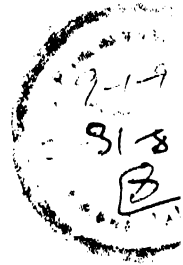
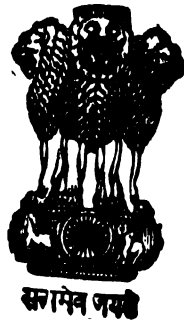


Tuesday, 15th May, 1951



# PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

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VOLUME VII, 1951

(2nd April to 16th May, 1951)

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Third Session (Second Part)

of the

PARLIAMENT OF INDIA

1951

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

4255

4256

**PARLIAMENT OF INDIA**

*Tuesday, 15th May, 1951.*

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

[MR. SPEAKER in the Chair.]

**ORAL ANSWERS TO QUESTIONS**

**RAILWAY SCHOOL AT KHURDA ROAD**

\*4141. **Shri B. K. Pani:** (a) Will the Minister of Railways be pleased to state whether it is a fact that the recognition given to the B. N. Railway Primary School at Khurda Road has been withdrawn by the authorities of Education Department of Orissa Government?

(b) Is it a fact that the irregularities mentioned in the visiting notes of School Inspecting Officers have not yet been mended by the Railway authorities and if so, when are they likely to be mended?

(c) Do the authorities propose to raise it to middle standard?

(d) Have Government received any representations from the employees to this effect?

**The Minister of State for Transport and Railways (Shri Santhanam):**

(a) Yes.

(b) The irregularities mentioned in the visiting notes of school inspecting officers referred to inadequate accommodation and insufficient staff. Both these aspects are being investigated and the Education Department authorities are being contacted in connection with the withdrawal of recognition.

(c) The Railway Administration is looking into the question of raising the school to Middle Standard. But since education is a State responsibility according to the Constitution, any expansion of the existing facilities

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from Central funds will be considered only if exceptional circumstances are found to exist.

(d) No.

**Shri B. K. Pani:** May I know when the recognition of this School was withdrawn and when these irregularities mentioned by the Educational authorities came to the notice of Government?

**Shri Santhanam:** The B. N. Railway have reported that they had a communication dated 30th September, 1950 from the Deputy Inspector of Schools, Cuttack, Government of Orissa, to the effect that recognition of the B. N. Railway Primary School at Khurda Road has been withdrawn with effect from 1st April, 1950.

**Mr. Speaker:** That was not his point. When were the defects brought to notice? That was his question.

**Shri Santhanam:** I have no information regarding the actual date on which it was brought to our notice. A formal intimation was given on 30th September, 1950. In the School inspection records they must have noted the date.

**Shri B. K. Pani:** As it was due to lack of accommodation and to inadequacy of staff that recognition was withdrawn, may I know when the authorities propose to remedy these defects?

**Shri Santhanam:** I have stated that they have already taken steps to remove the defects and to contact the Educational authorities for restoration of recognition.

**Shri B. K. Pani:** May I know whether the Railway authorities have moved the State Government or the Ministry of Education, Orissa Government, to revive the recognition by giving an assurance that very soon the Railway authorities are going to mend the irregularities?

**Shri Santhanam:** That was exactly my reply.

**Shri B. K. Pani:** Is it not also a fact that while the M. E. School and the Primary School have separate recognition, even then the Headmaster of the M. E. School is allowed to look after the Primary School?

**Shri Santhanam:** It is all a question of funds which can be devoted to this purpose.

#### ALLOWANCES TO RELATIONS OF RULERS

\*4142. **Shri B. K. Pani:** (a) Will the Minister of States be pleased to state the provisions under which allowances are given to the relations of Rulers of former Princely States of India embodied in demand No. 73?

(b) Why was the budgeted amount of Rs. 4.62 lakhs exceeded by about three times in the revised estimate of 1950-51?

**The Minister of States, Transport and Railways (Shri Gopalaswami):**

(a) Certain allowances to relatives had already been sanctioned before integration; and since the Privy Purse of the Rulers is intended to cover only the expenses of their own families the allowances to other relatives have been continued to the present recipients for their life time except where they were excessive. This is a commitment arising out of integration of States.

(b) The main reasons for the excess over the budgeted amount which was less than  $1\frac{1}{2}$  times the original grant and not  $3\frac{1}{2}$  times as stated by the hon. Member, are:

- (i) Vindhya Pradesh became a Chief Commissioner's Province after the preparation of the Budget Estimates; and
- (ii) decisions relating to most of the allowances in Tripura were taken after the finalisation of the Budget Estimates.

**Shri B. K. Pani:** May I request the hon. Minister to lay on the Table the details of the disbursement of this amount paid to the relations of the Rulers?

**Shri Gopalaswami:** By States?

**Shri B. K. Pani:** Yes, Sir.

**Shri Gopalaswami:** Yes, I can place that on the Table.

**Shri Dwivedi:** Before integration took place and these allowances were sanctioned by the Government, certain

relatives were given gifts of *jagirs* and *muafis* by the Rulers. I want to know whether they shall be enjoying both these advantages?

**Shri Gopalaswami:** It all depends upon the circumstances in which these *jagirs* and allowances were sanctioned. If there is anything suspected about them they will certainly be reconsidered.

**Shri Dwivedi:** In States where there is a conflict between the "adopted" Rulers and the Maharanis.....

**Mr. Speaker:** Order, order.

**Sardar Sochet Singh:** May I know to what degree of relationship these allowances extend?

**Shri Gopalaswami:** It is difficult to draw the line—fairly all near relatives.

**Shri Shiv Charan Lal:** Are these allowances granted for the life-time of these relations or are they hereditary?

**Mr. Speaker:** I think he said life-time.

**Shri Sarangdhar Das:** May I know whether there are cases in which both *jagir* or *muafi* as well as pension in cash are given to a relation?

**Shri Gopalaswami:** It is possible, but I cannot think of any concrete cases.

**Pandit Munishwar Datt Upadhyay:** May I know whether there has been any case up till now in which the excessive amount of allowances has been curtailed?

**Shri Gopalaswami:** Yes.

#### CRIMES IN RAILWAY TRAINS

\*4144. **Shri Krishnanand Rai:** Will the Minister of Railways be pleased to state:

(a) whether any record is maintained of crimes committed in trains or platforms of Indian Railways;

(b) what steps have been taken in recent years by Government to check crimes in running trains or platforms; and

(c) what amount of money Government spend at present to check it?

**The Minister of State for Transport and Railways (Shri Santhanam):**

(a) Yes by the Railway Administration concerned.

(b) In addition to the regular checking of safety devices such as bolts and catches in upper class com-

partments and alarm chains in all classes of compartments iron bars have been provided in the windows of passenger coaches except third class general compartments. Special arrangements also exist for armed police parties travelling on trains in areas where such crimes are known to be prevalent and ordinary constables travel in important trains in other areas. All new passenger coaches are also being provided with embarkation lights to enable police escorts and passengers to detect unauthorised persons travelling outside the carriages.

(c) It is not possible to isolate and calculate the expenditure incurred by the Railway administrations and the State Governments for this purpose.

**Shri Krishnanand Rai:** May I know which has been the peak year after independence, with the maximum number of crimes in the Railways?

**Shri Santhanam:** I have not got the details of crimes of all the years.

**Shri Krishnanand Rai:** May I know, Sir, whether Government have got any proposal to apply the mechanical appliances to third class compartments also?

**Shri Santhanam:** The only mechanical appliances I mentioned are the checking of safety devices, such as bolts and catches. The third class compartments are opened at every station. The compartments themselves are so crowded that there is no danger of any thieves coming to the compartments.

**Dr. Ram Subhag Singh:** May I know whether Government maintains any record of crime committed by railway police on railway platforms and railway trains and if so, is Government aware of the fact that a railway sub-inspector of Cawnpore last month.....

**Mr. Speaker:** He need not refer to any individual cases.

**Shri Santhanam:** I must protest against the insinuation that the railway police are engaged in a large number of crimes against passengers. There may be some cases...

