Bill, although after a long time. There is a general impression in the country and also outside created by the opponents of the Congress and other interested parties that the Congress does not want to hold the elections. I think the Government has got its difficulties; the Provincial Governments have got their problems. But I can assure you of one thing and that is that the Congress as a political party has never been in favour of delaying the elections.

11 A.M.

We do not want to delay the elections because we are afraid of them. We want them to be completed as soon as possible. There are certain difficulties which have prevented Government from holding the elections earlier. There is in some quarters a lurking suspicion that the elections might be delayed a little further. I, Sir, would request Government that the elections must be held according to the schedule in November-December as announced by the President in his address to this House and no further delay should be brooked. I will not take the time of the House lest the impression be created that the discussion is being prolonged so that it may take some time to pass the Bill and the elections may not be held according to the scheduled time. I would not have spoken if some of the important provisions were not there which make the elections absolutely difficult for any honest man in this country. I would take only a very few points. Just as the mover of the Bill, Dr. Ambedkar, remarked, the distinction between one part of the election and another part of the election is not a straight line. He has quoted some decisions of the courts or Tribunals from U.K. with the result that the ordinary voter and the ordinary candidate may come to the conclusion that even after the elections this Bill will give enough scope for the lawyers to put him to so much of litigation that the poor man may with-

draw his" candidature from the very beginning. It is said, and rightly said, that some of our enactments are a paradise for lawyers and I take this to be one of them. I will take a few important clauses one by one.

The first is Chapter III, Disqualifications, clause 7. One of the disqualifications runs as follows:

"A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State—if, whether by himself or by any other person 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 Government of India or the Government of any State;"

I have got every sympathy, and I am roughly in agreement with the sentiments expressed by Dr. Ambedkar that persons who can corrupt the Government should have no place in the Parliament. I agree with him and I entirely endorse his remark. But this is not exactly the thing that will come out of this clause. During these days when you have got the Essential Supplies Act and the Government is imposing all kinds of restrictions on movements and prices of various articles, it is practically impossible not only for the business community but for others also to get out of the clutches of this provision. I would be glad if a clear enunciation is made or if a list is prepared and if the Government or any Committee is given the powers to exclude certain classes of people who might not be able to do justice to the task of being Members in this House. I would agree to that. But to impose a clause like this without any clear definition would lead us to litigation of an amount that we may not be able to visualize just now. I have not been able to grasp the full implications as to how many people will be excluded from contesting the elections if we keep this clause in the Bill. In spite of the fact that I endorse the view of the mover that people who will not be able to do justice to the work of the Parliament and who are liable to corruption should not be Members of Parliament, I am afraid that this clause will not serve its purpose. There are methods and methods of corruption. There are *namī pattas* and *bināmī pattas*. There may be Ministers, there may be Members of Parliament who may be getting benefits from these

people without letting anybody know what they are doing. Therefore people can get benefits from sources and still may not allow the world to know about it. We will have to depend mostly on the standards of morality that our average man acquires. Democracy will not be a success if our moral standards go down. Therefore I would very humbly request the mover of the Bill to consider this and change the provision in such a way that harm may not be done to the honest people.

Then there is the other sub-clause (d) (ii), namely:

"or he holds a licence, permit or authorisation of a like nature issued by the Government of India or the Government of any State under a law regulating the supply, movement or price of any goods for the purpose of trading in such goods".

I do not know to what extent it will apply to the ordinary persons who are not exactly traders. Suppose a good and competent doctor like Bidan Chandra Roy wants to inject some medicine or do some surgical operation and he gets a licence from Government for some medicine which is not available here and injects it to a patient of his. Do you mean to say, Sir, that he cannot contest the elections and that he cannot stand as a candidate for any Legislature simply because as a competent doctor he gets a licence—although the kind of licence that is visualised in this clause does not apply to Dr. Bidan Chandra Roy? Then there are newspaper men who get licences for newsprint because they can get it cheaper from other countries. There are so many other examples that can be enumerated, but I will not take the time of the House. (Interruption). The sub-clause reads:

"if he holds a licence, permit or authorisation of a like nature issued by...Government...under a law regulating the supply, movement or price of any goods for the purpose of trading in such goods".

If the lawyers are trading on the people and there is some regulation on the 'movement or price' of any trading like that, lawyers may be included, but it is for my lawyer friends like Pandit Thakur Das Bhargava to take up that point. I have never been a lawyer in my life.

Mr. Deputy-Speaker: No lawyer can trade; he will be debarred when he begins to trade.

Shri Gautam: Perhaps my friend Pandit Thakur Das Bhargava is of the

[Shri Gautam]

opinion that they are trading in human beings.

Pandit Krishna Chandra Sharma (Uttar Pradesh): They are dealing with human beings.

Pandit Thakur Das Bhargava: How do you come to know that this is my opinion?

Pandit Krishna Chandra Sharma: He has divined.

Shri Gautam: Sir, as I was speaking my friend interrupted me and I heard or misheard him—I do not know.

The next one is:

"if he is a director or managing agent of, or holds any office of profit under any corporation...etc."

To this I would say that there is already a clause and the reason for this additional clause has to be explained. As **Shri Raj Bahadur** says this provision is already there and therefore the necessity for having it included here is yet to be explained. That will lead to litigation further. Therefore these provisions in this disqualification clause are such that they may prevent the honest people from coming forward to the legislatures and if you want that only crooks and dishonest people who can circumvent all these things should come to the Parliament and the legislatures, it is for the Mover of the Bill to decide, but so far as this Parliament is concerned, it cannot subscribe to this view.

Then I come to clause 122, sub-clause (6) dealing with corrupt practices—conveyance. This is again a premium on dishonesty. The people who do not want to show something that is not correct will be at a disadvantage and the people who are capable of submitting false reports or concealing their sins will have the advantage of getting all the conveyances, all the transport and still they can say that those lorries and cars have been engaged by the electors themselves. It will be very difficult to find a man—he will be one in a hundred—among the trustworthy lieutenants who will disclose the secret as to who pays the money to engage a lorry which will take 100 or 200 people to the polling booth, or let the public know that the candidate has incurred this expenditure. But still the conveyance will be at the door of the electorate. **Dr. Ambedkar** has put one question and that seems to be the crux of this suggestion. If in the opinion of **Dr. Ambedkar** this can be circumvented on a large scale, then he is not in

favour, as I understand him. But he is of the opinion that this will not be circumvented on a large scale. I do not know whether the Government is conscious of the amount of dishonesty that is displayed during the elections or whether the sub-committee knew about it or not, but I can assure you, Sir, and through you the House that this provision is going to play havoc. The rich people, the dishonest people will have all the transport and the honest and the poor will have none and as long as this clause is there, I will not call the election an honest election, a fair election. Therefore I would request the Mover of the Bill to so amend the clause to prevent the havoc being perpetrated.

Then I come to the last point that I want to raise and that is about illegal practices. **Dr. Ambedkar** has laboured very much to explain one point to us which as the interruptions of the House showed was not clear to many of us and that was with regard to the return of election expenses.....

Dr. Ambedkar: Not clear.

Shri Gautam: The clause reads as follows:

"The following shall be deemed to be illegal practices for the purposes of this Act:—

(1) The incurring or authorisation by any person other than a candidate or his agent of expenses on account of holding any public meeting, or upon any advertisement, circular or publication..."

Mark the words, it is not publication only. If a man distributes the handbills of a candidate, it is circulation "or in any other way whatsoever" and this opens the door. I do not know to what extent and to what limit. The clause further reads:

"or in any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorised in writing so to do by the candidate."

If I were a candidate, I think it will be impossible for me.....

An Hon. Member: You are making an announcement.

Shri Gautam: Hon. Members mistake between an announcement and an announcement. To announce that I am a candidate is not enough. It must also be mentioned that I am a candidate from this constituency. Only then would the announcement be complete. The implications of this clause

are so wide that it is impossible for any honest candidate to find out how he is going to work because if I get a pamphlet printed in my support, it has to be distributed and it will be impossible for me to know, even if I care to know who is publishing it. Publication means circulation of the pamphlet also. It will be impossible for me to prepare a list and if this provision is there, I can assure you that I do not know whether even one per cent. of the elections will be according to the law. At least 99 per cent. of the elections will be against this provision of the Bill. (*Interruption*). My hon. friend, Mr. Kamath says it is again a paradise for the lawyers. I therefore request that this clause should be deleted or should be so amended as not to allow the honest people to keep back from the elections but to allow the crooks and the dishonest people to come forward and contest the elections. It will be impossible for a candidate to comply with the provision which is 'or in any other way whatsoever'. I would put one question to Dr. Ambedkar. Supposing the political parties start canvassing from today. Is it possible for the candidate to find out what agencies they have been using? If a candidate is elected after say, two months, if the meeting is held in support of the Congress candidate from a particular constituency and the candidate's name may be announced after two months, would this meeting be a legal or an illegal meeting? Should the candidate authorise even from now when he does not know whether he is going to be a candidate or not? (*An Hon. Member*: The meeting of course will be legal.) My point is according to the illegal practices clause would that meeting be termed illegal and would it debar the candidate? Sir, I would request you to make it absolutely clear that it is not for the political parties to prepare a list of all the workers, to prepare a list of all the canvassers, to prepare a list of all the persons who hold meetings. It is impossible for the political parties to do so. It may be very easy for individuals to decide and individuals in this country have not been holding meetings so far. They have been canvassing. Therefore the holding of meetings by political parties in support of the candidates will become very difficult if they are to prepare the list and any small mistake may lead to the election being set aside and the candidate being debarred from standing for the following five years. I cannot understand this Government which has given the sanction to this Bill, especially when it is a political party and especially when the leader himself has been going about in support of candidates—the

149 P.S.D.

names of whom he has never cared to know and whom he could not remember. I have seen our Leader Pandit Jawaharlal Nehru going like a whirlwind from one constituency to another; he could not remember the names in whose support he was going to canvass.

Mr. Deputy-Speaker: That is not included in election expenses. If he does not address himself to a particular candidate, if it is in general for the party, there is no election expense.

Shri Gautam: That is exactly the point that I was labouring. I do not know exactly. So far as England is concerned, I know that election expenses are to be calculated from the date when the candidate is announced. Before that, if a political party is doing propaganda in favour of the Party itself, 'Vote for Labour', 'Vote for the Congress', 'Vote for the Communist Party', those expenses are not included in the election returns. If there are some pamphlets in which it is written 'Vote for the Congress candidate', printed long before the Congress candidate was announced.....

Shri Hussain Imam: They will not be election expenses.

Shri Gautam: My hon. friend says they will not be election expenses. Can they be distributed even after a candidate is announced? Can we distribute pamphlets in support of the Congress candidate, without naming any individual, even after the candidate is announced? If, Sir, it is announced, that Mr. Ananthasayanam Ayyangar is a candidate from a particular constituency, can we get pamphlets printed in support of the Congress candidate, knowing full well that the voters who go to the polling booth may not remember the name and what we have to canvass is for the Congress candidate?

Mr. Deputy-Speaker: 'Vote for the Congress'?

Shri Gautam: Yes; 'Vote for the Congress'.

Shri Kamath: Suppose the slogan mentions the name of a particular candidate, for example, Jai Bhim, will it be construed as canvassing for a particular candidate?

Mr. Deputy-Speaker: Unless that Bhim means Siva, if there is no name of a candidate, it cannot be.

Shri Gautam: I was trying to understand one point. Even after a candidate is announced. If there are pamphlets which do not bear the name

[Shri Gautam]

of a candidate, but only call for support of the political Party, would you include the expenses incurred on getting those pamphlets printed and distributed in the election expenses?

Shri Himatsingka (West Bengal): No.

Shri Gautam: My hon. friend says, No. I am still doubtful as to whether expenses incurred in canvassing in his own name or in the name of the party to which he belongs, after the candidate is announced, can be included in the election expenses. I would beg of my hon. friends who are expressing their opinion to be a little cautious and not express their opinion as gratuitously as they are doing just now. These are the points that I would like the hon. Mover to think about, and not allow people to corrupt themselves and corrupt others by making false statements and false election returns before the Tribunal. With these words, I think that the Bill should be expedited so that the Elections may be held soon and there may be no misunderstanding about that.