**Mr. Speaker:** After all, the railway police are recruited from the general public.

**Shri Santhanam:** They are part of the State Police: they are maintained by the State Governments.

### महान् पूर्वी सड़क ( ग्रेट ईस्टर्न रोड )

\*४१४५ श्री जांगड़े : (क) क्या यातायात मंत्री यह बतलाने की कृपा करेंगे कि महान् पूर्वी सड़क (ग्रेट ईस्टर्न रोड) जो नागपुर तथा सम्बलपुर से जाती है, कहां तक पक्की कर दी गई है और इस वर्ष में उसका कितना और अधिक भाग पक्का कर दिया जायेगा ?

(ख) क्या यह एक तथ्य है कि इस सड़क पर आरंग के स्थान पर महानदी के ऊपर एक पुल बनाया जा रहा है ?

(ग) यदि उपरोक्त भाग (ख) का उत्तर स्वीकारात्मक हो तो इस पुल के पूर्ण रूप से बनने में कितना समय लगेगा ?

### GREAT EASTERN ROAD

[\*4145. **Shri Jangde:** (a) Will the Minister of Transport be pleased to state how far the Great Eastern Road running between Nagpur and Sambalpur has been made a metalled road and how much of it will be metalled during this year?

(b) Is it a fact that a bridge across the Mahanadi is being constructed on the road at Arang?

(c) If the answer to part (b) above be in the affirmative, how long will it take to complete the construction of that bridge?]

**The Minister of State for Transport and Railways (Shri Santhanam):**

(a) The entire section of the Great Eastern Road (National Highway No. 6) between Nagpur and Sambalpur is already metalled.

(b) Yes.

(c) About 2 years.

**Shri Jangde:** What is the estimated cost that is likely to be incurred in the construction of the Mahanadi Bridge?

**Shri Santhanam:** The estimated cost of the bridge is Rs. 17.5 lakhs.

**Shri Jangde:** What is the total expenditure so far made in the construction of this bridge?

**Shri Santhanam:** Funds to the extent of Rs. 4 lakhs have been ear-

marked for the work during the current financial year.

#### BIRD POPULATION

\*4146. **Shri J. N. Hazarika:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have any record of estimated bird population in the Animal Husbandries in the Union, if so, what is their number; and

(b) whether Prophylactic vaccination of birds against *rhanikhet* disease is under consideration?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) No statistics of bird population except poultry population are available.

(b) Most State Governments are carrying out systematic vaccination of poultry on a large scale against *rhanikhet* disease.

#### ANDAMANS VISIT OF AN OFFICIAL OF THE MINISTRY

\*4147. **Dr. Deshmukh:** (a) Will the Minister of Food and Agriculture be pleased to state whether any officer of the Ministry of Food and Agriculture has been sent to the Andamans?

(b) Has he submitted any report and if so, do Government propose to lay a copy of his report on the Table of the House?

(c) What are the recommendations made by this officer and what steps are being taken to give effect to them?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) Yes; presumably the hon. Member is referring to the recent visit of Shri Datar Singh, Additional Secretary and Dr. Kothavalla, Director of Dairy Research, Indian Dairy Research Institute, Bangalore.

(b) and (c). Yes, a report has just been received by Government and it is being considered.

**Dr. Deshmukh:** Has it been pointed out in the report, Sir, that the timber wealth in the Andamans is not being properly exploited at the present moment?

**Shri K. M. Munshi:** That is an indirect way of asking me to state the contents of the report. Once it is considered by the Government, I am sure the Members will be able to know what the contents are.

**Dr. Deshmukh:** When is the report likely to be placed on the Table of the House?

**Shri K. M. Munshi:** First of all Government has to consider the report. When it has examined it, it will also consider the question whether it should be placed on the Table of the House.

**Shri Sidhva:** May I know whether the Secretary of the Home Ministry also recently visited the Andamans? If so, what was the purpose?

**Shri K. M. Munshi:** I heard that he had visited Andamans. As regards the other part of the question, it may be addressed to my hon. colleague the Home Minister.

**Shri Hussain Imam:** May I know the position of the Andamans as far as food is concerned—whether it is surplus, self-sufficient or deficit? Has any officer done anything to find that out?

**Shri K. M. Munshi:** As regards the first part of the question, I would like to have notice of it.

As regards the contents of the report, I will not say anything until we have considered it.

**Shri Karunakara Menon:** May I know the main object with which the officer was sent to the Andamans?

**Shri K. M. Munshi:** The Chief Commissioner of the Andamans wanted an officer of my Ministry to go there to consider the possibilities of agricultural development of the Andaman islands both in connection with agriculture as well as animal husbandry.

**Shri Sidhva:** May I know whether any food-grains are supplied from any part of our country to the Andaman and Nicobar islands?

**Shri K. M. Munshi:** I do not think so.

**Dr. Deshmukh:** May I know if it is not a fact that the officers have pointed out many defects in the administration, so far as the Ministry of Agriculture is concerned?

**Shri K. M. Munshi:** I have answered that question once. I do not want to say anything with regard to the contents of the report till we have considered it.

#### WEST COAST MAJOR PORT DEVELOPMENT COMMITTEE

\*4148. **Shri Thimmappa Gowda:** (a) Will the Minister of Transport be pleased to state whether it is a fact that the West Coast Major Port Development Committee has recommended that the major port between



Mormugao and Cochin should be situated in Malpe?

(b) What action have Government taken to implement the recommendations of the West Coast Major Port Development Committee?

(c) Is there any proposal to situate the major port in Mangalore?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) and (b). Yes. In view, however, of certain inadequacies in the report in regard to Malpe and the prevailing financial stringency, consideration of the question has been deferred for the present. The question of undertaking a more thorough examination of the economic and engineering aspects of the project will be considered when the financial position improves.

(c) No, but pending the further examination of the case relating to Malpe, the Government of Madras have been advised to consider the possibility of improving the minor port of Mangalore.

**Shri Thimmappa Gowda:** May I know the volume of traffic that passes through the hinterland of Mangalore?

**Shri Santhanam:** I have not got the details. The volume of traffic that passes through the hinterland of Mangalore is comparatively small at present.

#### OVERSEAS COMMUNICATIONS SERVICE

\*4149. **Shri Sidhva:** (a) Will the Minister of Communications be pleased to state whether the contemplated Overseas Communications Service is complete?

(b) If so, what is its total cost and the period for completion?

(c) What countries in the world will be covered by this scheme for direct connection?

(d) When will this be started?

(e) What is the service for overseas communication existing at present, i.e., which towns are today connected and how much time it takes to connect?

**The Minister of Communications (Shri Kidwai):** (a) and (b). The Overseas Communications Service in India is at present not quite adequate to meet all our requirements, as in most cases our telegraphic and telephonic contacts with other countries have to be established via London. Government have drawn up a 5-year plan of development costing about Rs.

1 crore, which provides for the opening of direct telegraph and telephone services with various countries of the world.

(c) A list of countries covered by the scheme is laid on the Table of the House. [See Appendix XXV, annexure No. 19.]

(d) The implementation of the scheme will be started as soon as it has been approved by the Standing Finance Committee.

(e) India has telegraphic communications with all the countries of the world via London and telephonic communications with some countries. A list of services operated by the Overseas Communications Service at present is placed on the Table of the House. [See Appendix XXV, annexure No. 20.] The time taken by a telegraphic or telephonic message in a particular case depends on the volume of traffic, number of circuits available, etc.

**Shri Sidhva:** May I know, Sir, whether the telephonic communication between India and Indonesia is open all the twenty four hours or only during particular hours?

**Shri Kidwai:** Only for a limited period.

**Shri Sidhva:** Has any complaint been received that this service is not working satisfactorily and that it is not audible?

**Shri Kidwai:** In the beginning there was some such complaint.

**Shri Sidhva:** How many of the services mentioned in List No. 2. [See Appendix XXV, annexure No. 20.] are working part time of the day, and how many throughout the day?

**Shri Kidwai:** Most of them are on part-time working.

**Shri Sidhva:** May I know whether the telegraphic service between Bombay and the European countries is direct, or through London?

**Shri Kidwai:** I have already stated that they are mostly through London.

#### LANDING GROUND AT AERODROMES

\*4150. **Shri Sidhva:** (a) Will the Minister of Communications be pleased to state what is the cost of constructions of pucca landing ground per foot at aerodromes?

(b) What is the cost of landing mats i.e., pierced or holed steel planks per foot?

(c) What is the difference in cost between traditional landing ground and Pierced or holed steel planks?

(d) What is the life of both?

(e) What is the maintenance cost of both?

**The Minister of Communications (Shri Kidwai):** (a) Rs. 1/2/- to Rs. 3/- per square foot, including the cost of levelling of the ground, and depending on the local conditions and the type of runway to be constructed.

(b) Annas -/8/- per square foot on an average. This does not include the cost involved in the preparation of ground, dressing transporting and laying of sheets, etc. which is estimated at Rs. -/8/- to Rs. 1/4/- per square foot.

(c) I refer to my replies to parts (a) and (b) of the question.

(d) 20 to 50 years in the case of a pucca runway and 5 to 10 years in that of a pierced steel planking runway, depending on the specification of the runway and the frequency and intensity of operations.

(e) Rs. 20,000/- to Rs. 40,000/ per annum in the case of a pucca runway with a dimension of 10 lakh square feet and Rs. 15,000/- to Rs. 20,000/- in the case of a pierced steel planking runway with a dimension of 2 lakh square feet.

**Shri Sidhva:** May I know if there is any landing ground in India with pierced steel planks?

**Shri Kidwai:** There are several.

**Shri Sidhva:** At what aerodromes, may I know?

**Shri Kidwai:** Mostly, the newly constructed emergency aerodromes in Assam are of steel plank landing grounds.

**Shri Sidhva:** If the average life of these steel planks is less than the traditional ground may I know whether it is economically desirable and whether Government propose to construct only traditional landing grounds instead of steel planks?

**Shri Kidwai:** When we have to open an aerodrome urgently we have to use the steel planks because the traditional construction would take years.

#### SUPPLY POSITION OF FOOD GRAINS FROM CHINA

\*4151. **Shri Krishnanand Rai:** (a) Will the Minister of Food and Agri-

culture be pleased to state whether the official sent by the Government of India to Peking has apprised Government about the supply position of food grains from China?

(b) If so, is it a fact that rice and milo are available there in quite sufficient quantities?

(c) What commodities do the Chinese Government intend to take from India in exchange of food grains?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) to (c). Negotiations are at present going on with China for the supply of food-grains and it is not possible at this stage to indicate details.

**Shri Krishnanand Rai:** May I know whether any information has been sent by our official from Peking with regard to the foodgrains that are available for 1951?

**Shri K. M. Munshi:** The House knows that the original offer from China was for one million tons. Already 50,000 tons of milo and 30,000 tons of rice have been supplied on a cash basis. As regards the other matters it is not in the public interest to give the details.

**Shri Krishnanand Rai:** May I know whether the contemplated economic blockade of China by U.S.A. and U.N.O. is going to hamper in any way the food supply from China to India and, if so, what steps are proposed to be taken by the Government in this regard?

**Shri K. M. Munshi:** It is too early to say anything with certainty.

**Dr. Deshmukh:** May I know if the hon. Minister has seen a complaint in the press that the Government's intention to negotiate directly with China has resulted in raising the prices of rice that would be supplied to India?

**Shri K. M. Munshi:** I have not come across that complaint.

**Shri Sidhva:** May I know whether from experience the hon. Minister can state that by appointing these officers for going to the various places for purchase of food-grains they have found it beneficial as far as prices, quality and supply are concerned as against negotiations by communication and correspondence?

**Mr. Speaker:** I do not think that question can be permitted.

**Salkh Mohiuddin:** May I know how much quantity of jute has been exported to China under the contract that has been made?

**Shri K. M. Munshi:** The two quantities which I mentioned, namely 50,000 tons of milo and 30,000 tons of rice, have been supplied on a cash basis.

**Shri Dwivedi:** May I know what were the conditions, if any, attached to the supply of foodgrains from China to India?

**Shri K. M. Munshi:** As I have already pointed out, it is not in the public interest to disclose the negotiations which are being carried on.

**Shri Kumbhar:** May I know whether there was any representation made to the British Government to provide ships to carry the foodgrains from China and, if so, with what result?

**Shri K. M. Munshi:** No request was made to the U. K. Government and naturally the ships had to be hired from the Baltic Exchange.

**Shri R. Velayudhan:** May I know whether Government have devised any emergency measure in the event of an embargo by the U. N. O. which is more or less certain?

**Mr. Speaker:** Order, order.

**Shri Sarangdhar Das:** May I know if the rice from China will come by direct steamer to India or will be transhipped at Hong Kong?

**Shri K. M. Munshi:** I think it comes direct, but I speak subject to correction.

**Shri Kamath:** Is there any truth in the press reports that though China is in a position to supply us a large quantity of rice, it may not come to India in good time because of lack of shipping space?

**Shri K. M. Munshi:** Well, Government is making every effort to obtain shipping facilities for whatever quantity is contracted for.

**Sardar Sochet Singh:** Will it also be explored if the Chinese are agreeable to have for their dainty dishes frogs and rats from India in exchange for foodgrains?

**Mr. Speaker:** Order, order.

**Shri A. C. Guha:** May I know how the price of Chinese rice compares with the price given to other countries and the internal prices here?

**Shri K. M. Munshi:** The comparative prices of the transactions already completed are not unfavourable.

#### REVIVAL OF THE ANCIENT UJJAIN OBSERVATORY

\*4153. **Shri S. N. Das:** Will the Minister of Communications be pleased to state:

(a) how far the project of the revival of the ancient Ujjain observatory has progressed; and

(b) whether a suitable site has been found and work has been started?

**The Minister of Communications (Shri Kidwai):** (a) Observations are being taken at the existing Jivalji observatory, Ujjain, to determine its suitability for the establishment of a Central Astronomical Observatory. Similar observations will also be taken at other places around Ujjain before a suitable site is selected for this purpose.

(b) Not yet.

**Shri S. N. Das:** May I know what is the estimated cost of the project?

**Shri Kidwai:** I am afraid I will not be able to give any estimated cost just now.

**Shri S. N. Das:** May I know by what time the work on the project will be started?

**Shri Kidwai:** It is being experimented at one site. Then at other sites also it will be experimented. And then the site will be finally decided upon.

#### PADDY FIELDS ALONG TRIPURA BOUNDARY

\*4154. **Shri A. C. Guha:** Will the Minister of States be pleased to state:

(a) whether along the Tripura boundary adjoining Pakistan, a large number of paddy fields are possessed and cultivated by a class of tenants called the "jiratia praja"—who are citizens of and domiciled in Pakistan;

(b) if so, whether these tenants are allowed to take away the paddy grown in these fields to Pakistan;

(c) what would be the acreage of such lands; and

(d) what is the total length of the Tripura boundary adjoining Pakistan?

**The Minister of States, Transport and Railways (Shri Gopalaswami):**  
(a) Yes.

(b) Yes, up to a maximum of 40 maunds per family per annum.

(c) Approximately 40,000 acres.

(d) Approximately 750 miles.

**Shri A. C. Guha:** May I know whether the Government has got any check over the quantity of paddy taken away by them and whether they are taking away more or exactly the amounts sanctioned?

**Shri Gopalaswami:** It is difficult to say. Whenever anybody is caught he is prevented from taking more.

**Shri A. C. Guha:** May I know if Government has received any report that under this agreement those "jiratia prajas" or tenants are practically taking away all the paddy or much more than what is allowed?

**Shri Gopalaswami:** That is a complaint from this side.

**Shri A. C. Guha:** May I know if the Government has got any idea of stopping this arrangement so that the paddy may not be carried away from Indian territory?

**Shri Gopalaswami:** This matter has been the subject of investigation and discussion at half a dozen different conferences at different times and it has not been possible to agree upon either substantially reducing the quantity to be taken or absolutely stopping the taking of any paddy from this side. There are complications connected, for instance, with the trade in forest produce and so on, which prevent us from putting a stop to this kind of thing.