श्री भट्ट : माननीय उपाध्यक्ष महोदय, विशिष्ट कमेटी (Select Committee) की ओर से जो बिल (Bill) आया है उस का मैं स्वागत करता हूँ। माननीय डाक्टर अम्बेडकर साहब ने इस में विशेष कड़ाई की जो बातें आ गई हैं उन के बारे में कुछ खुलासा किया है। हम ने अपने संविधान में बालिग मताधिकार का जो सिद्धान्त मंजूर किया था उस सिद्धान्त के अनुसार आइन्दा जो चुनाव होने वाले हैं उन चुनावों को जहां तक हो सके हम निष्पक्ष और शुद्ध रखने की कोशिश करना चाहते हैं। इस लक्ष्य को ध्यान में रख कर हम ने जो नियमावली बनाने की कोशिश की है वह एक प्रकार से हमारे सामने चुनाव सिंधु या चुनाव संचयिका के रूप में यहां आ रही है। इस बिल में जगह जगह पर जो नियम बिखरे हुए थे उन को संकलित किया गया है और उस संकलन की अब हम आलोचना कर रहे

हैं। हम यह आशा करते हैं कि अपने बहस मुबाहसे के बाद हम इस चीज को इतनी मुकम्मिल बनायेंगे कि जो सही तौर से हमारे मतदाताओं को और उम्मीदवारों को यह विश्वास दिलावेगी कि हम ने नियमों के माफिक काम किया है और करवाया है और वह काम अच्छा हुआ तथा हमारे चुनाव शुद्ध और स्वच्छ रहे हैं।

मैं चाहता था कि इस बिल में कई चीजों का समावेश हो जाता, चुनाव क्षेत्रों की सूची इस में आ जाती और १९५० का रिप्रेजेंटेशन (Representation) बिल का, जो एक्ट (Act) है उस का भी समावेश हो जाता। हमारे संविधान की चुनाव के मुतालिक जो धारयाँ हैं वह भी इस में आ जाती तो यह बिल, जैसे निर्णय सिंधु कर्मकांड का है, उसी तरह से एक यह चुनाव सागर हो जाता। लेकिन विशिष्ट कमेटी (Select Committee) में कहा गया था कि एक एलेक्शन मेन्यूल बनाई जायेगी और उस एलेक्शन मेन्यूल (election manual) में इन सब चीजों का समावेश हो जायेगा, और चुनाव-मतदाता, उम्मीदवार और आम जनता सब के लिये एक किताब बन जायेगी, जो किताब मार्गदर्शिका का रूप हो जायेगी। मैं आशा करता हूँ कि इस मेन्यूल (manual) के जरिये हम अपनी जनता को काफ़ी ज्ञान दे देंगे और अपने चुनाव को हम इस रूप से रखेंगे और लड़ेंगे कि जिस से कोई गोलमाल होने की सम्भावना न हो, और हो तो कम से कम हो।

इस बिल में कई विशेषतायें भी हैं। उन विशेषताओं के बारे में मैं लम्ब

बहस नहीं करना चाहता हूँ लेकिन मैं दो तीन चीजों की तरफ आप का ध्यान आकर्षित करना चाहता हूँ। एक बात तो यह है कि जहाँ प्लूरल कांस्टिट्यूएन्सी (plural constituency) होगी वहाँ हम एक से ज्यादा मत देंगे। पहले बिल में यह हम ने रखा था कि अगर एक से ज्यादा मत दिये जायेंगे तो वह मत सब के सब खारिज कर दिये जायेंगे। सब के सब रद्द हो जायेंगे। लेकिन अब इस सिलेक्ट कमेटी (Select Committee) की रिपोर्ट में आप देखेंगे कि इस में कहा गया है कि जहाँ एक से ज्यादा मत दिये जाने वाले हैं अगर मतदाता शस्ती से ज्यादा मत दे दे तो उस का एक मत तो मंजूर किया जायगा और ज्यादा मत जो उस ने दिये होंगे वह रद्द समझे जायेंगे। यह एक खास विशेषता है। और इस विशेषता की ओर आप का खास ध्यान जाना चाहिये कि किस रीति से उस की गिनती होगी। इलेक्शन कमिशनर (Election Commissioner) ने कहा है कि हर उम्मीदवार को जितनी मत पत्रिकायें दी जायेंगी उन के नम्बर पर से हम इस को आम तौर से गिन सकेंगे। तो यह मामूली विशेषता नहीं है क्योंकि मतदाता के सारे मत खारिज हो जाते हैं। अब सिफारिश यह की गई है कि उस के सब मत खारिज न किये जायें मगर एक के अलावा जो मत हों वह खारिज किये जायें। जैसे कि किसी को तीन मत देने का अधिकार है वह एक ही आदमी को सब मत नहीं दे सकता है लेकिन अगर उस ने भूल से एक ही आदमी को तीनों मत दे दिये हैं तो उस का एक मत सही माना जायगा और दूसरे दो मत रद्द समझे जायेंगे। यह खास तौर से एक विशेषता

है और मैं समझता हूँ कि यह विशेषता रखने का मतलब यह है कि पहली मर्तबा हम इस प्रकार का चुनाव कर रहे हैं और हम पहली मर्तबा जनता के पास इस तरह जा रहे हैं, तब इस प्रकार की सहूलियत देना बहुत आवश्यक है और यह विशेष अच्छाई की बात उस में रखी गई है।

चुनावों को निष्पक्ष रखने के लिए इस में बहुत कुछ अहतियात बरती गई है कि जो सरकारी कर्मचारी हैं वह इस में किसी तरह का गोल माल न करें या किसी का पक्ष न लें। इस में शक नहीं कि अब हम ने यह मान लिया है कि सरकारी कर्मचारी जो हैं वह विशेष विश्वसनीय हैं और उन के हाथ में जो काम सौंपा जायगा वह काम वह लोग ठीक ढंग से करेंगे और यह विश्वास हम ने इस बिल (Bill) के जरिये रखा है। मैं मानता हूँ कि जो विश्वास हम ने इस में रखा है वह इस विश्वास के अपने को पूरी तरह से योग्य साबित करेंगे और वह किसी तरह से हम गड़बड़ नहीं करेंगे कि जिस से हम आयन्दा कह सकें कि सरकारी कर्मचारियों ने पक्षपात किया और चुनाव की शुद्धता में गड़बड़ कर दी। हमारी ऐसी आशा है कि वह ऐसा नहीं करेंगे लेकिन इस के साथ ही साथ जो मैं ने सुझाया है और हमारे श्री खंडूभाई ने भी सुझाया है उस की ओर मैं माननीय मंत्री जी का ध्यान आकर्षित करना चाहता हूँ और कोई ऐसा रास्ता निकलवाना चाहता हूँ कि जिस से जो मामूली सरकारी कर्मचारी हैं जैसे कि रेलवे के कर्मचारी या पोस्ट आफिस (Post Office) के कर्मचारी या दूसरे कर्मचारी जो कि

[श्री भट्ट]

अफसर नहीं हैं और किसी बड़े ओहदे पर नहीं हैं वह आपस में मिल कर किसी उम्मीदवार के लिए सभा कर सकें और कैंवसिंग (Canvassing) कर सकें। मेरी समझ में नहीं आता कि इस के बारे में ऐसी सख्त पाबन्दी क्यों होनी चाहिये। मैं यह जरूर मानता हूँ कि जो सरकारी कर्मचारी हैं वह एक पोलिटिकल पार्टी (Political party) न बन जायें। यह हक तो हम हर एक आदमी को देते हैं कि वह आपस में बैठ कर अपनी राय बना सकें। मैं नहीं समझता कि उस के बारे में क्यों आपत्ति होनी चाहिये और क्यों इस के लिए आम तौर से इतने व्यापक रूप से इस में १२२ की क्लॉज जो बनाई गई है वह आनी ही चाहिये। मैं बड़ी नम्रता से कहना चाहता हूँ कि इस विषय में माननीय मंत्री जी खुद सोचें और उपाध्यक्ष महोदय जी भी अपनी बुद्धि लगायें क्योंकि वह भी इस कमेटी (Committee) के चेयरमैन (Chairman) थे।

मूल बिल (Bill) में भी यह बात दी हुई है और माननीय मंत्री ने भी इस ओर ध्यान दिलाया है कि चुनाव कम खर्चीला होना चाहिये और इस में कम झंझट होना चाहिये। हमारी इस नियमावली का यह उद्देश्य होना चाहिये कि इस आम चुनाव को आसानी से आम जनता तक और उस के प्रतिनिधियों तक पहुंचा सकें। इस वास्ते उन को कम से कम खर्चीला बनाना चाहिये जिस में कम से कम खर्च और झंझट उठाना पड़े। और दिक्कतों में से एक दिक्कत है नामिनेशन (nomination) के बारे में। अगर नामिनेशन (nomination) हो जाने के बाद

हम उस आदमी को यह जानने का मौका नहीं देते हैं कि वह नामिनेशन (nomination) सही हुआ है या गलत हुआ है और उस को चुनाव के अन्त तक ले जाना चाहते हैं तो इस से वह आदमी बेचारा बहुत सस्पेंस (suspense) में रहेगा और वह नहीं जान सकेगा कि जो चुनाव हुआ है वह सही ठहराया जायगा या नहीं। इतनी ज़हमत करके जिस चुनाव को वह लड़ेगा उस के बारे में अगर उसे यह बात नहीं मालूम होगी तो उस को चिन्ता का बहुत भारी बोझ उठाना पड़ेगा। दूसरी तरफ़ इस से सरकार को भी झंझट रहता है क्योंकि चुनाव के बाद अगर किसी मामले के एक्सेप्टेंस (acceptance) या रिजेक्शन (rejection) के बारे में शिकायत होती है तो फिर से सारा चुनाव करवाना पड़ सकता है। इस में समय और शक्ति दोनों का अपव्यय होगा। तो कोई ऐसा रास्ता निकालना चाहिये कि उम्मीदवारी का फैसला होने के एक महीने के बाद उस बारे में फैसला हो जाना चाहिये। अगर कोई शिकायत हो तो, और अगर कोई शिकायत न हो तो चुनाव का काम बिना रोक टोक होता रहना चाहिये। अब जो कानून के पंडित हैं वह इस में यह दिक्कत उठाते हैं कि यह पाबन्दी नहीं लगाई जा सकती है कि एक महीने में फैसला हो ही जाना चाहिये। मैं नहीं समझता कि क्यों इस प्रकार की आपत्ति उठाई जाती है। हम को इस का फैसला किसी कोर्ट (court) के जरिये नहीं कराना चाहिये। हम को इस के लिए अलग एक मशीनरी (machinery) रखनी चाहिये और वह मशीनरी ऐसी ज़रूर हो सकती है कि वह एक या सवा महीने में या जितनी कम से

कम या ज्यादा से ज्यादा मुद्दत उस को दी जाय उस मुद्दत में इस का फ़ैसला कर दे, और मैं मानता हूँ कि हम लोग जरूर कोई न कोई तरीका ऐसा जरूर अस्तियार कर सकेंगे जिस से हम यह फ़ैसला करवा लेंगे।

मुझ से पहले के वक्ता श्री गौतम जी ने श्रीर माननीय मंत्री जी ने लाइसेंस (licences) और परमिटों (permits) के बारे में खास तौर से ध्यान दिलाया है। मैं आप से यह कहना चाहता हूँ कि यह पार्लियामेंट (Parliament) केवल व्यापारियों की ही नहीं होनी चाहिये, केवल वकीलों की ही नहीं होनी चाहिये, केवल डाक्टरों की ही नहीं होनी चाहिये और केवल किसान मजदूरों की ही नहीं होनी चाहिये, इस में तो सब लोगों को आना चाहिये और आते ही हैं। तो मेरी समझ में यह नहीं आता है कि मामूली तौर पर जिन लोगों को लाइसेंस लेना पड़ता है, जैसे डाक्टरों को लाइसेंस लेना पड़ता है, वकीलों को लाइसेंस लेना पड़ता है, मामूली व्यापारी को लाइसेंस लेना पड़ता है अपनी चीज़ को रेलवे में भेजने के लिए तो उन सब लाइसेंस लेने वालों को और परमिट लेने वालों को क्यों मुमानियत होनी चाहिये कि वह पार्लियामेंट में या धारा सभाओं में न जा सकें। इस प्रकार से हम हिन्दुस्तान के कितने लोगों को दूर रख रहे हैं और उन को दूर रखने का हम को क्या अधिकार है? इस में यह बेजा बात है कि अगर एक आदमी लाइसेंस या परमिट लेता है तो वह अप्रामाणिक है। आखिर वह इस पार्लियामेंट में आ कर क्या कर लेगा? तो अगर हम इस प्रकार हर एक पर शुबहा करने लगेंगे और हर एक को

अप्रामाणिक मानने लगेंगे तो यह दुनिया चलने वाली नहीं है। मतदाता खुद समझ लेंगे कि किस आदमी को भेजना चाहिये। तो मैं बड़े अदब से कहता हूँ कि इस कलाज को तो इस में से कतई निकाल देना चाहिये।

दूसरी बात है डाइरेक्टर्स (Directors) के बारे में। कम्पनी के डाइरेक्टर के बारे में उस में दिया गया है। मैं मानता हूँ कि मैनेजिंग डाइरेक्टर (Managing Director) और डाइरेक्टर इन दोनों में फ़र्क है और आप लोगों को इन दोनों में फ़र्क करना चाहिये और मैं मानता हूँ कि जहां डाइरेक्टर शब्द लिखा है उस को हटा देना चाहिये।

मैक्सिमम एक्सपेंस (maximum expense) सिंगल मेंबर कांस्टीट्यूएन्सी (single member constituency) का अलग होगा और प्लूरल मेंबर कांस्टीट्यूएन्सी (plural member constituency) का अलग होगा। वह इस में नहीं बतलाया गया है। अगर बतला दिया गया होता तो ठीक होता। उस को इलेक्शन कमीशन और नियमों के ऊपर छोड़ दिया गया है। मैं यह मानता हूँ कि अगर हो सके तो उस के बारे में हम यहां तै कर लें ताकि मालूम हो जाय कि पार्लियामेंट के चुनाव क्षेत्र में ज्यादा से ज्यादा इतना खर्च होगा, धारा सभा के चुनाव क्षेत्र में इतना होगा, सिंगल मेंबर कांस्टीट्यूएन्सी में इतना होगा और प्लूरल कांस्टीट्यूएन्सी में इतना।

मैं जरूर हमदर्दी करता हूँ कि हमारे हरिजन भाइयों पर कम से कम खर्चा आना चाहिये। लेकिन ऐसे क्षेत्रों में उन को विशेष खर्चा करना पड़ेगा

[श्री भट्ट]

यह चीज अवश्य है। अब इस को कैसे हल किया जाय, इस पर तो आप लोग और माननीय मंत्री जी जरूर शौर करेंगे। जहां खर्च की बात है वहां वर्तमान पत्रों का खर्चा किस में गिना जायगा और वर्तमान पत्र जिन के हाथ में हैं वे लोग जो अपना प्रचार करते रहेंगे, उस पर कौन सा नियंत्रण है और कौन सा नियंत्रण हो सकता है, यह भी देखना चाहिये।

वाहन के उपयोग के बारे में श्री गौतमजी ने बताया है कि उस का दुरुपयोग भी हो सकता है। लेकिन जो कोई भी चीज हम करेंगे उस का दुरुपयोग जरूर होने वाला है। कानून हम कैसा भी बनायें उस कानून को तोड़ने वाले भी बहुत हैं और आज इस पार्लियामेंट (Parliament) में हम जो बैठे हुए हैं, एक तरफ से यहां एक सलाह देते हैं और अगर कोई आदमी दूसरा आ जायगा तो फिर उस को वहां दूसरी तरह से भी सलाह दे देंगे। तो यह तो मुमकिन नहीं है कि किसी कानून को हम इतना सम्पूर्ण बना सकें, इतना मुकम्मल बना सकें कि उस में कहीं भी दूसरा रास्ता न निकले, कहीं लूपहोल (loop-hole) न हो। किसी भी कानून का दुरुपयोग हो सकता है। तो मैं आशा करता हूं कि जो भी कानून हम बनाते जा रहे हैं वह ऐसा होगा कि चुनाव को शुद्ध रखेगा, निष्पक्ष रखेगा और आम जनता को जितनी सहूलियत हो सकती है देने वाला होगा।

(English translation of the above speech)

Shri Bhatt: Sir, I welcome the Bill as has come back from the Select Committee. The hon. Dr. Ambedkar has expounded certain points of difficulty

contained in it. According to the principle of adult franchise, that we have accepted in our Constitution, we want to make the forthcoming elections as impartial and free as possible. The rules we have tried to make with that object in view have come before us in the form of electoral law. Rules that were scattered about have been collected in this Bill and we are discussing that now. We hope that after discussion we shall make it so complete that it will fully assure our voters and candidates that we have done and got done the work in accordance with these rules and that the work was well carried out and elections were free and impartial.