**Shri A. C. Guha:** Is there anything in the Indo-Pakistan Agreement which compels Government to allow this transit of rice from Indian territory to Pakistan?

**Shri Gopalaswami:** There were at two different conferences an agreement that this quantity should be allowed to be taken.

**Shri A. C. Guha:** May I know approximately the total quantity of rice cultivated in those areas and the quantity allowed to be carried away?

**Shri Gopalaswami:** I am afraid I have no information about it.

**Shri J. N. Hazarika:** May I know whether there are "jiratia prajas" tenants in Tripura State who cultivate lands in Pakistan and, if so, whether they have got the same privileges as those in Pakistan are getting here?

**Shri Gopalaswami:** I believe there are. The agreement between the two Government permits the same kind of thing being done by people of our area who have got lands in the other area to cultivate.

**Shri Chalhha:** May I know whether the Hajims and Garos get any reciprocal advantage to cultivate in Pakistan area?

**Shri Gopalaswami:** It applies to all our people who cultivate lands in Pakistan area on the borders.

**Mr. Speaker:** Next question.

#### FISH CAUGHT BY TRAWLERS

\*4155. **Shri S. C. Samanta:** (a) Will the Minister of Food and Agriculture be pleased to state the quantity of fish caught by the six trawlers at work at the mouth of the Bay of Bengal (up to date)?

(b) How much of the quantity is non-edible?

(c) Have any arrangements been made to utilise the non-edible quantity as suitable manures?

(d) Can fish oil be extracted from these non-edible fish to be used as a raw material for soap manufacture, paint-mixture etc.?

(e) If so, have any arrangements been made for the purpose?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) to (e). Presumably the hon. Member is referring to the trawlers working under the control of the Government of West Bengal. Certain information which was not in my possession when the question was answered is now available. In the first instance, it is not 6 trawlers but 2 trawlers which are the property of the Government of West Bengal and the Government of India have no hand in their working. According to the information supplied up to the 2nd April, 1951 these trawlers carried out 6 exploratory voyages in the Bay of Bengal, each of generally ten days' duration. Up to the 2nd April, 1951, about 151 tons 95 lbs. i.e., 3,837 maunds and 8 seers of fish were caught. Out of these, 5 tons 19 cwts. 67 lbs., i.e. 163 maunds and 8 seers of fish was non-edible. The results achieved so far indicate that there are good fishing grounds in the area. Exploratory work so far carried out and the catches obtained compare favourably with those obtained by trawlers working in other fishing areas.

The other information asked for is being collected, and will be placed on

the Table of the House, when received.

**Shri S. C. Samanta:** May I know where these two trawlers halt when they are not at work?

**Shri K. M. Munshi:** They are in the Calcutta Harbour when they are not at work. I visited them when I went there.

**Shri S. C. Samanta:** Do Government contemplate to utilize the non-edible fish from which oils for soap and other things can be manufactured?

**Shri K. M. Munshi:** I have already pointed out that I am collecting the information and as soon as information is available, I will place it on the Table of the House.

**Shri Sidhva:** Will the hon. Minister be able to supply me the information whether two trawlers owned by Government of India are working on a profitable basis or not in Bombay?

**Shri K. M. Munshi:** I should like it as a separate question. I won't like commit myself to an answer without ascertaining the facts.

**Shri R. K. Chaudhuri:** What methods were employed by the hon. Minister to find out what fish was non-edible? Did he follow the popular belief or was any scientific test applied?

**Shri K. M. Munshi:** I am not a fish eating person. I take it that experts in fish tasting must have been employed.

**Shri A. C. Guha:** May I know if the Government have got any idea about the cost incurred in working these trawlers compared with the price of fish caught?

**Shri K. M. Munshi:** I should like to have notice of this question. I have no information.

**Mr. Speaker:** Next question.

#### PORT OF TUTICORIN

\*4156. **Shri S. C. Samanta:** (a) Will the Minister of Transport be pleased to state whether any sum has been granted to the Indian Chamber of Commerce, Tuticorin for the development of the Port of Tuticorin?

(b) What sort of development of the port is in view?

(c) What are the suggestions of the Port Trust Board in the matter?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) to (c). The Port of Tuticorin,

which is a minor port is under the control of the Government of Madras. The Government of India have, therefore, no information in the matter.

**Shri S. C. Samanta:** May I know whether the Port Trust has offered any suggestions about the port?

**Shri Santhanam:** If they made any suggestions, they must have come to the Government of Madras.

**Mr. Speaker:** Let us proceed to the next question. It is no use asking for any information when the matter is not under the Government of India.

**Shri S. C. Samanta:** The Port Trust is under the Central Government.

**Mr. Speaker:** Is it under the Central Government?

**Shri Santhanam:** No.

#### MANUFACTURE OF RAILWAY CARRIAGES, WAGONS AND LOCOMOTIVES

\*4157. **Dr. Deshmukh:** Will the Minister of Railways be pleased to state:

(a) the number of carriages, wagons and locomotives of broad gauge and metre gauge which are expected to be built in India during 1951-52;

(b) what is expected to be the price Government will have to pay for each category of stores both for broad and metre gauge;

(c) how many of them would be manufactured in the Hindustan Aircraft factory, Bangalore and how many elsewhere; and

(d) in how many years it would be possible for us to build our own rolling stock?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) and (b). A statement giving the information regarding the number of carriages, wagons and locomotives to be built in India during 1951-52 and prices thereof is placed on the Table of the House.

(c) 150 coaches will be manufactured by Messrs Hindustan Aircraft Ltd., Bangalore, and 654 coaches and all the wagons and locomotives elsewhere.

(d) It is expected that all the requirements of rolling stock of Indian Railways, except certain special types of locomotives and electrical types, will be produced in India by about 1956. As regards coaches and wagons, capacity exists for normal replacements even now, but, to meet additional requirements and to overtake

arrears of replacements, a certain number of coaches and wagons may have to continue to be imported for a few years. There is no capacity in India for the manufacture of electric locos or of electrical multiple unit coaches, nor is any such capacity planned at present.

#### STATEMENT

*Information regarding the number of Carriages, wagons and locomotives to be built during 1951-52 and prices thereof.*

Description of Stock.	B. G.	M. G.	Prices B. G.
(i) Carriages	574	230	Rs. 1,20,000*
(ii) Wagons	2350	3720	ranges from Rs. 10,100 to Rs. 30,500.
(iii) Locomotives	37	15	Rs. 5½ lakhs.
Description of Stock.			Prices M. G.
(i) Carriages			Rs. 85,000*
(ii) Wagons			ranges from Rs. 8,750 to Rs. 20,000
(iii) Locomotives			Rs. 3,25 lakhs.

\*For Third Class carriages

**Dr. Deshmukh:** May I know what are the difficulties in the way of our manufacturing wagons and carriages, at any rate? Is it the difficulty of technicians or capital or raw material? What is the difficulty?

**Shri Santhanam:** I have already stated that we have got replacement capacity for manufacture of coaches and wagons even now but because of arrears of replacement during three years, we have to buy some from abroad and we are increasing the capacity both for wagons and coaches and we expect to be completely self-sufficient, if not more, in 2 or 3 years' time.

**Dr. Deshmukh:** May I know the amount we have to spent on getting all these articles from foreign countries—an approximate estimate?

**Shri Santhanam:** All that was given in the Budget papers, Sir.

**Shri Hussain Imam:** May I know whether the orders placed with the Indian Standard Wagons Company for goods wagons are to their full capacity or less?

**Shri Santhanam:** I cannot say about the particular Company. We are utilizing the full capacity available in the country.

**Shri Sidhya:** May I know whether there are any trains running on the line with improved type of third class coaches and if so, how many?

**Shri Santhanam:** The hon. Member knows that the improved type of coaches manufactured at the Hindustan Aircraft Co., is running on many of the main lines.

**Mr. Speaker:** I am going to the next question.

#### TELEPHONE SYSTEM IN MAYURBHANJ

\*4158. **Shri M. Naik:** (a) Will the Minister of Communications be pleased to state whether the Government are aware that a local telephone system has long been in existence in Mayurbhanj long since its merger in Orissa?

(b) Has any post-merger enquiry been made into the efficiency or otherwise of the system and if so, with what results?

(c) With whom does the management rest at present?

(d) Is there any contemplation of the management being taken over by the Government of India?

**The Minister of Communications (Shri Kidwai):** (a) Yes.

(b) Yes. It has been reported that the condition of the lines, wires and equipment of the system is not satisfactory.

(c) Orissa State Government.

(d) Yes.

**Shri M. Naik:** With reference to the answer given by the hon. Minister to part (d) of the question, may I know what time it is likely to take for taking over the management?

**Shri Kidwai:** We will take over the line on the 1st June, 1951.

**Shri M. Naik:** What is the cost of maintenance of this system?

**Shri Kidwai:** I have not got the figures here.

**Shri M. Naik:** Are there any public call facilities on this system?

**Shri Kidwai:** I hope so.

#### POSTAL ARTICLES (VOLUME AND INCOME)

\*4159. **Shri M. Naik:** (a) Will the Minister of Communications be pleased to state what was the volume of

and the income derived from the postal articles handled by the Department during the year 1950-51 as compared with the year 1949-50?

(b) When was the "Inland letter" system introduced?

(c) Has any estimate been made of the effect of the system on the volume of and the income from "letter" categories and if so, to what extent?

**The Minister of Communications (Shri Kidwai):** (a) Estimated number of all postal articles (excluding service articles) handled in 1949-50 was 2041 millions and in 1950-51 it was 1990 millions. The revenue in 1949-50 was Rs. 15.4 crores while for 1950-51 it is estimated at Rs. 16 crores. In these figures for 1950-51, traffic figures or State systems which are not readily available have been excluded while the revenue of State systems is included.

(b) On 2nd October, 1950.

(c) It is rather early to say what volume of letters and cards have been diverted to letter cards. In the first two months the sales were poor but the public have now commenced making increased use of this facility. The number of inland letter cards sold during the first four months after their introduction was 67 lakhs. It is estimated that about 90 per cent. of the inland letter card traffic is produced by diversion from letters and about 10 per cent. by diversion from postcards.

**Shri M. Naik:** In view of the fact that inland letters have become very popular, may I know whether the Government are contemplating to reduce the two annas postage stamps for this?

**Shri Kidwai:** There is no such intention yet.

**Shri Dwivedi:** What is the revenue derived from local envelopes and post-cards?

**Shri Kidwai:** Separate figures are not available just now. If a separate question is put, I will be able to give a reply.

#### ALLOTMENT OF FOOD TO HYDERABAD

**\*4160. Shri Ganamukhi:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Government of Hyderabad State have made representations to the Government of India to increase the quota of food allotment;

(b) whether the Director of Basic Plan of the Government of India has

proceeded to Hyderabad to make an intensive study tour of Hyderabad;

(c) the increased allotments of food grains demanded by the Hyderabad Government for the current year over and above the target fixed; and

(d) what was the procurement target fixed for Kharif crop and the quantity procured?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) They have asked that the ceiling import quota for the year may be raised.

(b) Recently an officer of the Ministry of Food and Agriculture has toured some of the districts of the States.

(c) 75,000 tons.

(d) The target for procurement of Kharif grains during 1951 is 2,21,000 tons. Against this, up to 26th April, (latest date for which reports have been received) they have procured 62,427 tons.

**Shri Ganamukhi:** Has the Director studied the basic plan and submitted his report and if so, what is the additional quota that he has recommended for Hyderabad?

**Shri K. M. Munshi:** As a matter of fact, the basic plan was based on the possibility of procuring 96,967 tons. Of course, if they are not able to procure and if the food supply is not sufficient, more would be given to Hyderabad. As a matter of fact, more is given.

**Shri Kamath:** Has there been any resistance to procurement on the part of cultivators, and if so, has it been on a larger scale in the areas where Communists have been active?

**Shri K. M. Munshi:** I have not got any detailed figures about the allocation of procurement.

**Shri Ganamukhi:** Is it a fact that the Kharif crop has failed in Hyderabad?

**Shri K. M. Munshi:** The kharif crop has not failed. As a matter of fact, the cereal production is less than the last year by only about 30,000 tons. The decrease in production has been in pulses.

**Shri R. Velayudhan:** May I know whether there is statutory rationing introduced in the State?

**Shri K. M. Munshi:** Yes; there is statutory rationing for 15,70,959.

**Prof. Ranga:** Is it not a fact that one of the most popular demands and cries that the Communists have been raising in the areas controlled by them is against the compulsory procurement and also compulsory levy that Government have been making there?

**Shri K. M. Munshi:** The Communists can be relied upon to exploit anything that the Government might do.

**Prof. Ranga:** Is it not a fact that this has aroused public interest and the local peasantry have been supporting it?

**Shri K. M. Munshi:** Naturally, because no agriculturist likes the procurement system; but without the procurement system, the whole food economy would collapse.

**Mr. Speaker:** Next question.

**Prof. Ranga:** May I know whether...

**Mr. Speaker:** This is only entering into argument. These questions may relate to law and order in the internal administration of the State. They may be put to the Home Minister.

**Prof. Ranga:** I was going to ask whether any effort has been made to so change this system as to make it less oppressive to the peasants and therefore more easy for the Government to enforce.

**Shri K. M. Munshi:** I do not admit that procurement is oppressive in the first instance.

**Prof. Ranga:** May I.....

**Mr. Speaker:** Order, order; next question.

#### TELEPHONE SYSTEM IN MYSORE

\*4161. **Shri Rudrappa:** Will the Minister of Communications be pleased to state:

(a) the rates charged on each telephone by the Government of Mysore before the telephone department was taken over by the Government of India;

(b) whether the Government of India have enhanced the rates on the telephones;

(c) if so, from what date;

(d) whether any protests have been made by the Government of Mysore and the citizens of Mysore State regarding the enhancement of the charges; and

(e) if so, what action has been taken to reduce the rates?

**The Minister of Communications (Shri Kidwai):** (a) A statement giving the rates is placed on the Table. [See Appendix XXV, annexure No. 21.]

(b) and (c). The departmental rates with slight modifications will be applied with effect from the 1st January, 1952.

(d) Yes.

(e) The original proposal was to revise the rates to departmental tariffs from the 16th August, 1951. This has been modified so as to give effect to the enhancement of rates in two stages. The existing rates will continue up to the 31st December, 1951. On 1st January, 1952 the rates will be revised to departmental rates generally applicable to small exchange systems. From 1st January, 1953 the rates will be completely revised to departmental rates, appropriate to the size of the systems.

**Shri Rudrappa:** May I know what are the present rates levied by the Government of India within the municipal limits and beyond the municipal limits?

**Shri Kidwai:** I will refer the hon. Member to the Postal Guide where all these rates are given.

**Shri Rudrappa:** While the State Government was able to fix low charges, may I know the reason why the Government of India are fixing such high charges?

**Shri Kidwai:** I hope the hon. Member knows that the Government of India rates of pay are also much higher than in the State Government.

**Shri Rudrappa:** Is the enhancement of pay the main reason for enhancing the rates of charges?

**Shri Kidwai:** There are many other reasons; one of them is this.

**Shri Shankaraiya:** May I know whether any complaints have been received with regard to the indifference on the part of the staff, and whether it would be rectified?

**Shri Kidwai:** Yes; some such complaints have been received.

**Shri Shankaraiya:** Will they be rectified.....

**Mr. Speaker:** Next question.

#### MADRAS TELEPHONE SYSTEM

\*4162. **Shri Rudrappa:** (a) Will the Minister of Communications be pleased to state whether the Government of



India have taken up the question of the expansion of the Madras telephone system this year?

(b) If so, what is the estimated cost according to the revised estimate?

(c) What was the estimated cost of the scheme in 1946?

**The Minister of Communications (Shri Kidwai):** (a) Yes.

(b) The estimated cost of the complete project including subscribers' cables is Rs. 53.75 lakhs.