I wanted this Bill to include a list of constituencies and the provisions of the People's Representation Bill (1950) as also the relevant provisions in the Constitution relating to conduct of elections. This Bill would then have become a *Chunav Sagar* like the *Nirnaya Sindhu* of Karmakand. But the Select Committee had envisaged incorporation of all these things in an election manual which would serve as a guide to the voters, candidates, and the general public. I hope we shall be able to educate the people to a great extent through this manual and conduct and contest the elections in such a way that there may not be any possibility of unfair means, or, at least that should be reduced to the minimum.

There are certain special features also in this Bill. I do not want to speak at a great length on them but I would like to draw your attention on two or three points. First, we shall have more than one vote in the plural constituencies. The former Bill provided that if a voter cast more than one vote, all the votes would become invalid. But it would be seen from the Select Committee's Report that if a voter casts more than one vote by mistake, then one of his votes cast will be held valid but the rest would be held invalid. This is particularly a distinctive feature and specific attention should be given to it at the time of counting. The Election Commissioner has said that we could generally count it on the basis of the number of ballot papers given to each candidate. This is not an issue of ordinary importance since all the votes of a voter become invalid. Now it has been recommended that in such cases excepting one vote all others should be declared invalid. For instance, if some person possesses three votes, he cannot cast them all in favour of one and the same candidate. But if he has by mistake cast all of them in favour of the same person in that case only one

vote of his will be counted valid and the rest two will be declared invalid. This is a distinguished feature and I think the reason of its inclusion is that for the first time we are holding elections on such a scale and going to the public in this manner due to which it becomes very necessary to give them such facilities. It is a very welcome change brought in.

In order to keep the elections impartial, much care has been taken to see that the Government employees may not interfere in any way and take sides. No doubt, we have accepted that the Government employees are trustworthy and will properly carry out the responsibilities assigned to them. That is the trust we have expressed through this Bill. I am sure they will prove themselves to be worthy of the trust we have reposed in them and will not do any manipulation, whatsoever, so that there may be left no ground for us in future to say that the Government employees took sides and interfered in the impartiality of elections. We hope they would not do so. But besides this, I want to draw the attention of the hon. Minister to my suggestion, which has also been made by Shri Khandubhai Desai, and find out a way in order that the ordinary Government employees, as distinguished from officials holding high offices, such as the railway and postal employees may be allowed to hold meetings for a candidate and do canvassing for him. I do not understand why there should be such strict restriction in that regard. I certainly agree that the Government servants should not be allowed to form into a political party. But we give the right to every citizen to form his own opinion in consultation with others. I cannot understand why there should be any objection to it and why should the clause 122 in so much detail be retained? I humbly wish to submit that the hon. Minister should think over it and the hon. Deputy-Speaker should also apply his mind to it for he was the Chairman of this Committee.

The original Bill provided and the hon. Minister also drew attention towards this point that the elections should be less expensive and should involve less complications. The object of our electoral law should be to make these elections simple for the people and their representatives. Therefore they should be least expensive and least complicated. One of the many difficulties is in connection with the nomination. If we do not let the candidate know whether his nomination is valid or not and continue the

election to completion, he would remain in utter suspense as to whether the election that took place will be held valid or not. He will have to bear a heavy burden of worry if he is left uncertain about the fate of the election he has fought with so much tug and trouble. On the other side, it also involves difficulties for the Government for if there is any complaint about acceptance or rejection after the election, the whole election may have to be held all over again which would mean unnecessary wastage of time and energy. Hence some way must be found out by which the validity of nomination may be decided within a month of its submission. There may be a complaint or there may not be any, but the work of election should go on unhampered. The legal experts raise the objection that restriction regarding decision within one month cannot be imposed. I do not understand why such objections should be raised. We should not decide upon this matter through a court of law. We should set up a separate machinery for this purpose. This machinery may decide the matter within a month or within the time limit given to it. I am sure we will be able to evolve some formula for the settlement of that issue.

The hon. Member before me, Shri Gautam, as also the hon. Minister have particularly drawn attention towards the question of licences and permits. I want to say that this Parliament should not be constituted wholly of the business men or *vakils* or doctors or of cultivators and labourers. People of all shades should and do come here. But I do not understand why should the people holding ordinary licences and permits e.g. doctors and *vakils* and ordinary business men who have ordinarily to take permits for sending their goods through railway be debarred from contesting elections to Parliament or Legislatures? We shall in this way be keeping aloof a large number of people of our country for doing which we have no right. It is improper that a person holding a licence or a permit should be disqualified. After all what will he do if he is elected to Parliament? The work cannot go on if we begin to doubt everybody in this manner and declare him disqualified. The voters will themselves judge as to which person should be sent. Hence it is my humble submission that this clause should be entirely removed.

Another point dealt with is in respect of the directors of a company. No doubt, there is a difference between managing director and a director and you must differentiate between the

[Shri Bhatt]

two. I believe that the word 'director' should be removed from where it has been used.

The maximum expense of single member constituency will be different from that of the plural member constituency. That has not been dealt with here. It would have been but proper if that too had been shown. That has been left to the Election Commission to decide according to the rules. I think that if possible we should decide that thing here so that it may be known as to what would be the maximum amount spent in each of the elections of Parliament, Legislature, single member constituency and plural member constituency.

I fully support that our Harijan brethren should have to bear the minimum expenses. But there is no doubt that they shall have to incur more expenditure in such areas. The House and the hon. Minister will certainly consider as to how can this be solved? So far as expenses are concerned it should also be seen as to whereunder would the expenditure of the existing newspapers be counted and what control there is, and what could be over the propaganda carried on by the owners of these papers?

With regard to conveyance Shri Gautam has said that this facility can also be misused. But anything we may do will be misused. Whatever law we may make, there are also a large number of people to break it. Moreover, today we are in Parliament and decide a thing in a particular way. But tomorrow others may come and decide upon the same thing differently. It is not possible to make any law so full and complete as to leave no other way out, that there may not be any loophole anywhere. Any law can be misused. However, I hope that the legislation we are going to enact would keep the elections free and impartial and would provide all possible facilities to the public.

सेठ गोविन्द बास : उपाध्यक्ष महोदय, जो विधेयक हमारे सामने आया है वह यथार्थ में इस प्रकार का होना चाहिये था जिस से चुनाव का काम सरल हो जाता। हम इस देश में प्रजातन्त्र का एक इतना बड़ा तजुर्बा करने जा रहे हैं कि जितना बड़ा तजुर्बा आज तक दुनिया के किसी देश में नहीं हुआ। हमारे

यहां पर मतदाताओं की जितनी बड़ी संख्या इन चुनावों में भाग लेने वाली है, लगभग १८ करोड़ के, आज तक संसार के इतिहास में किसी देश ने भी, किसी चुनाव में भी, इतने बड़े जन समुदाय को मतदान में प्रवृत्त नहीं किया। तो जैसा मैं ने अभी निवेदन किया, जितना बड़ा तजुर्बा हम करने जा रहे हैं उस को देखते हुए इस विधेयक का उद्देश्य होना चाहिये था चुनाव को सरल करना। माननीय अम्बेडकर जी से मैं ने एक बार विधान परिषद् में यह कहा था कि उन्हें मैं आधुनिक मनु मानता हूं और मुझे यह आशा थी कि इस विषय का जो विधेयक वह हमारे सामने प्रस्तुत करेंगे वह विधेयक इस उद्देश्य की पूर्ति करने वाला होगा। परन्तु वह मुझे क्षमा करेंगे यदि मैं कहूं कि मैं ने इसे आरम्भ से अन्त तक समझने का प्रयत्न किया, थोड़ी बहुत मैं अंग्रेजी जानता हूं, चुनाव का भी थोड़ा बहुत मुझे तजुर्बा है क्योंकि सन् १९२३ से ले कर अब तक इस देश में जितने चुनाव हुए उन में मेरा किसी न किसी प्रकार से हाथ रहा है, लेकिन मुझे ऐसा जान पड़ता है कि यह विधेयक चुनावों को सरल करने के स्थान पर चुनावों को कठिन से कठिन बना रहा है। चुनावों के पहले की अवस्था को हम लें, जिस समय चुनाव होता हो उस समय की स्थिति को हम लें, और जब चुनाव हो चुके उस समय की अवस्था को हम लें, यानी भविष्य, वर्तमान और भूत तीनों को हम लें, तो हमें यह जान पड़ता है कि यदि यह विधेयक बिना किसी परिवर्तन के इसी रूप में स्वीकृत किया गया तो हमें तीनों परिस्थितियों में यह कठिनाई में डालने वाला है।

अब आप एक एक बात को ले लें। चुनाव के पहले की अवस्था को आप लीजिये। चुनाव के पहले अधिकतर जिन का काम होगा वह व्यक्ति नहीं होंगे, वह दल होंगे, क्योंकि व्यक्तियों का निर्णय तो वह दल कुछ बाद में करेंगे। मुझे ऐसा जाना पड़ता है कि जिन दलों ने भी चुनाव को लड़ने का निर्णय किया, यह विधेयक उन के मार्ग में अनेक बाधाएं उपस्थित करेगा। जिस समय वह अपना घोषणा-पत्र तैयार करेंगे और अपने उम्मीदवारों के नामों का निर्णय करेंगे, उस समय, जैसा अभी डाक्टर अम्बेडकर साहब ने कहा, यदि उन्होंने अपने उम्मीदवारों के नाम का जिक्र नहीं किया, तब तो कठिनाई नहीं होगी, परन्तु यदि उन्होंने अपने उम्मीदवारों के नाम दे कर अपील की कि अमुक अमुक जो सूची है, वह हमारे उम्मीदवारों की है, तो उस सूची की छपाई और बंटाई आदि का खर्चा किस उम्मीदवार पर जायगा? उस सूची में तो सैकड़ों उम्मीदवारों के नाम होंगे और हर दल को अपने सब उम्मीदवारों के नाम कहीं न कहीं तो देने ही होंगे। यदि वह दल उम्मीदवारों का नाम न दे तो भी काम नहीं चलता और अगर नाम दे तथा हर एक उम्मीदवार के लिये एक एक अलग विज्ञप्ति निकाले तो भी काम नहीं चलता। जब हम ने बालिग मताधिकार दिया है तो हमारे मताधिकारियों की इतनी बड़ी संख्या होगी कि प्रत्येक उम्मीदवार को किसी एक चीज का अलग अलग छापना असम्भव है। और समझिये कि सब उम्मीदवारों के लिए एक अपील बनाई गयी और उस में उन के नाम दिये गये और चुनाव के समय वह अपील हर क्षेत्र में बांट गयी तो उस का खर्चा किस

उम्मीदवार पर जायगा, यह मैं जानना चाहता हूं।

श्री लंडूभाई बेसाई : बांटना पड़ेगा।

सेठ गोविन्द दास : बांटना पड़ेगा। यह सरल बात नहीं है।

अब चुनाव के समय क्या होगा उस को देखिये। यदि यह विधेयक इसी प्रकार से स्वीकृत हुआ तो चुनाव में जितना खर्चा होगा उस के हिसाब रखने में बड़ी कठिनाई उपस्थित होगी। सभी जगह उम्मीदवारों के नाम पर कई चीजें छप सकती हैं। उम्मीदवारों के नाम लेकर कुछ बातें कही जा सकती हैं। उन के चुनाव के जो क्षेत्र होंगे उन में हमारे नेता जी पहुंच कर उन उम्मीदवारों के नाम से कुछ कह सकते हैं। इस सारे खर्च का हिसाब कैसे बनाया जायगा? यह एक बड़ा भारी प्रश्न है, चुनाव के पहले और चुनाव के समय का।