(c) The estimated cost in 1946 was Rs. 18.26 lakhs but this did not take into account subscribers' cables air conditioning and one or two other items. The present estimated cost of the items corresponding to Rs. 18.26 lakhs is Rs. 42.95 lakhs.

**Shri Rudrappa:** May I know how many additional telephones are going to be installed under the expansion scheme?

**Shri Kidwai:** Three thousand.

**Shri Rudrappa:** What is the main reason for the huge enhancement in the estimates over the estimates of 1946?

**Shri Kidwai:** In 1946, the estimate was on the basis that the cost would be about Rs. 400 per connection in the Exchange. Now, the estimates have been based on the estimate that the cost per connection would be between Rs. 800 to Rs. 1,000.

**Shri Rudrappa:** What are the main items in the estimates that are responsible for such a high estimate?

**Shri Kidwai:** I have said that the cost of exchange apparatus has gone up very much. At that time, it was estimated that it will cost Rs. 400 per line while now, it is estimated that it will cost Rs. 800 to Rs. 1,000 per line.

#### CULTIVATION OF BAMBOO

\*4103. **Saikh Mohiuddin:** (a) Will the Minister of Food and Agriculture be pleased to state the total acreage of land under cultivation of bamboo?

(b) What is the average quantity of bamboo that India requires for agricultural purposes?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) There are about 25 million acres covered with bamboos in the Reserved Forests in India, spread over almost all the States. Bamboos are besides,

cultivated by private individuals on the borders of their gardens in Assam, Bengal and Uttar Pradesh. The area thus cultivated is not known.

(b) The average number of bamboos required in India for agricultural purposes such as fencing, poles, villagers' huts in fields, etc. is estimated at about 6 millions.

**Saikh Mohiuddin:** May I know whether India is self sufficient in bamboos?

**Shri K. M. Munshi:** We do not import bamboos, so far as I know.

**Shri Hussain Imam:** May I know whether there is any export of bamboos for paper manufacture, to other countries?

**Shri K. M. Munshi:** We do not export bamboos either. What we produce is just sufficient for our purposes.

**Shri R. K. Chaudhuri:** Is the hon. Minister aware that bamboo shoots being used as food?

**Shri K. M. Munshi:** I am not aware. I am glad the hon. Member has told me of a new avenue for finding subsidiary food.

**Shri Karunakara Menon:** Are we to suppose, Sir, that the acreage mentioned by the hon. Minister related to the areas under active cultivation of bamboos or does it include areas where there is the wild growth of bamboos as in forests?

**Shri K. M. Munshi:** They relate to reserved forests which means that the bamboo is grown there and special attention is paid to them.

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

**Shri R. K. Chaudhuri:** Sir, on a point of order. I asked my question regarding the shoots of bamboos being used as food, in all seriousness, but the hon. Minister has taken it lightly and that is a great injustice.

**Mr. Speaker:** He has taken it rightly and that is an injustice?

**Shri R. K. Chaudhuri:** No, Sir. I say, he has taken it lightly.

**Mr. Speaker:** Oh, I heard it as rightly. Well, anyway, I don't think the hon. Minister meant anything. There is no reopening the question on that ground. We go to the next.

**DAMAGE OF CROPS BY WATER HYACINTH AND WEEDS**

\*4164. **Saikh Mohiuddin:** Will the Minister of Food and Agriculture be pleased to state the average quantity of various crops that are annually damaged by water hyacinth and weeds?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** Water hyacinth has spread almost all over the country. It is estimated that in West Bengal about 30,000 acres are covered with water hyacinth during summer and several million acres during the rainy season, thus preventing cultivation and impeding water transport. Damage is caused mainly to the rice crop, but the loss cannot be exactly assessed.

Weeds such as *kans*, wild rice, broom rape, stiga, nut grass etc. also cause considerable damage to crops all over the country. The highest amount of damage is caused by *kans*, which is estimated to have spread over an area of 10 million acres and to have reduced the yield of crops by one-third. The damage caused by other weeds is relatively small.

**Saikh Mohiuddin:** May I know whether Government has any scheme to prevent the growth of these water hyacinth and weeds?

**Shri K. M. Munshi:** The I.C.A.R. has recently sanctioned a co-ordinated scheme for weed control. This scheme consists of two parts—the central one consisting of the manufacture and synthesis of indigenous chemicals and distribution to the States for control, and the other part consists of the regional testing of tried materials for controlling and eradicating weeds. As regards *kans* 3 million acres of land is under reclamation under the C.T.O.

**Saikh Mohiuddin:** What amount of money has been spent during the year 1950-51 for this purpose?

**Shri K. M. Munshi:** The scheme has been formed and for giving details of it, I would require notice.

**Shri B. K. Das:** Is there any proposal to produce compost out of this water hyacinth?

**Shri K. M. Munshi:** I am not aware, I shall enquire.

**Shri Sonavane:** May I know whether water hyacinth and weeds are used as food in any of the provinces?

**Shri K. M. Munshi:** That again is a question on which I must have notice.

**PURE Ghee**

\*4165. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Food and Agriculture be pleased to state what steps are Government taking to prevent impurity or adulteration of pure ghee?

(b) What is the function of the Kothawala Expert Committee appointed by the Government?

(c) How far has the Indian Dairy Research Institute of Bangalore been of any use in suggesting purification of ghee supply in the country?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):**

(a) A proposal to enact Central Legislation regarding prevention of adulteration of food-stuffs and edible oils etc. is under active consideration of the Government of India. Meanwhile the State Governments have been requested to enforce their existing Pure Food Laws rigorously. There is no specific information with regard to measures taken for prevention of adulteration of pure ghee alone.

(b) The functions of the Expert Committee of which Dr. Kothawala is the Chairman are as follows:

(i) to examine the proposed all India and regional specifications for Agmark ghee in consultation with the State Governments authorised packers and other persons and associations like Go Sewa Sangh, interested in maintaining and improving the quality of ghee.

(ii) to examine the existing methods of ghee analysis and suggest lines on which further research may be undertaken so as to evolve simpler and quicker methods of detecting adulteration of ghee.

(iii) Fixation of chemical standards for butter.

(c) It will be appreciated that ghee is generally produced in small quantities in the villages by large number of producers which is collected by intermediaries, blended and then marketed. The primary producers do not follow hygienic methods in the preparation of ghee and packing and storage are also very defective giving rise to high acidity, rancidity and bad flavour which effect the keeping quality of the ghee. Investigation on the causes of high acidity, rancidity and bad flavour of ghee, methods of refining raw ghee and detecting adulteration with *vanaspati*, mineral oils

etc. has been carried out at the Indian Dairy Research Institute. Efforts are being made to utilise the scientific results through the Co-operative Ghee Societies which have direct contacts with the primary producers. The Institute gives technical advice to large ghee manufacturers to enable them to improve the production and quality of ghee. Suitable specifications for genuine ghee have also been suggested by the Institute and these form the basis of what are known as the Agmark Specifications which are now in common use. A ghee refining Boiler has also been designed at the Institute for refining raw ghee which is capable of producing better quality ghee with high yield and at a lesser cost.

**Pandit Munishwar Datt Upadhyay:** May I know whether there has been any scientific tests by which it has been possible to find out what are the materials mostly used for the adulteration of ghee?

**Shri Thirumala Rao:** There are certain scientific tests that are in vogue with regard to the detection by *vanaspati*.

**Pandit Munishwar Datt Upadhyay:** I wanted to know whether there are other things besides *vanaspati*, used for this purpose and if so, what they are?

**Shri Thirumala Rao:** No, none that we know of.

**Shri Dwivedi:** May I know whether any particular colour has been suggested for colouring *vanaspati*?

**Shri Thirumala Rao:** That question is under examination.

#### FREIGHT PAID FOR EXPORT AND IMPORT TRADE

\*4166. **Shri Sarwate:** (a) Will the Minister of Transport be pleased to state what is the amount of freight paid, during the years 1949 and 1950, in respect of the export and import trade of India?

(b) How is this amount distributed amongst the shipping companies of various nationalities?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) and (b). The expenditure of time and effort required to collect the information is not commensurate with the advantage to be gained in collecting it.

**Shri Sarwate:** May I know whether there is any scheme of the Government by which an increasingly larger por-

tion of the freight would be earned by Indian ships?

**Shri Santhanam:** We have reserved the entire coastal shipping to Indian Ships; and we are increasing the proportion of traffic carried by our Indian ships?

**Shri Sarwate:** Is there any arrangement or scheme to see that merchandise coming from foreign countries bring in more freight to Indian shipping companies?

**Shri Santhanam:** When Indian ships bring in the goods, they get the freight instead of the foreign ships. We are trying to encourage Indian ships to bring in as much goods as possible to India.

**Shri Sarwate:** Is there any condition in the G.A.T.T.—general agreement—that goods of certain nations should be assigned to ships of certain nationalities.

**Shri Santhanam:** No. We have got arrangements with the Conscience Lines and other shipping companies so as to secure to our shipping a fair quantity of freight.

**Shri Sarwate:** Do Indian companies assign their goods for export to Indian ships?

**Shri Santhanam:** Many of them do.

#### SALE OF SUGAR

\*4167. **Shri M. L. Gupta:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that certain sugar mills were allowed to sell their sugar at prices higher than those announced in the Parliament i.e. Rs. 29/8 per maund;

(b) if the reply to part (a) above be in the affirmative, whether Government propose to place on the Table of the House a list of the factories with the increased prices that were allowed to them;

(c) what were the special considerations to allow them these higher prices;

(d) whether the mills which were allowed these extra prices were also allowed to sell their sugar in free market; and

(e) if the reply to part (d) above be in the affirmative, whether Government propose to place on the Table of the House a statement showing the names of the factories and the quotas that were allowed to them to be sold in the free market?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) to (c). Attention of the hon. Member is invited to my statement in the House on the 1st December, 1950, on revised sugar policy. The basic ex-factory price of sugar was raised from Rs. 28/8/- to Rs. 29/12/- per maund and the ex-factory prices in the different regions of U. P. and Bihar were fixed from Rs. 30/8/- to Rs. 33/- per maund after taking into consideration the local differences in the cost of production. Prices for other regions have been fixed on a similar basis. A statement showing the prices fixed for the various regions is laid on the Table of the House. [See Appendix XXV, annexure No. 22.]

(d) Yes, subject to certain conditions.

(e) A statement showing the names of factories to whom sugar was released up to 12th April, 1951, for sale in the free-market was laid on the Table of the House on 27th April, 1951.

#### WRITTEN ANSWERS TO QUESTIONS

##### RAIL ROAD BRIDGE OVER MAHANADI AT SAMBALPUR

\*4169. **Shri B. K. Paul:** (a) Will the Minister of Transport be pleased to state whether the Rail Road Bridge on Mahanadi at Sambalpur has been taken over by the Transport authorities and if so, when?

(b) Will railway lines be laid on the present Bridge or any additional Bridge is proposed for railway and if so, what will be its cost and when is it proposed to be started?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) Not yet as it is considered that during the period of construction of the Hirakud dam the management of the bridge would be better with the construction authorities.

(b) A temporary railway line to the Hirakud dam works has been laid on the bridge, and is in use. The piers of this combined bridge have been made long enough to take a separate railway decking and this decking is proposed to be laid in 1952-53. The cost of the railway decking and girders is estimated at Rs. 18 lakhs.

##### RICE SUPPLY FROM PAKISTAN

\*4170. **Shri Sanjivayya:** (a) Will the Minister of Food and Agriculture be

pleased to state whether it is a fact that Government have rejected certain quantity of rice supplied by Pakistan?

(b) What is the quantity so rejected?

(c) What are the reasons therefor?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) to (c). Under the recent Indo-Pakistan Trade Agreement, the Government of Pakistan had, *inter alia*, offered 22,000 tons of Sugdasi rice and 29,000 tons of rice brokens. The prices quoted by Pakistan were very high, and it was agreed with the Government of Pakistan that we would consult the State Governments whether they would care to have any of these varieties, and if so, in what quantities. As none of the State Governments wanted this rice, the offer could not be accepted. Apart from this, we had to reject 6,900 tons of Baluchistan rice from the 1949-50 crop as the quality was bad.

##### AGRICULTURAL RESOURCES AND CONDITIONS (CENSUS)

\*4171. **Shri S. C. Samanta:** Will the Minister of Food and Agriculture be pleased to refer to the answer given to my Starred Question No. 1643 asked on the 12th April, 1950 regarding agricultural census and state:

(a) whether the proposal to hold a comprehensive census of agricultural resources and conditions in 1950-51 has been carried into effect;

(b) if so, what are the details; and

(c) if not, what are the reasons therefor?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) and (b) No

(c) Most of the State Governments expressed difficulty in finding funds for undertaking the agricultural census in 1950-51 by the method of complete enumeration. The Central Government also found itself unable to sanction grants to the States for this purpose. In view of the financial stringency. The State Governments were, therefore, informed in January 1951 that in order to meet the twin requirements of economy and collection of useful data on an All-India basis in a comparable form, the census of agriculture should be conducted in 1951-52 by the method of random sampling. This postponement is also in the interest of Inter-Regional Comparability, since most of the countries in the South East Asian Region have also postponed their census of agriculture to 1951-52.

## WELFARE DEPARTMENT IN RAILWAYS

\*4172. **Shri D. S. Seth:** Will the Minister of Railways be pleased to state:

(a) whether Government have under consideration a proposal to set up a Welfare Department in the Railways;

(b) the scope and the object of the proposal and the time by which it is likely to take practical shape; and

(c) the way in which the personnel of the Welfare Department are to be appointed or selected?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) No Welfare Organisations already exist on the former Indian Government Railways but orders have been issued recently to expand them in some cases and to standardise the field of their activities.

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

## TEMPLES AND MUTTS IN VINDHYA PRADESH

\*4173. **Shri Dwivedi:** (a) Will the Minister of States be pleased to state whether a Committee was appointed by the Vindhya Pradesh Government in the year 1949-50 in connection with the administration and management of (i) temples under State management, (ii) State-owned temples, (iii) temples with valuable property, and (iv) Mutts?

(b) What were the terms of the Committee?

(c) Did the Committee complete its labours?

(d) What is the total expenditure incurred by the Government in this connection?

(e) What are the recommendations of the Committee?

(f) Have Government, in pursuance of the recommendations, taken any action?

**The Minister of States, Transport and Railways (Shri Gopalaswami):** (a) to (f). The information is being collected and will be placed on the Table of the House in due course.

## RAILWAY OVERBRIDGE AT SANTA CRUZ STATION

\*4174. **Shri Sidhva:** (a) Will the Minister of Railways be pleased to state whether any representation has been made for an overbridge at the Santa Cruz (Bombay) Station?

(b) Have Government considered the necessity for building an overbridge and if not, why not?

(c) Has any estimate been prepared for such an overbridge?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) and (b). No representation has so far been received for providing an overbridge at Santa Cruz Station. There was a proposal in 1946 for the construction of an overbridge across the Railway line between Santa Cruz and Vile Parle to connect Juhu with Santa Cruz Aerodrome. This proposal was, however, dropped as it was later proposed to construct a road overbridge south of Bandra in connection with the Bandra-Borivli relief road which will be passing by the Santa Cruz Air Port area.

(c) No estimate has been prepared for an overbridge at Santa Cruz, but preliminary estimates for an overbridge south of Bandra have been prepared.

## भारत में कृषि योग्य भूमि

\*२९५. श्री खापर्डे : क्या शासक तथा कृषि मंत्राः यह बतलाने की कृपा करेंगे :  
(क) सम्पूर्ण भारत का क्षेत्रफल एकड़ों में तथा ऐसी भूमि का क्षेत्रफल जिसमें खेती नहीं होती है ;

(ख) घास के ढके हुए तथा दलदल वाले स्थानों का क्षेत्रफल तथा ऐसी भूमि का क्षेत्रफल जो रेल पटरियों तथा पक्की सड़कों में घिरी हुई है ; तथा

(ग) उस भूमि का क्षेत्रफल जिस पर इस समय किसान खेती कर रहे हैं ?