अब हम चुनाव के बाद की स्थिति लें। अभी माननीय मंत्री जी ने हमें बताया कि ग्रेट ब्रिटेन (Great Britain) में चुनाव के जो ट्रिब्यूनल (tribunals) रहते हैं, वे चुनावों के खर्च को इस इस प्रकार से देखते हैं, कि चुनाव आरम्भ होने से लेकर चुनाव के अन्त तक। वहां के ट्रिब्यूनल जिस प्रकार से इस विषय को देखते हैं यहां के ट्रिब्यूनल भी उसी प्रकार से देखेंगे यह गारंटी कोई नहीं दे सकता।

हमारे इस कानून में ऐसी कोई बातें नहीं लिखी गई हैं जो इलेक्शन ट्रिब्यूनल्स को बाध्य कर सकें। संभव है कि एक अदालत एक फ़ैसला करेगी और दूसरी अदालत बिल्कुल उस के विपरीत

[सेठ गोविन्द दास]

दूसरा फ़ैसला करेगी। एक प्रान्त की अदालत एक बात कहेगी और दूसरे प्रान्त की अदालत दूसरी बात कहेगी। यहां पर इलेक्शन पिटीशनस् (election petitions) की इतनी आदत हो गई है, मैं प्रायः कांग्रेस के चुनाव में देखता रहा हूं, कि कोई भी चुनाव ऐसा नहीं होता जहां इलेक्शन पिटीशन की नौबत न आये। कांग्रेस का इस वर्ष का शायद ही कोई चुनाव हुआ हो जिस के विरुद्ध किसी न किसी प्रकार की इलेक्शन पिटीशन न दायर की गई हो, यह हो सकता है कि यह भगड़े किसी प्रान्त में कम हुए हों और किसी में कुछ ज्यादा। और जिस तरह का वर्तमान विधेयक है, मैं समझता हूं कि चुनावों के बाद इलेक्शन पिटीशनस् का बाज़ार इतना गर्म होगा कि शायद बहुत कम चुनाव ऐसे बचेंगे जिन चुनावों के विरुद्ध किसी न किसी प्रकार की इलेक्शन पिटीशन न की जाय। हम यहां बालिंग मताधिकार पर चुनाव करने जा रहे हैं, हम प्रजातंत्र को यहां पर एक प्रकार से प्रारम्भ कर रहे हैं, ग्रेट ब्रिटेन में या अन्य स्थानों में इस सम्बन्ध में जो एक नैतिक स्तर है, जो एक प्रवृत्ति लोगों की बन गई है, न तो वह नैतिक स्तर यहां पर है, और न वैसी प्रवृत्ति ही यहां पर बन पाई है, मुझे भय है कि यदि यह विधेयक इसी प्रकार से स्वीकृत हुआ, जिस रूप में यह आज हमारे सामने है, तो चुनावों के बाद बहुत कम ऐसे चुनाव रहेंगे जिन में किसी प्रकार की इलेक्शन पिटीशन न की जाय। जिस खर्च को आज आप बचाना चाहते हैं, वह खर्चा इस से भी बड़े रूप में हमारे सामने आयेगा उस वक्त जिस वक्त इलेक्शन पिटीशनस् होंगी

और चुनाव नाजायज़ करार दिये जायेंगे। इसलिये मैं आप से कहना चाहता हूं कि यदि हम चुनावों की पहले की परिस्थिति को लें, अथवा चुनावों के समय की परिस्थिति को लें या चुनावों के बाद की परिस्थिति को लें इस विधेयक में अनेक सुधार आवश्यक हैं और उन सुधारों में से कुछ को मैं आप के सामने उपस्थित करना चाहता हूं।

Shri Sondhi: But he does not understand your language.

सेठ गोविन्द दास : वह मेरी भाषा का एक एक अक्षर समझते हैं। सब से पहले तो यह सुधार होना चाहिये कि जो भिन्न भिन्न दल इस देश में हैं, उन दलों को अपना कार्य करने में स्वतंत्रता रहे और उन दलों के किसी काम के कारण इलेक्शन पिटीशन की संख्या न बढ़े। दूसरी बात यह है कि मैं माननीय मंत्री जी से बिल्कुल सहमत हूं कि हमें पार्लियामेंट को या दूसरी जो विधान सभायें हैं, उन को स्टॉक इक्सचेंज (stock exchange) नहीं बनाना है, लेकिन हम को इस प्रकार का प्रतिबंध भी अपने उम्मीदवारों के मार्ग में नहीं रखना है जिस से जो लोग ईमानदारी से रोज़गार धंधा करते हैं, उन को भी यहां पर आने का या विधान सभाओं में जाने का अवसर प्राप्त न हो सके। यह ठीक है कि हमें इस बात का ध्यान रखना होगा कि हम इस हाउस (House) को स्टॉक इक्सचेंज नहीं बनावें, लेकिन साथ ही हम लोगों की आज़ादी में खलल भी न डालें। तीसरी बात जो माननीय मंत्री जी ने कही उसे मैं बिल्कुल उचित मानता हूं कि हम को इस प्रकार का भी कोई विधेयक स्वीकार करना चाहिये जिस में सरकार भी हमारी पार्लियामेंट, हमारी इस संसद

या हमारी दूसरी विधान सभाओं के लोगों को ख़राब बांट-बांट कर किसी को कैबिनेट मिनिस्टर किसी को स्टेट मिनिस्टर, किसी को डिप्टी मिनिस्टर बना कर ऐसा मौक़ा न ले आये कि हमारे पचास प्रति शत लोग आफ़िस (Office) में पहुँच जाय। हमारे देश में अनेक छोटे छोटे प्रान्त हैं उन में यह हो सकता है कि पचास प्रति शत से भी अधिक लोगों को आफ़िस में ले लिया जाय, उस को भी हमें रोकना है।

Pandit Krishna Chandra Sharma: May I remind the hon. Member that it has nothing to do with elections?

सैठ गोबिन्द दास : लेकिन चूँकि माननीय मंत्री जी अपने भाषण में इस विषय में कह चुके थे, इसलिए मैं यह कह रहा हूँ।

Mr. Deputy-Speaker: I may say that I myself induced the hon. Minister to make a digression and make that statement. But these are matters which are not absolutely relevant. This is a question which must be decided by an independent statute. Therefore much time need not be spent in discussing it.

सैठ गोबिन्द दास : चौथी बात नाम-जदी के सम्बन्ध में है। मैं अपने मित्र श्री गोकुल भाई भट्ट जी से बिल्कुल सहमत हूँ कि नामजदी का प्रश्न, चुनावों के पहले निर्णय हो जाना चाहिये। यह न हो कि नामजदी का प्रश्न लटकता रहे, सारे चुनाव हो जाय और बाद को इलेक्शन पिटीशन के वक्त नामजदी के गैरक़ानूनी होने के कारण सारा का सारा चुनाव फिर से किया जाये। इस लिये इस विधेयक में कोई ऐसी बात आनी चाहिये जिस से नामजदी का प्रश्न चुनाव होने के पहले ही ठीक तरह हल हो सकें।

श्री सौधी : नामजदी कहिये, उर्दू में नामजदी कोई लफ़्ज़ नहीं है।

सैठ गोबिन्द दास : हिन्दी में उसे नाम-जदी ही कहते हैं। पाँचवा प्रश्न सवारी का प्रश्न है। इस सम्बन्ध में जिस प्रकार का बंधन आज आप इस विधेयक में रख रहे हैं, इस तरह का बंधन सन् १९२३, १९२६ में मौजूद था। उस समय सवारी का जो प्रतिबन्ध था, उस के रहते हुए भी गैरक़ानूनी तरीक़े से सवारियाँ किराये पर ली जाती थीं। यह माना जाता था कि जो लोग सवारियों पर बैठ कर आये हैं उन्होंने किराया दिया है, यह ऐसी बात कभी नहीं होती थी। इसीलिए १९२६ के चुनावों के बाद इस बात की इजाज़त दी गई कि यदि कोई उम्मीदवार सवारी किराये से करना चाहे अपने मतदाताओं को लाने के लिए, तो उसे इस की आजादी होनी चाहिये। हमें इस बात का प्रयत्न करना है कि हमारे इस पहले चुनाव में अधिक से अधिक संख्या में मतदाता आ सकें। यदि आपने सवारियों पर इस प्रकार का प्रतिबंध रखा तो बहुत कम मतदाता अपना मत देने को आ सकेंगे। इसलिए इस सम्बन्ध में भी हमें कुछ न कुछ सोचना पड़ेगा कि हम सवारियों के मामले में क्या करें। छठवाँ सवाल इलेक्शन ट्रिब्यूनलस् (Election Tribunals) का है उन को हमें स्पष्ट कानूनी आदेश देना चाहिये जिस में उन की नीति सारे देश में एक सी रहे और ऐसा न हो कि एक इलेक्शन ट्रिब्यूनल एक तरह से फ़ैसला करे और दूसरा इलेक्शन ट्रिब्यूनल दूसरी तरह का, मेरे जो ये छः सुझाव हैं, उन्हें मैं माननीय मंत्री के सामने रखना चाहता हूँ।

अन्त में मुझे यही कहना है कि हमारे देश की जनता शिक्षित नहीं है, ऐसी

[सिठ गोविन्द दास]

दश में भी हम बालिश मताधिकार दे रहे हैं। चुनावों का काम केवल लोगों को चुन कर भेजना है, यह मैं नहीं मानता। मैं यह मानता हूँ कि चुनाव का एक ऐसा अवसर होता है जब हम जनता को शिक्षित भी कर सकते हैं भले ही वह अक्षरों के ज्ञान की शिक्षा न हो वह शिक्षा ऐसी होती है जिस से जन का स्वयं का, उन के स्थानों का, उन के प्रदेशों और राज्यों का सम्बन्ध होता है इस देश की अपढ़ जनता को आज शिक्षित करने का हमें यह अवसर मिल रहा है और हम उन्हें अनेक विषयों की इस अवसर पर शिक्षा दे सकते हैं, उन्हें उन के कर्तव्य की दिशा बतला सकते हैं। यह देश अशिक्षित है, यहां के लोगों को इस तरह के चुनाव का तजुर्बा नहीं है, इन सब बातों को ध्यान में रख कर इन सब बातों पर विचार कर के हम इस विधेयक में इस प्रकार का परिवर्तन करें जिस से यह विधेयक चुनावों को सरल बना सके और यह न हो कि यह चुनावों को उल्टे और कठिन बना दे।

(English translation of the above speech)

Seth Govind Das: In fact, the Bill brought before us should have been such as might have made the elections simple. Today we are going to make an unprecedented experiment of democracy which is probably the only example of its kind in the world. About 18 crores of voters are to participate in our elections. In no other country in the history of the world such a large number of people ever participated in any elections as in India. Therefore, as I have just submitted, in view of the great experiment which we are going to make, the aim of this Bill should have been to make the elections simple. Once in the Constituent Assembly I had told the hon. Shri Ambedkar that I considered him to be modern Manu, and

I was hopeful that the Bill which he would bring forward would serve the desired purpose. The hon. Minister would excuse me if I say that when I tried to study the Bill from the beginning to the end—I may say in this connection that I also know English to some extent and I have a little experience of elections too, because, in some way or the other, I have been associated with all the elections that have so far taken place in this country since 1923—it appeared to me that this Bill instead of making the elections simpler is only creating more and more complications in their way. If we take into consideration the conditions that prevail before, during and after the election—that is in past, present and future—it will be seen that in the event of this Bill being allowed to be adopted without making any improvements, it will create far-reaching complications in respect of all the three stages referred to above.

Let us now consider these conditions one by one. Take, for instance, the conditions prevailing before the election. In this period the particular candidates will mostly be out of the picture. Only the parties which they belong to will be seen active in the field. It so appears to me that this Bill will obstruct the way of such parties as intend to contest the ensuing election. As hon. Dr. Ambedkar said just now, if the parties do not announce the names of their candidates at the time of preparing their election manifesto or nominating their candidates, then there may not be any difficulty, but, on the other hand, if they were to decide to publish the list of their candidates together with their very appeal, in that case who will bear the expenses incurred in the printing and distribution of such lists? The lists will contain the names of hundreds of candidates. After all each party will have to announce the names of its candidates in some way or the other failing which it cannot possibly manage to contest elections. Nor is it practicable to publish separate pamphlets for every candidate because under the provision of adult franchise the number of voters will be so large that it would be impossible for every candidate to do separate publicity. May I know as to which of the candidates will incur the expenses in the case of any common appeal containing the names of all the candidates being issued at the time of the elections?

Shri Khandubhai Desai: It will have to be divided.

Seth Govind Das: But it is not a child's play.

Now take the conditions prevailing during the election. Should this Bill be passed as it is, it will be very difficult to maintain separate accounts of expenditure to be incurred in the elections. Anywhere some pamphlets may be published and other things may be said mentioning the names of the candidates. Our leaders can also visit the Constituencies from which the candidates may be contesting and may mention their names in their speeches. So it is a very difficult problem to maintain the account of expenditure to be incurred before or during the election.

Let us now come to the conditions that will follow the elections. The hon. Minister told us just now that in Great Britain there are election tribunals and they examine the election expenses, i.e., all the expenses incurred from the beginning of the elections to their termination. But none can guarantee that our tribunals will also follow suit. This measure does not provide for any provision for forcing the hands of the election tribunals. It is just possible in the case of our country that one tribunal may give a judgment as opposed to one given by another. There can be a vast difference of opinion between the judgments of two tribunals working in two separate States. The election petitions have become so common these days that I have been seeing petitions being filed in practically every Congress election. Hardly has there been a single example during the recent Congress elections in which no petition of any kind was filed—may be that they may be few in number in some states while more in others. If this Bill is allowed to remain in the present form, I think, there will hardly be any election left in respect of which no petition of any kind will be filed. We are going to provide for adult franchise which means we are in a way initiating the real democracy. Neither the same moral standard nor the same general tendency of people, as we find in this respect in Great Britain or in many other countries, is found here. Should this Bill be passed in its present form, I am afraid, there will hardly be any elections in respect of which no petitions of any kind will be filed. The expenditure which is sought to be saved today will have to be incurred—rather in still larger amount—at the time when election petitions will be filed and the elections will be held invalid. I, therefore, wish to submit that in view of the conditions prevailing before, during or after the election, certain improvements in respect of this Bill are much needed. I also propose putting a few suggestions before you.

Shri Sondhi: But he does not understand your language.

Seth Govind Das: He does understand each and every word of my speech. The first thing is that all political parties in the country should be free to decide their own course of action and no action of theirs should, in any way, help enhance the number of election petitions. Secondly, although I quite agree with the hon. Minister inasmuch as he says that we have to see that our Parliament or other Legislatures do not turn into stock exchanges, yet I am of the view that we should not place such restrictions on the candidates as may not enable even those earning an honest living to get an opportunity of being returned to Parliament or other Legislatures. It does not, however, mean that we should not see that this House does not turn into a Stock Exchange. We should certainly see to it but, all the same, let us not interfere in the freedom of the people. The third thing which the hon. Minister referred to seems to me quite tenable. He said that we should also adopt a Bill calling upon the Government not to freely distribute the portfolios of Ministers, Ministers of State or Deputy-Ministers to the Members of either Parliament or other Legislatures and, thus, cause to bring a situation in which about fifty per cent. of the Members may be provided with offices. In this way, more than fifty per cent. Members of Legislatures of small states can be brought to hold offices. We have to check this policy as well.

Pandit Krishna Chandra Sharma: May I remind the hon. Member that it has nothing to do with elections?

Seth Govind Das: But because the hon. Minister had referred to this subject in his speech, I have also mentioned it.

Mr. Deputy-Speaker: I may say that I myself induced the hon. Minister to make a digression and make that statement. But these are matters which are not absolutely relevant. This is a question which must be decided by an independent statute. Therefore much time need not be spent in discussing it.

Seth Govind Das: The fourth thing relates to the nomination. I quite agree with my hon. friend, Shri Gokulbhai Bhatt, when he says that the question of nomination should be decided before the elections take place. The question should not be left undecided till the elections are over because, in that case, if, as a result of some election petitions nominations were to be declared invalid, the elections will have to be held afresh. This Bill should, therefore, have some such provision as may help

[Seth Govind Das]

solve the question of nomination long before the elections are held.

Shri Soudhi: Please call *Namzadgi*; there is no word like *Namzadi* in Urdu.

Seth Govind Das: In Hindi they call it *Namzadi*. The fifth question relates to the provision of conveyances. The restriction which has been provided in the present Bill existed in 1923, 1926, too; but, notwithstanding this restriction, the conveyances were illegally hired and used. The persons who made use of any vehicles were supposed to have paid for them, but the things were otherwise. That is why after the elections of 1926 it was allowed that any candidate who wanted to use some conveyance for transporting his or her voters should have freedom to do so. The ensuing election being first of independent India, we have also to see to it that the voters come in largest possible numbers to cast their votes. In the event of any such restriction being placed on the use of vehicle, fewer voters would come to cast their vote. We will have to make active consideration as to what should be done in this respect. The sixth question is about the election tribunals. We should make it legally obligatory on them that there should be an uniformity in policy. Let not any tribunal deliver judgment as opposed to one already delivered by another. These are the six suggestions which I wish to make to the hon. Minister.

Lastly, I would submit that we are providing for adult franchise in spite of the fact that our masses are not literate. I cannot agree to it that the elections are meant only for electing representatives. I believe elections also go a long way to educate the electorate. Such an education may not provide mere knowledge of letters, but it does provide them with the knowledge of their own selves, their places and their States. Today we are getting an opportunity of educating the illiterate masses of this country. We can at this time teach them many a lesson regarding their course of action. The people of this country being mostly illiterate, do not have any previous experience of any such elections. With a view to this and taking into consideration all these questions, let us so amend the Bill as may help make the election simple instead of creating any further complications.

बाबू रामनारायण सिंह : धन्यवाद सभा-
पति महोदय ।

Dr. Ambedkar: Speak in English.

बाबू राम नारायण सिंह : जी नहीं ।
अब भाजादी हो गई है । अंग्रेजी बोल बोल
कर गुलामी को क्यों याद करें ? इस
वास्ते हिन्दी में ही बोलूंगा ।

डाक्टर अम्बेडकर ने एक बात कही
जो मुझे बड़ी पसन्द आई । वह बात यह
थी कि जितने नियम बनाये जा रहे हैं
उन का लक्ष्य ऐसा रहेगा कि देश में कोई
सरकार संसद् के सदस्यों को भ्रष्ट न कर
सके । यह बात बहुत अच्छी रही, लेकिन
नियम में ऐसी भी बात होनी चाहिये,
और उस के बिना काम नहीं चलेगा, कि
यदि सरकार ही भ्रष्ट रहेगी तब तो सद-
स्यों को भी भ्रष्ट कर देगी । यह बहुत
सही बात है । इस वास्ते प्रबन्ध तो ऐसा
होना चाहिये कि भ्रष्ट करने का अवसर
ही न आये, जिस का मतलब यह है कि
देश में भ्रष्ट सरकार न रहने पाये ।
सभापति महोदय, इस देश में जब से चुनाव
की बातें हो रही हैं तभी से हम लोग
इस में भाग ले रहे हैं और रोज़ रोज़ नये
नये अनुभव प्राप्त हो रहे हैं । मैं डाक्टर
साहब से पूछूंगा, जब देश के अन्दर मत-
दाताओं के नाम दर्ज होते हैं । यानी
वोटर्स लिस्ट (Voters' lists) तैयार
होती हैं, कुछ लोग इस प्रकार के यत्न
करेंगे, जिस का मुझे अनुभव है, कि अमुक
अमुक व्यक्तियों का नाम ही नहीं दर्ज
होगा, अगर उस के बाद कोशिश करने
पर नाम दर्ज भी हो गया तो उसके बाद
कोशिश होगी कि भले ही वोटर्स लिस्ट
में नाम दर्ज हो गया, लेकिन छपने के
समय लिस्ट में वह नाम न आये । उस
के बाद क्या होगा ? नामिनेशन पेपर
(Nomination papers) आने लगे,
तो यह होगा कि किस समय नामिनेशन
पेपर लाया गया, ऐसे अफसर रहेंगे जिन

पर आप का हाथ रहेगा। यह तो कहा गया कि दुनिया में ऐसा चुनाव कभी नहीं हुआ जैसा कि भारतवर्ष में होने जा रहा है, बड़ी अच्छी बात कही गई। लेकिन जिन के हाथ में अधिकार है उन को अच्छे ढंग से चलना चाहिये ताकि देश में किसी तरह की खूनखराबी न हो, किसी तरह का भ्रष्टाचार न हो। सच्चा चुनाव हो। लेकिन अब जो अनुभव हो रहा है, सभापति महोदय, मैं कहता हूँ कि मुझे खबर मिली है, कुछ अफसर हमारे सूबे में पारस्परिक बातचीत में कह रहे थे कि अब चुनाव होने जा रहा है लेकिन जिस प्रकार अंगरेजी राज्य में हम अपनी आज़ादी रख सकते थे, वह आज़ादी नहीं रख सकेंगे, यानी दल विशेष के कहने पर, जो दल अधिकार में रहेगा उस के कहने पर हमें काम करना होगा। मैं इस का उदाहरण भी दूंगा। तो जिस दिन नामिनेशन पेपर वाखिल होंगे उस में गड़बड़ सड़ बड़ की जा सकती है खास तौर पर उस समय जब कोई भ्रष्ट सरकार हमारे देश में होगी जैसी कि अभी तो बहुत सूबों में है। तो जिस दिन नामिनेशन पेपर्स की स्क्रुटिनी (scrutiny) होगी उस दिन जो अपने उम्मीदवार होंगे उन के पेपर को योग्य समझ लिया जायगा, बाकी सब को रद्द कर दिया जायगा। रद्द कर दिया तो न चुनाव की ज़रूरत रही न वोटों की ज़रूरत रही। चुनाव हो गया, समूचे सूबे में या समूचे देश में सरकारें बन गईं, उस के बाद जिन बेचारों के नामिनेशन पेपर्स को रद्द कर दिया गया वह कचहरी में जायें, मुकदमा लड़ें, सरकार तो बन कर चलने ही लगी उस के बाद देखा जायगा। तो इसका क्या उपाय किया जाय, डाक्टर अम्बेडकर साहब को इस पर विचार करना पड़ेगा। अब तो यहां

तक हो गया है, सभापति महोदय, कि कांग्रेस के चुनाव में भी लोगों को कचहरी में मुकदमा लड़ना पड़ता है। मेरे ही ज़िले में ऐसा काम हुआ। दो दलों में चुनाव हो रहे थे, पंचों के चुनाव में दो दो हजार उम्मीदवार दोनों तरफ से थे। जिन लोगों के हाथ में अधिकार था उन लोगों ने अपने उम्मीदवारों के नामिनेशन पेपर तो वैलिड (Valid) कर दिये, बाकी सब लोगों के नामजदगी के पत्रें रद्द कर दिये। कांग्रेस कमेटी बन गई और वे लोग अपनी मनमानी करते रहे। देश के निर्वाचन की तो बात दूर की है कांग्रेस के चुनावों को देखते हुए मैं कहता हूँ, -आज डाक्टर अम्बेडकर और पंडित जवाहर लाल नेहरू तथा और जो हमारे देश में अधिकारी लोग हैं उन लोगों से मैं निवेदन करता हूँ कि वह मेरी स्पीच को पढ़ेंगे और समझेंगे। हमारे सूबे में जो कुछ हो रहा है वह कह रहा हूँ। एकचन्ना हमारे यहां एक सबडिवीजन है। वहां म्युनिसिपल चुनाव होने को था ज़ुलाई के महीने में। लेकिन सुना गया कि यहां कांग्रेस के उम्मीदवार को वोट न मिलेगा, फिर क्या था चुनाव बंद कर दिये गये। उस के बाद यह हुआ कि नवम्बर में चुनाव होंगे। परन्तु परिस्थिति नहीं बदली, फिर चुनाव मुलतवी कर दिये गये। उस के बाद आखिर में मार्च में चुनाव हुए हैं। डाक्टर अम्बेडकर जी इस को याद रखेंगे, और दुनिया से भी कह रहा हूँ, इस संसद् में खास कर पंडित जवाहर लाल नेहरू जी जो हमारे देश के नेता हैं उनसे कह रहा हूँ।

Pandit Krishna Chandra Sharma: These allegations are irrelevant in view of the fact that the other party is not here to explain the matter.

Mr. Deputy-Speaker: It relates to Congress elections.

Dr. Ambedkar: The matter is now placed in the hands of the Election Commissioner under the Constitution. It is not in the hands of Government.

Mr. Deputy-Speaker: The Election Commission has been made supreme and the Select Committee proceedings show that they have given further powers in respect of the notification of the dates and other things both for the general elections as well as the bye-elections. The Election Commission has been made more and more important.

Shri Kamath : He wants to contrast this salutary change with the present state of affairs.

Mr. Deputy-Speaker: But we are not enquiring into the past. Let him come to this Bill.

बाबू रामनारायण सिंह : मैं तुरन्त आ रहा हूँ, लेकिन हमारे मित्र को मालूम हो रहा है कि मैं ऐसी बात कह रहा हूँ जिस का प्रसंग नहीं है। भाई, जरा समझने की ताकत रखिये और समझिये। जिस तरह से एकचक्रा म्युनिसिपल चुनावों की बात कह रहा हूँ वैसे ही यहां हो सकता है, इसलिये कह रहा हूँ।

गत ५ या ६ मार्च को चुनाव होगया। उस चुनाव में कांग्रेस के खिलाफ जितने स्वतंत्र उम्मेदवार खड़े हुए थे उन के नामिनेशन पेपर रद्द कर दिये गये और किसी से वोट लेने की जरूरत भी नहीं रही और चुनाव हो गया। तो मैं डाक्टर अम्बेदकर से कहूंगा, सारे संसद् से कहूंगा, सारे देश से कहूंगा कि इस से कैसे निबटारा होगा। डाक्टर अम्बेदकर ने बड़ा सुन्दर कहा कि संसद् के सदस्य ऐसे होने चाहिये कि वह सरकार के ज़रिये भ्रष्ट न हो सकें। लेकिन जहां की सरकार ही भ्रष्ट हो वहां के लिए क्या कहा जाय। मेरा यह सुझाव है कि जो स्कूटीनी होती है उस में यह अधिकार

मत दीजिये कि वह किसी के नामिनेशन पेपर को रद्द कर सके, जितने उम्मीदवार हों सब को चुनाव में जाने दीजिये, मतदाता लोग जिम को वोट देंगे वह चला आयगा। इस में इस तरह का नियम होना चाहिए कि किसी का नामिनेशन पेपर रद्द न किया जाय और जितने उम्मीदवार हों सब को मैदान में आने दिया जाय, फिर देखा जायगा।

एक माननीय सदस्य : अगर कोई उम्मीदवार पागल हो तो !

बाबू रामनारायण सिंह : देखिये हमारे एक मित्र कहते हैं कि अगर कोई पागल खड़ा हो जाय। लेकिन अगर वह पागल भी वोट पा कर यहां आ जाय तो आप का क्या हर्ज है। आप चाहते हैं कि रिटर्निंग आफिसर (Returning Officer) का यह भी काम हो कि वह यह बतलावे कि यह उम्मीदवार पागल है इस को वोट मत देना। मैं कहता हूँ कि अगर सारी कांस्टीट्यूएन्सी (Constituency) के लोग उस को वोट देते हैं तो आप को उस का स्वागत करना चाहिये।

इस के बाद मैं इलेक्शन रिटर्न (election returns) पर आना चाहता हूँ। सभापति महोदय, हम ने बहुत से इलेक्शन लड़े और बहुत से इलेक्शन रिटर्न भी दाखिल किये। मैं ने तो इस में कभी गड़बड़ नहीं की, लेकिन इलेक्शन में कहाँ कहाँ कैसे कैसे खर्च होता है यह तो जानना बड़ा मुश्किल है। मैं कहता हूँ कि भगवान के वास्ते इस धारा को मत रहने दीजिये। किसी को आप बेईमानी की बात लिखने को क्यों कहते हैं। जिस खर्च को आप मना करते हैं कि उस को वह करेगा तो मगर लिखेगा नहीं। इस तरह जान बूझ

कर किसी से झूठ कहलवाने की ओर उसे बेईमान बनाने की क्या ज़रूरत है और उस का क्या मूल्य है। खर्च होता है लाखों रुपया और लिखते हैं दस हजार। जहां जहाँ खर्च की ज़रूरत होती है वहां वहां खर्च किया जाता है मगर लिखा नहीं जाता है। यह सीधी सादी बात है। हमारा देश गरीब है, और जैसा कि सेठ गोविन्द दास जी ने अभी कहा हम को ऐसा उपाय करना चाहिये कि जिस में खर्च कम हो और १८ करोड़ वोटर वोट दे सकें। हम सारी चीजें दूसरे मुल्कों से लाते हैं। यह क्यों? अब चुनाव हो रहा है तो उस के नियम भी पड़वाय देशों के समान ही होने चाहियें। यह क्यों? कुछ तो अपना भी होना चाहिये, आप को भी दिमाग है, कुछ उस से निकालिये। यह क्या ज़रूरी है कि जितनी चीजें हैं वह विदेशों से ही आवें। मैं आप से अर्ज करना चाहता हूँ और सभी भाइयों से अर्ज करना चाहता हूँ कि आप इस पर विचार करें कि इस की क्या ज़रूरत है क्योंकि इस को रख कर आप दूसरों को बेईमान बनाते हैं।

अभी कहा जा रहा था कि अगर एक पत्रचा छपेगा किसी उम्मेदवार के नाम से तो उसे इलेक्शन का खर्चा माना जायगा और अगर पार्टी की तरफ से या नेता की तरफ से अगर कोई उपदेश किया जाता है कि इस दल को बोट दो तो वह इलेक्शन का खर्च नहीं समझा जायगा। लेकिन मैं आप से पूछना चाहता हूँ कि यह जो मंत्री लोग सरकारी खर्च से और सरकारी अफसरों की मदद से मीटिंग करते हैं और जो कहते हैं कि चुनाव में ऐसा होना चाहिये, इन का खर्चा किस मद में रखियेगा, वह जायज़ है या ना-जायज़ है। आप को यह नियम बनाना

चाहिये कि कोई मंत्री जो कि सरकारी खर्च से भ्रमण करता है वह चाहे प्रकट रूप से किसी सभा में या प्राइवेट रूप से किसी को भी चुनाव के बारे में कुछ न कहे। वह तो सरकारी काम से सरकारी खर्च पर गया है उस को चुनाव के बारे में क्यों बोलना चाहिये।

एक यात घीर है। डाक्टर अम्बेडकर ने कहा है कि जितनी सरकारी परमानेंट सर्विसेज (permanent services) हैं वह ठीक रास्ते पर रहनी चाहियें। यह बात बिल्कुल सही है। लेकिन उनके कहने का मतलब यह भी हो सकता है कि चाहे पोलिटिकल पार्टी (political party) के जो मिनिस्टर हैं या डिप्टी मिनिस्टर हैं वह गड़ बड़ी करें तो कोई हर्ज नहीं। सारा देश जानता है कि जो इतनी बड़ी हमारी सरकार है वह जो काम कर रही है वह मिनिस्टर और डिप्टी मिनिस्टरों के अधीन काम कर रही है उन में नैतिकता का बल नहीं है। सरकारी अफसरों में इतना नैतिक बल नहीं है कि वह मिनिस्टरों की मर्जी के खिलाफ काम कर सकें। मंत्री लोग जब रहेंगे तो उन का दल चुनाव में अवश्य ही भाग लेगा। मुझे तो यहां तक खबर मिली है कि कुछ मंत्री लोग चुनाव के लिए रुपया बसूल कर रहे हैं। हमारे ज़िले हज़ारी बाग की खबर है कि एक मंत्री ने, जिन का नाम मैं नहीं लेना चाहता, चुनाव के लिए १६ या १७ लाख रुपया जमा कर लिया है। सभापति महोदय, मेरे कहने का मतलब यह है कि ऐसा उपाय होना चाहिये कि चुनाव के पहले चाहे मिनिस्टर या डिप्टी मिनिस्टर जो भी अनर्थ कर लें मगर चुनाव का काम शुरू होने के बाद मिनिस्टर और डिप्टी मिनिस्टर अपने पद पर न रहें।

[बाबू रामनारायण सिंह]

ऐसा नहीं हो सकता कि मिनिस्टर और डिप्टी मिनिस्टर अपने अपने पद पर रहें और उन के ही दल का चुनाव हो और सरकारी कर्मचारी उन की मर्जी के मुताबिक काम न करें। सभापति महोदय आप सब लोग क्या नहीं जानते कि यह मिनिस्टर या डिप्टी मिनिस्टर क्या काम करते हैं। अगर ये लोग तीन महीने के लिए नहीं रहेंगे तो यहां के काम में कोई बाधा नहीं पड़ेगी, कोई आसमान नहीं टूट पड़ेगा। आप जानते हैं कि ये लोग वही बांखू बूब कर करते हैं जो कि डिपार्टमेंट के लोग कहते हैं। कोई अपने दिमाग से कुछ नहीं करता है। वह नौकरशाही के चले हो रहे हैं। हो सकता है कि कोई मिनिस्टर भला भी हो। लेकिन मेरा कहना यह है कि जितने दिनों तक चुनाव चले और चुनाव का काम हो और प्रचार हो, उतने समय तक मिनिस्टर और डिप्टी मिनिस्टर अपने पद पर न रहें और रिजाइन (resign) कर के अलग हो जाय।

एक माननीय सदस्य : और पार्लियामेंट के मेम्बर रहें या न रहें।

बाबू रामनारायण सिंह : पार्लियामेंट के मेम्बर रहें या न रहें, क्योंकि वे तो किसी को भ्रष्ट नहीं कर सकते। भ्रष्ट करने वाले तो मिनिस्टर और डिप्टी मिनिस्टर ही हैं। तो आप इस बारे में विचार कीजिये।

पंडित ठाकुर दास भार्गव : क्या किसी मुल्क में आज तक ऐसा हुआ है।

बाबू रामनारायण सिंह : मेरे भाई ठाकुरदास जी यह कहते हैं कि क्या किसी देश में ऐसा हुआ है। हम क्यों दूसरे देशों के ही गुलाम बने रहें और क्यों न अपने दिमाग से सीखें। डाक्टर अम्बेडकर

साहब कहते हैं कि सब चीज विदेशों की तरह ही होना चाहिये। क्या हम लोगों के दिमाग नहीं है। हमारे इतने योग्य भाई ठाकुर दास जी कहते हैं कि ऐसा किसी और देश में नहीं हुआ है। अगर किसी और देश में ऐसा नहीं होता तो यह भी तो नहीं होता कि १८ करोड़ आदमी वोट दें। आखिर हम लोग भी आदमी हैं और हमारे भी दिमाग है और हम भी अपने लिए नियम बना सकते हैं। इस बात को आप कैसे मानते हैं कि अगर यह मिनिस्टर तीन महीने के लिए नहीं रहेंगे तो कोई हर्ज हो जायगा। आज यही लोग गड़बड़ करते हैं। अगर यह न रहेंगे तो बिहार और सारा देश इस गड़बड़ से बच जायगा।

Mr. Deputy-Speaker: This is not relevant to the Bill.

बाबू रामनारायण सिंह : अध्यक्ष महोदय, मैं यह कहना चाहता हूँ कि सरकार ऐसी होनी चाहिये, परमानेंट सरविसेज ऐसी होनी चाहिये कि चुनाव ठीक तरह से और ईमानदारी से हो सके।

पंडित ठाकुर दास भार्गव : जी आप फरमा रहे हैं वह तो सब कांस्टीट्यूशन (Constitution) के खिलाफ हैं।

बाबू रामनारायण सिंह : अब देखिये न, कहते हैं कि कांस्टीट्यूशन के खिलाफ हैं। तो भाई, क्या हम कांस्टीट्यूशन नहीं बदल सकते हैं? आप कैसी कैसी बात करते हैं?

तो अब मैं अधिक नहीं कहूंगा। लेकिन जो दो चार बातें मैं ने कही हैं उन पर ध्यान देना है।

श्रीमती दुर्गाबाई : कोई दूसरा प्वाइंट (point) कहिये।

बाबू रामनारायण सिंह : नहीं, अब मैं खत्म करता हूँ। सब से बड़ी बात जो मैं ने इस बारे में कही वह यह है कि वोटर्स लिस्ट ठीक से तैयार हो और वहाँ जो गड़बड़ करने हैं उस का उपाय होना चाहिये। फिर नामिनेशन पेपर कोई रद्द न कर सके इस का उपाय होना चाहिये।

श्री आर० सी० उपाध्याय : कोई नहीं कर सके ?

बाबू रामनारायण सिंह : नहीं, कोई नहीं, सब को चुनाव में आने देना चाहिये। अब जिस के हाथ में अस्तिवार है वह तो परमानेंट सरविसेज के लोग हैं। हम तो अंग्रेजी राज्य में उन को देखे हुए हैं। तब तो वह ईमानदारी कर सकते थे, लेकिन अब ईमानदारी नहीं कर रहे हैं। इसलिये उन का मुँह डर है। इस बास्ते में यह चाहता हूँ कि यह कांस्टीट्यूशन में हो या न हो, और अगर जरूरत हो तो कांस्टीट्यूशन बदलिये, लेकिन ऐसा उपाय होना चाहिये जो भले मंत्री लोग हैं वह तो रहें लेकिन जो मिसचीफ (mischief) करने वाले हैं उन के उपद्रव से बचने के लिये कोई उपाय होना चाहिये ताकि चुनाव पूरी पवित्रता के साथ, पूरी आजादी के साथ हों। मैं तो आप से कहता हूँ और यह कह कर बैठ जाऊँगा, कि इस बक्त सारे देश की मदद की जरूरत है। सरकार जो है उस की जरूरत है, हम लोगों की, सब की जरूरत है। सब को मिला जुला कर और ठीक से चुनाव कर सक तो देश का कल्याण है। और नहीं तो जैसा मैं ने अभी उदाहरण दिया कि जिस किसी का चाहा नामिनेशन पेपर रद्द कर दिया, जो अपने मन के आदमी हैं, अपने दल के आदमी हैं, उन का नामिनेशन पेपर ठीक कर दिया, सरकार बन गयी, सरकार जम गयी, और

जो दूसरे दल के आदमी हैं, दूसरी पार्टी के आदमी हैं, वे कचहरियों में जा कर लड़ते भगड़ते रहें, अगर ऐसी बातें हुई, तो मैं कहे देता हूँ कि हमारे देश में घोर विप्लव, यानी जिस को अंग्रेजी में आप लोग रिवोल्यूशन (revolution) कहते हैं, के आने में देर नहीं होगी। इसलिये मैं कह देता हूँ कि हमारे देश में जो चुनाव में गड़बड़ करने वाले हैं वे जान लें कि वे रिवोल्यूशन को बुला रहे हैं। और रिवोल्यूशन में जितना पाप होगा, भ्रष्टाचार होगा, और दुःख और कष्ट समाज को होगा उस के लिये जबाबदेह वही लोग हैं जो हमारे देश में आज गड़बड़ करने वाले हैं, बेईमानी करने वाले हैं। तो, खैर, वह तो पीछे देखा जायगा। लेकिन अभी हम लोग कोशिश करें कि गड़बड़ न होने पावे और पूरी पवित्रता और ईमानदारी के साथ चुनाव हो सकें।

(English translation of the above speech)

Babu Ramnarayan Singh (Bihar): I thank you, Sir.....

Dr. Ambedkar: Speak in English.

Babu Ramnarayan Singh: No, Sir, we are now a free nation. Why should we remind ourselves of our slavery by speaking in English? I will therefore express myself in Hindi.

I very much appreciated one of the observations made by hon. Dr. Ambedkar. It was that the object of the laws that are being made would be such as may ensure that no Government in the country may be able to corrupt the Members of Parliament. This is a welcome thing but some provision should also be there, and I think it is very essential to see that the Government should not be corrupt because if the Government are itself corrupt, they would corrupt the Members also. It will certainly happen. Therefore the aim should be that no opportunity be made available to corrupt them which, in other words, means that there should be no corrupt Government in the country at all. Sir, we have been taking part in the activities concerning the elections and are daily having new experiences. I will

[Babu Ramnarayan Singh]

draw hon. Dr. Ambedkar's attention to the fact that when electoral rolls or voters' lists are prepared, some people would make efforts to see that the names of certain persons are not included in those lists. I am saying this with my own experience. If anyhow their names are written, the efforts will be to see that they are not included in the printed lists. Then at the time of the filing of nomination papers, objections will be raised as to the date of filing them because all these matters will be in the hands of the presiding officers under their control. Of course, it has been said that no country in the world had had such huge elections as are going to take place in India. This is a matter of great pleasure. But the party in power should adopt a fair attitude and should not resort to improper means so that we may avoid disturbances and corrupt practices during the elections. Elections should be absolutely free. But at present our experience in this regard is quite different. Sir, I submit that I have heard officials in my State saying among themselves that in the forthcoming elections they would not be able to maintain perfect impartiality as they used to maintain during the British regime, that is, the party in power would force them to act in a particular manner. I will also give an instance of it. So, there can be undue interference with the filing of nomination papers on the day fixed for this purpose, particularly when there is any corrupt Government in our country as it is in some of our provinces. The day on which nomination papers would be scrutinized, the nomination papers of their own candidates would be held valid and of the others would be invalidated. And when they are declared invalid, there would be no necessity for either elections or votes. The elections would thus be over and Governments would be formed in all places and then none is going to bother for those whose nomination papers were invalidated. They might go to the courts and fight their cases out. The Government would be formed and hence they would not worry. So, what should be the remedy for these evil practices? Dr. Ambedkar will have to give serious thought to this problem. Sir, the matters have so much worsened that even in the Congress elections, people go to law courts to seek decision in their disputes. Such a thing has happened in my own district. It was during the election of Panchs, when two parties were contesting the elections and no less than two thousand candidates belonging to each of the two parties had stood for the elections.

What happened was that the party in power held the nomination papers of their own candidates valid and invalidated the rest of the nomination papers. Congress Committee was formed there and they had their say. So when such a thing could happen in minor Congress elections what to say of the general elections in the country. In view of this I request hon. Dr. Ambedkar, Pandit Jawaharlal Nehru and others in power to carefully read my speech and fully appreciate what I say. I am referring to what is happening in my State. There is a subdivision of Ekchatra in my State. Municipal elections were to take place there in the month of July. But it was felt that the Congress candidates might not get enough votes and so the elections were postponed. Then elections were declared to be held in November. But conditions did not change and they were again put off. Elections have now taken place in the month of March. I hope Dr. Ambedkar will take notice of it. I am pointing it out for the consideration of this House and Pandit Jawaharlal Nehru in particular who is the leader of our country.

Pandit Krishna Chandra Sharma: These allegations are irrelevant in view of the fact that the other party is not here to explain the matter.

Mr. Deputy-Speaker: It relates to Congress elections.

Dr. Ambedkar: The matter is now placed in the hands of the Election Commissioner under the Constitution. It is not in the hands of Government.

Mr. Deputy-Speaker: The Election Commission has been made supreme and the Select Committee proceedings show that they have given further powers in respect of the notification of the dates and other things both for the general elections as well as the bye-elections. The Election Commission has been made more and more important.

Shri Kamath: He wants to support this salutary change.

Mr. Deputy-Speaker: But we are not enquiring into the past. Let him come to this Bill.

Babu Ramnarayan Singh: I am coming to it immediately. My friend here thinks that I am talking all irrelevant. I would ask him to please try to understand what I say. What has happened in Ekchatra municipal elections may also happen here and hence I am making a reference to that. So, the elections after all took place on

the 5th or 6th March last. The nomination papers of all other independent candidates, who had stood against the Congress in the elections, were invalidated and hence there was no need for votes to be cast and thus elections were over. I therefore ask hon. Dr. Ambedkar and the hon. Members of this House and in fact the whole country as to how such a thing can be done away with. Dr. Ambedkar has rightly observed that the hon. Members of Parliament should be such as cannot be made corrupt by the Government. But what can be done when the Government themselves are corrupt? I suggest that the powers by which a nomination paper can be invalidated during its scrutiny should not be given. Everybody should be allowed to contest the elections. One who is able to secure the highest number of votes would be returned. There should be such a provision in the Bill that no one's nomination paper should be invalidated and all candidates should be freely allowed to fight elections.

An. Hon. Member: And if a candidate is insane?

Babu Ramnarayan Singh: My hon. friend says that an insane person may also stand. Well, if that insane person can get enough votes to be elected, let him come. What is the harm there? Do you wish that the Returning Officer should also tell you that such and such candidate is insane and that no vote should be given to him? I say if all the voters of the constituency cast votes for him, then you should have no objection. You should rather welcome the person.

Now I come to election returns. Sir, I have contested many elections and I have also filed many election returns. Of course, I have never indulged in any dishonest practice, but I must say that it is very difficult to find out actually how much money is spent on various items during the elections. I say, for God's sake, remove this provision in the Bill. Why ask others to write wrong and false things? This is certain that a candidate will incur all such expenses which you do not want, but he would not write them. Hence why tempt others to tell lies and indulge in dishonest practices? They would spend lakhs of rupees but would show only a few thousands. Money will be spent wherever it is necessary but it will not be written. This is a simple thing. Ours is a poor country and, as Seth Govind Das has just said, so we must adopt such measures that may involve less expenditure and at the same time eighteen crore voters may also be able to cast their votes conveniently. We always imitate foreign

countries in all matters. Elections are now going to take place and for that too we are trying to make rules similar to those of the western countries. I ask why is it so? We must have something of our own. After all, we have also brains. Why not think out new methods of your own? It is not necessary to look to the foreigners in all matters. I appeal to you and all hon. Members of the House to think over this suggestion because such a provision only means affording temptation for others to speak lies and do false things.

It was said earlier that if a pamphlet is printed in the name of the candidate, it will be treated as an election expense, but if an appeal is made by the party or the leader that such and such party should be given the votes, then it would not amount to election expenses. But I would ask you to tell me the item under which the expenses incurred by the Ministers will be placed when they go out on Government expense and address meetings arranged by Government officials and wherein they talk about elections. Is it all justified? I want that a law should be made that no Minister, when he is touring on Government expense, should talk about elections either in a public speech or in a private meeting with somebody. He goes on Government business on Government expense, and hence why should he speak about elections?

There is one more point. Dr. Ambedkar has said that the permanent civil service should remain free and unconcerned. His observation is right but it can also mean that there is no harm if the Ministers and Deputy Ministers belonging to the political party in power, try to use their influence and interfere with the elections. Everybody knows that the huge machinery of our Government is functioning under the Ministers and Deputy Ministers. They are lacking in moral strength. Government officials are not morally strong as to go against the wishes of the Ministers. While the Ministers are there, their party will certainly take part in the elections. I have even heard that some Ministers are collecting money for the elections. There is a rumour in our district of Hazaribagh that a Minister, I will not give out his name, has collected no less than 16 or 17 lakh rupees for the elections. Sir, all that I want to suggest is that the Ministers or Deputy Ministers may do anything they like before the elections but once the election work begins, they should leave their posts. It cannot be expected that the Government official would go

[Babu Ramnarayan Singh]

against the wishes of the Ministers and the Deputy Ministers when the latter continue on their posts and their party contest the elections. The hon. Members here very well know what little work these Ministers or Deputy Ministers do. After all no work is going to suffer and no misfortune would befall the country if these Ministers leave their posts for three months. You know that these people only do what their departments want them to do. They do not do anything of their own accord. They are simply following the old bureaucratic way. May be that one or two of the Ministers are good but what I wish to submit is that in the period when election activities and propaganda work are carried on, these Ministers and Deputy Ministers should not remain on their posts and should resign.

An Hon. Member: And Members of Parliament may or may not remain.

Babu Ramnarayan Singh: Yes, Members of Parliament may or may not remain because they cannot corrupt anybody. It is the Ministers and Deputy Ministers who corrupt others. So, you should consider over this matter.

Pandit Thakur Das Bhargava: Is there any precedent for this step anywhere in the world?

Babu Ramnarayan Singh: My hon. friend Pandit Thakur Das asks if there is any precedent for this. I say why should we always slavishly look to foreign countries in all matters. Why should we not think out our own methods? Dr. Ambedkar says that everything should be on the lines of the foreign countries. Do we not possess brains? According to my learned hon. friend Pandit Thakur Das, such a thing has never happened in any other country. But I ask him have eighteen crore persons ever gone to the polls in any other country? After all we are also human beings, we can also think and make our own rules and regulations. How can you say that the work will suffer if these Ministers leave their posts for three months? I say it is they who are unnecessarily interfering in all matters and if they do not remain on their posts, Bihar and other States will be saved of this trouble.

Mr. Deputy-Speaker: This is not relevant to the Bill.

Babu Ramnarayan Singh: Sir, what I mean to suggest is that the Government and the permanent services

should be such that we may have free and fair elections in the country.

Pandit Thakur Das Bhargava: What you are suggesting is against the Constitution.

Babu Ramnarayan Singh: Now see, the hon. Member says that it is against the Constitution. Well, I say can we not make changes in the Constitution? I just do not know how you are talking like this.

So, I will not take much time now. But I have to say that due consideration must be given to the three or four points I have submitted before you.

Shrimati Durgabai: Take some other point.

Babu Ramnarayan Singh: No, I am closing. The most important point that I have referred to in this connection is that voters' lists should be properly prepared and measures should be adopted to see that there is no undue interference with their preparation. Then, there should be a provision that nobody may be able to invalidate any nomination papers.

Shri R. C. Upadhyaya (Rajasthan): Nobody?

Babu Ramnarayan Singh: Yes, nobody. Everybody should be allowed to contest the elections. Those who have authority and power are the people belonging to the permanent services. We know them since the British days. They could be honest at that time but they are not so now and hence I have a doubt about them. It is therefore I want that there must be such a provision, whether it is in accordance with the Constitution or not and I would ask you to change the Constitution if necessary, that all honest Ministers should stay while those who are likely to do some mischief should be done away with so that elections might be held with all fairness and impartiality. In the end, I would only say that at this hour we need the help of the whole country, of the Government and of all the people. The good of the country lies in elections being properly held, with the joint and honest efforts of all. If it does not happen, if any one's nomination paper would be invalidated at their will, if the nomination papers of only those who are of their own choice and of their own party would be declared valid, if their Government would be formed and established by these methods leaving the rest of the people belonging to other parties to go to the courts to file their claims and

settle their disputes, if all these things would happen, I have no hesitation in saying that a very serious revolution would soon break out in the whole country. Therefore I say that those who are trying to meddle with the elections are in fact inviting a revolution and it is these mischief mongers and dishonest people who will be held responsible for the misery, misfortune and destruction that will follow the revolution in the country. Of course, these things are of the future but we will have to endeavour from now onwards so that elections may take place with all fairness and honesty.

Mr. Deputy-Speaker: Mr. Khandubhai Desai.

Pandit Krishna Chandra Sharma: He was on the Select Committee.

Mr. Deputy-Speaker: Yes, he wants to explain his position.

Shri Khandubhai Desai: Sir, we have got before us the Report of the Select Committee which is a sort of Election Code. Of course, there is no difference of opinion as far as we all believe that the purity and the integrity of the election should be maintained. The only difference arises as to how this purity and integrity of the election should be maintained by a sort of Code which we are just now discussing.

At the outset I would like to make it very clear that I am not a legal *pundit* or a lawyer and therefore I do not know what is behind the nice legal phraseology in which this Election Code had been prepared. As a Member of the Select Committee I must place before this House my reaction about the procedure in the Select Committee. Some of us, common and lay persons, who do not know these nice phraseologies, raised certain objections, but our Chairman sometimes and the hon. the Law Minister at other times, legal *pundits* as they are, tried to explain away those difficulties which we placed before them. We could not really understand the implications of certain clauses, and this has more or less found place in some of the Minutes of Dissent. The whole question is, let this Election Code be prepared in such a way that the common man will understand it and may not have to go before the lawyers to explain to him what is behind this Election Code. As it appears to me, about 4,000 candidates would have to engage 4,000 lawyers to advise them in order to see that some illegal practice here or some illegal practice there is not committed. That in my opinion appears to be the reaction on the minds of most of us who are not lawyers.

Dr. Deshmukh: The remedy is to choose only lawyers as candidates.

Shri Khandubhai Desai: That may be the basis on which this Code has been prepared.

Shri Kamath: The remedy will be worse than the disease.

Shri Khandubhai Desai: I do not like to take the time of the House on various other details, which, as I said, I do not understand. Though I have signed the Report of the Select Committee I would like to make it very clear that I do not know what is behind this nice phraseology contained in this Election Code. But two or three points which strike me *prima facie*, I would like to place before the House. I particularly object to sub-clause (1) of clause 124 which deals with illegal practices. Sub-clause (1) lays down:

"The incurring or authorisation by any person other than a candidate or his agent of expenses on account of holding any public meeting for the purpose of promoting or procuring the election of the candidate, unless he is authorised in writing so to do by the candidate."

This will be an 'illegal practice'. Now, I would like to know from the hon. the Law Minister whether it will be physically possible in a big country like India for each and every candidate to authorise all the potential and possible supporters of these particular candidates throughout the length and breadth of India.

He has said that as far as the political parties are concerned, if somebody on behalf of the political party would make a general appeal, it would not require any authorisation. But assuming that Pandit Jawaharlal Nehru goes to one of the constituencies, incurs some expenditure in his travelling and addresses a meeting. He is only asked by this Election Code to talk generally. He will not be able to mention in that constituency that the elections are recommended to vote for a particular candidate. If by chance, he mentions his name, then it becomes an illegal practice. Pandit Nehru may not have been authorised by that particular candidate to incur that expense of going from Delhi to that constituency but that expenditure must be entered in expenses return, if he mentions the name of the candidate in a meeting.

Shri Himatsingka: There is no question of expenditure. Even the meeting makes it an illegal practice.

Shri Khandubhai Desai: I do not know. You are a solicitor and possibly you may enlighten me further. As I said I am no lawyer and I do not understand what is behind this.

Pandit Nehru is himself a lawyer and he would have also the advice of his Law Minister who would say: "Please do not mention the name of the candidate. Otherwise, you should have been authorised and the expenses which you incur would have to go into the election expense return." By chance somebody in the audience would ask him the question: "Well, Sir, you are asking us to vote for this, that and the other but for whom shall we vote in this constituency?" If he says: "You vote for Mr. A," then it becomes an illegal practice, unless he is authorized. His travelling expense from Delhi to Ahmedabad must come in the election return of that particular candidate whose name he may mention and that means that all the leaders would have to be authorised by all the 4,000 candidates to incur expenses on their behalf. That is how I read this particular clause. Further, it is also possible under sub-clause (i) that the opponents of a candidate also might issue a hand-bill asking the voters to vote for a particular man though of course, he has not been authorized. He has incurred the expenditure in issuing that hand-bill.

Shri J. R. Kapoor: There have been such cases in the past.

Shri Khandubhai Desai: The result will be that that election will be held to be invalid. So, I think that in trying to bring about purity and integrity in the elections, clauses and sub-clauses are introduced in this Bill which would make the elections absurd. As some of the previous speakers have pointed out instead of creating honesty and purity, it will create a sort of perverse mentality and all the candidates will be induced somehow or other to circumvent the provisions of this Bill.

Shri Chattopadhyay (West Bengal): What is the existing rule in this matter?

Shri Khandubhai Desai: I do not think that there is anything like that today.

Shri Sidhva: Were you not able to bring your colleagues to your point of view in the Select Committee?

Shri Khandubhai Desai: As far as my colleagues in the Select Committee were concerned, we were pitted against

two very prominent lawyers and most of us were non-lawyers and even though we were convinced that something was wrong, we could not convince them. And, naturally, Dr. Ambedkar, a legal luminary as he is, has got the logic both ways.

Now, I come to one other point which I have mentioned.

Prof. S. L. Saksena (Uttar Pradesh): What does the hon. Member want? Does he want that there should be no return of election expenses?

Shri Khandubhai Desai: I want that this should be deleted or so modified that the contingencies that I have mentioned may not arise.

I would like to refer to the other point which I have mentioned in my Minute of Dissent: that is with regard to Government servants who are debarred from canvassing or taking part in furtherance of the cause of a particular candidate. I personally think that this is an absurd proposition. As far as administrative offices are concerned, and as far as persons working in the Secretariat are concerned, I quite see that they should not affect the elections because they have got some influence, and some power to affect the elections. But, I do not understand how a miner working in a Government mine, an ordinary operative working in a Government mint, an ordinary worker working in one of the Railway workshops or a man working in the Nasik Security Printing Press, is going to affect the Elections. It is by a mere chance that he happens to be recruited in a Government commercial or industrial undertaking. He can as well go to a private engineering enterprise and work there. There he will be perfectly entitled to request his comrade to vote for a particular candidate. Simply because he happens to be engaged as an ordinary worker and operative in a concern or industrial undertaking which happens to be managed by the Government, he is debarred from canvassing or even inducing his comrade to vote for a particular candidate. Let us see how dangerous this is. The industrial policy of the Government is gradually to bring in more and more industries in the public sector. The result will be that all those people who are engaged in these Government undertakings will be debarred from doing any work so far as Elections are concerned. I can understand people in high authority or working in a supervisory capacity or managerial capacity in a Government undertaking being debarred; but, as I have pointed out, what difference is there between a miner working in a

Government mine in the Bihar Coal fields and a miner working in the neighbouring mine which is today under private management? The Trade Union legislation has authorised the Unions to collect political funds exactly for such Election purposes. Now, a Union of these miners would not be permitted to work for a particular candidate, according to this clause. I do not know, if a person working in any of the Railways or in any of the Railway workshops says to his own comrade working along with him that he should vote for a particular candidate, that itself becomes an illegal practice under this great Election Code. I do not know how this is going to be justified. I can understand and I would certainly agree, that persons in high authority who are capable of influencing the elections and who are capable of using their managerial or other administrative capacities to influence the voters, should be debarred. But to debar the ordinary rank and file of workers, those working in any of the commercial or industrial undertakings of the Government would, I fear, be an infringement of the very fundamental right of the persons to exercise his or her political vote. Therefore I would request Dr. Ambedkar to apply his fruitful and imaginative mind to find out some *via media* so that the persons who are working in ordinary capacities in Government commercial or industrial undertakings may be put exactly on a par with those employed in private enterprises. Sir, I think this is very necessary. If that is not done, I am afraid in the coming years more and more of the citizens of this country would be debarred from taking any active part in any elections whatsoever, because it is very clear now that the trend is towards more or less nationalisation of large industries and the nationalisation of most of the public utility services. Therefore I would request this House to amend this clause in such a way by adding a further explanation that the clause does not include Government servants working in ordinary capacities in Government industrial or commercial undertakings for the purpose of this clause.

With these words, Sir, I commend the two points that I have mentioned, for the support of the House.

Shri Himatsingka: Dr. Ambedkar in his introductory speech has explained some of the important changes made by the Select Committee and their effects. Some of the previous speakers who have preceded me have also pointed out the effects of some of

these changes and I will confine myself to certain changes effected in certain sections and their effect on the community. In the case of some, I must say the effect on the community will be very, very adverse. One of the clauses is clause 7 in sub-clause (d) where you find a number of disqualification. At present on account of the person standing as a candidate or continuing as a Member of Parliament or of any legislature. Sir, as you know, at the present moment, on account of the various controls a large number of essential articles are being controlled and on account, again, of the rules and regulations framed for them under the Essential Supplies Act and various other Acts, it is necessary to take permits or authorisation even by perhaps the smallest dealer in the village for dealing in these commodities. One can understand clause (d) (i) which says:

"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 Government of India or the Government of any State;"

A person has to go and apply for the

contract being given or to perform any service. Whether he wants it or not on account of certain rules and regulations framed or certain commodities being included and brought under the Essential Supplies Act, various permits and authorisations have to be taken. Simply because he happens to be dealing in such a commodity he becomes disqualified. The disability comes upon him in spite of himself; not that he wants to have a favour or utilise his position as a Member either of this House or the provincial assembly, but simply because certain articles are included in the Essential Supplies Act. I do not think that a similar provision can be found in any other country. As I said one can understand sub-clause (d) (i), when he applies for certain contracts to be given to him. But the disability should not apply when the law itself makes it incumbent on the dealer or the person manufacturing a commodity to apply for a licence. At present on account of the export and import control, licences have to be applied for either import or export. Even raw materials have to be imported. If a man has a cloth shop he has to apply for a licence or if he wants to deal in grains he should have a licence. So, so far as section 7 taken note of and the difficulties removed.

I was glad that the Law Minister himself felt that the provisions are

[Shri Himatsingka]

much too severe. He also suggested that it might be considered whether there should be some provision for giving a man, after election, the option whether he should continue or not and whether there should be any bar to a person standing or being nominated as a candidate. There also I suggest that so far as sub-clause (d) (i) is concerned, the above suggestion might be considered. But as regards the other disabilities which are sought to be added there is no justification. I have tried to find out from the laws of other countries whether there is a similar provision and as far as I know there is only one provision in the British Act where any person holding any contract, if elected, his seat is declared void. Therefore the other disabilities sought to be added should not be allowed to stand. If you examine the thing it will be found that the position might be carried to the extreme. Supposing a Member applies for allotment of land in a State for a living. What is the difference between him and a person who applies for a licence to carry on his business, which he has been carrying on?

Pandit Krishna Chandra Sharma: Making a living and making a profit are two different things.

Shri Himatsingka: It is very easy for a person to make it suitable to his own convenience. Take the case of a lawyer.....

Pandit Krishna Chandra Sharma: That is a profession. There is a difference between a profession and profiteering. (*Interruption*).

Shri Himatsingka: Some people can make a living without profit, because they do not call the money they get as profit. So, this disqualification seems to me to be so objectionable that the House should have no difficulty in deleting this provision that has been suggested by the Select Committee.

There are various other clauses which to me seem to be very vague and which are liable to create various difficulties. The previous speaker has pointed out clause 124. As it stands, the election of a candidate can be made difficult on account of some persons combining to hold a meeting and incurring some expenditure thereon. Sub-clause (1) of clause 124 reads as follows—

(1) The incurring or authorisation by any person other than a candidate or his agent of expenses on account of holding any public meeting, or upon any advertisement, circular or publication, or in

any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorised in writing so to do by the candidate.

Supposing a number of supporters of a particular candidate call a meeting and spend five or ten rupees on it, without the authorization of the candidate. There are so many persons who would try to support one candidate or the other but when they do it without the knowledge of or connivance of the candidate, even that, as the section stands, is considered an illegal practice. It is not that he cannot show it under election expenses, but the mere holding of a meeting where certain expenses have been incurred without authorization, is an illegal practice. Therefore, I consider something should be done to modify this provision whereby future objections that might be raised might be eliminated and in any event minimised.

Similarly, a number of other clauses also are capable of including within their ambit certain acts which even though the candidate does not want to take place may be done perhaps through mischief. There, too, we should certainly provide that if such meetings are held with the connivance or knowledge or at the instance of the candidate then and then only should they be considered so far as that candidate is concerned.

Sub-clause (2) of clause 124 says:

(2) The hiring, using or letting, as a committee room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

I do not know why the words, "sold to the public" have been introduced. Supposing it is distributed free will it be permitted? Or is there any particular idea in the use of the word "sold"? Will it be permitted if given free? So, I feel that the language of some of the sections which prescribe illegal practices and electoral offences should be so framed that the chances of their being misinterpreted and misused to the detriment of particular candidates could be avoided.

Some of the other provisions which have been introduced by the Select Committee are definite improvements. I do not think any objection could be taken to reservation of seats and distributive voting, and so on. Of course, clauses on conveyance and similar other things which have been left rather vague might lead to trouble and

should be amended and made clear so that they may not be used against particular candidates.

Prof. K. T. Shah (Bihar): You were good enough to say that there are in this Bill specific points, not all inter-connected with one another, which must be considered. Nevertheless, the debate has proceeded as if this was a single inter-connected and mutually integral piece of legislation. Apart, therefore, from the specific amendments which I may be obliged to move at a later moment, I would like to present some general observations at this stage, relating in my opinion on the basic principles involved in this legislation.

At the very outset, I would like to say that we are inclined to over-urge the size of this gigantic task, unprecedented and unparalleled in the rest of the world, namely, the General Elections involving 18 crores of voters. So far as the number is concerned, it may be unparalleled. So far as even the lack of familiarity or experience with such matters is concerned, it may be unparalleled. But, so far as the fact of the machinery, the procedure, the methods, the difficulties are concerned, the experience of other countries is available to us, and should be availed of by us. This emphasis, therefore, on the unparalleled character of this Election, and the task before us, should not be exaggerated, lest we unconsciously develop a defeatist mentality. Because we feel that this is unparalleled, because we feel that it is a gigantic and colossal task, it may be that we feel that any kind of error, omission or defect should be tolerated. If you adopt an attitude of that character, there is great fear that you may be unable to face the task squarely, even as squarely as it is in your power to do.

In this connection, I want to make a concrete suggestion, which, I hope, will be accepted, namely, that whether or not in making other pieces of legislation dealing with the masses as a whole we enact them in our own language, this Bill at least ought, before it is operated on, to be translated, not only in the national language of India but in all the principal languages mentioned in the Constitution. If you really want the voter to know what you are asking him to do, if you want him at least to be familiar with the machinery, within the three or four or five months that remain, Government, I am sure, have resources enough to see that this Bill is translated in the manner suggested, and circulated as widely as possible. I

would even suggest that there may be proper explanations or annotations of each clause, so that the ignorance, illiteracy or inexperience of the voter may not be taken advantage of by a designing candidate, or by even a Party to the prejudice of the country.

This, Sir, is one of the steps which is in your power to take here and now in connection of this Bill. It is perfectly feasible. There would be even no need to move an amendment for this purpose. In fact, if one is moved it may be regarded as a dilatory motion. So, I am, therefore, not going to offer any such amendment. But I would wish that those in charge of this measure should note this, and give us an assurance that, at least three months before the date of the election, this document will be translated and made available to the voters, and the measure explained, if possible, factually and objectively, so that general familiarity of the voter with the task before him may be obtained. Nothing is so important for us in all these Acts of Government as the need to educate the sovereign masters of all of us, namely, the people. Unless, therefore, you talk to them in their own language, unless you make them understand the work that they have to do, the machinery they would have to work, you will always give opportunity for designing people.....(*An Hon. Member: What about illiterates?*) Illiterates can be guarded against. The Bill can be explained by word of mouth. There are now such things as radio, loud-speaker, mobile vans, so that do not you please lay too much stress on illiteracy. There have been great men in this world,—in fact some of the greatest,—who, in your sense of the word were illiterates. So on account of the modern devices of radio, loud-speaker and mobile vans, these difficulties ought not to stand in your way at all.....

Shri Kishorimohan Tripathi (Madhya Pradesh): You mean to say that Government should do all these things?

Prof. K. T. Shah: There is time yet. The elections are in November and we are only in May. The elections need not be postponed at all unless you have your own axe to grind in the matter.

Mr. Deputy-Speaker: The hon. Member may continue his speech tomorrow. The House stands adjourned till 8-30 A.M. tomorrow.

The House then adjourned till Half Past Eight of the clock on Thursday, the 10th May, 1951.