## CULTIVABLE LAND IN INDIA

[295. **Shri Khaparde:** Will the Minister of Food and Agriculture be pleased to state:

(a) the area of the whole of India in acres and the area of such land as is lying uncultivated;

(b) the area of grassy plots and marshy lands and the area of land taken up by railway lines and metalled roads; and

(c) the area of land which is present cultivated by the peasants?]

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) The total geographical area of India is 810.8 million acres, out of which 347.5 million acres are lying uncultivated as per details given below:

	1948-49
Area under forest	83.4
Area not available for cultivation	96.7
Current fallows	64.9
Other uncultivated land excluding current fallows	102.5
	<u>347.5</u>

(b) The area occupied by grassy plots, marshy lands, railway lines and metalled roads is included partly under the "area not available for cultivation" and partly under "other uncultivated land excluding current fallows", figures for which have been given in the reply to part (a) above. Separate figures under the different categories are not available.

(c) The net area under cultivation for all crops in India in 1948-49 was 253.3 million acres. Figures for later years are not yet available.

#### मध्य प्रदेश में कृषि कार्य

१९६. श्री सापडें: (क) क्या जल तथा कृषि मंत्री यह बतलाने की कृपा करेंगे कि सन् १९४९ तथा १९५० में मध्य प्रदेश में कितने एकड़ भूमि में खेती की गई ?

(ख) कपास, मूंगफली, ज्वार, गेहूँ, चावल तथा अन्य वस्तुओं में से प्रत्येक की कितने कितने एकड़ भूमि में खेती की जा रही है ?

(ग) ऐसी कितनी एकड़ भूमि बेकार पड़ी है जिस पर दलदल तथा घास से भरे होने के कारण किसान कृषि नहीं कर सकते हैं ?

(घ) क्या दलदल तथा घास से भरी इस भूमि को कृषि योग्य बनाकर उस में खेती करने की कोई योजना बनाई जा रही है ?

(ङ) यदि बनाई जा रही है, तो ऐसी भूमि पर खेती करने में कितना समय लग जाने की सम्भावना है ?

(च) मध्य प्रदेश में वह कौन से भूमि क्षेत्र हैं जहाँ (i) एक वर्ष में दो फसलें होती हैं और (ii) एक वर्ष में एक फसल होती है ?

(छ) क्या ऐसी भूमि में जहाँ इस समय केवल एक फसल होती है दो फसलें पैदा करने की कोई योजना बनाई जा रही है ?

#### LAND CULTIVATION IN MADHYA PRADESH

[296. Shri Khaparde: (a) Will the Minister of Food and Agriculture be pleased to state the area, in acres of land brought under cultivation in Madhya Pradesh in the years 1949 and 1950?

(b) What acreage of land is being utilised for the cultivation of each of the crops like cotton, groundnut, jowar, wheat, rice and other things?

(c) What is the area of such land as is lying uncultivated because cultivators are unable to cultivate it on account of its being marshy and grassy?

(d) Is any scheme being formulated to reclaim marshy and grassy land and thus bring it under cultivation?

(e) If so, in what time is it expected to be brought under cultivation?

(f) What are the areas of land in Madhya Pradesh in which (i) two crops are grown in one year and (ii) only one crop is grown in one year?

(g) Is any scheme being formulated to grow two crops on such lands where at present only one crop is grown?]

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) During 1948-49 and 1949-50 the following areas of waste land were reclaimed and brought under cultivation in Madhya Pradesh:

	1948-49	1949-50
By the State Government	26,375	33,000
By the Central Tractor Organisation	39,247	29,569
Total	<u>65,622</u>	<u>62,569</u>

Information regarding the land brought under cultivation by private effort is not available.

(b) The acreage under the crops referred to in Madhya Pradesh during 1948-49 and 1949-50 was as under:

Crop	(Area in acres)	
	1948-49	1949-50
Cotton	3,053,220	2,818,885
Groundnut	628,773	719,763
Jowar	5,080,578	4,526,317
Wheat	1,894,641	2,590,663
Rice	8,762,685	8,830,250
Other crops	12,634,960	12,699,292

(c) Their exact extent is not known.

(d) There is no specific plan other than reclamation of land infested with *kans* weed.

(e) The reclamation is a continuous process.

(f) During 1948-49 and 1949-50 the double cropped and single-cropped areas in Madhya Pradesh were as follows:

	(Area in acres)	
	1948-49	1949-50
Area on which two crops were grown	3,457,129	3,737,900
Area on which one crop was grown	28,577,728	28,456,27

(g) The State Government have formulated a scheme for 1951-52 under which 20,000 acres of paddy land are to be double-cropped with wheat or winter paddy as the second crop. An extra yield of 4,200 tons of foodgrains is expected from this scheme.

#### PENSIONS FOR POLITICAL CONSIDERATIONS

297. **Shri A. C. Guha:** (a) Will the Minister of States be pleased to give a break-up of the budget allotment of Rs. 2,83,933 (Demand No. 73-C) under the head "Pensions for other political considerations"?

(b) Since what year these pensions are being given and to whom?

(c) Is there any time limit of these pensions or are they to continue in perpetuity?

**The Minister of States, Transport and Railways (Shri Gopalaswami):** (a) to (c). The information is being collected and will be placed on the Table of the House in due course.

#### CONSTRUCTION WORKS ON B.N. RAILWAY

298. **Shri B. K. Pani:** Will the Minister of Railways be pleased to state:

(a) the total cost of construction works (excluding maintenance and repairs) executed departmentally in Kharagpur division and in other divisions of B. N. Railway during the year 1950-51 and how much is proposed for the year 1951-52;

(b) the comparative costs of the same work by contractors and by the department;

(c) in how many of these works (if any done departmentally) tenders were asked for; and

(d) the reasons as to why this construction work was carried out departmentally?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) The total cost of construction works carried out departmentally in the Kharagpur District in 1950-51 was Rs. 1,10,000/- approximately. The cost of works carried out departmentally on the other districts has not yet been compiled but the works are not many or substantial.

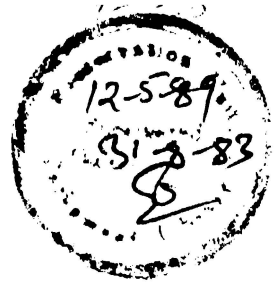
The work of removing infringements in the Dareskasa Tunnel at an estimated cost of Rs. 97,000/- and also some other works will be carried out departmentally in 1951-52. The total cost of such works in 1951-52 cannot be stated at this stage as the number of such works will depend on the rates quoted by the contractors for the works on 1951-52, the tenders for which are scheduled to be opened shortly.

(b) As the accounts for the year have not yet been closed it is not possible to say precisely what the position is.

(c) Tenders were not invited for the works carried out departmentally.

(d) Departmental execution of work was resorted to in cases where it could not be done conveniently or expeditiously by contract, and also in a few cases where the contractors had failed to complete the work, or where departmental execution appeared to be more economical due to high quotations by contractors.

Tuesday, 15th May, 1951



# PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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Third Session

of the

PARLIAMENT OF INDIA

1950-51



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**THE**  
**PARLIAMENTARY DEBATES**  
**(Part II—Proceedings other than Questions and Answers)**  
**OFFICIAL REPORT**

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**PARLIAMENT OF INDIA**

*Tuesday, 15th 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.

**PAPER LAID ON THE TABLE**

**REPORT ON JUDICIAL INQUIRY INTO  
CAUSE OF ACCIDENT TO GOODS  
TRAIN AND TOOFAN EXPRESS**

**The Minister of States, Transport and Railways (Shri Gopaldaswami):** I beg to lay on the Table a copy of the Report on the Judicial Inquiry into the cause of the accident to 320 Down Goods Train and 7 Up Toofan Express on the 13th August, 1950, promised in reply to supplementaries to Starred Question No. 1579 asked on the 26th February, 1951. (Placed in Library. See No. P-167/51.)

**Shri Sidhva (Madhya Pradesh):** On this statement some Short Notice Questions have been sent. May I know whether those questions will lapse or new Short Notice Questions will have to be put?

**Mr. Speaker:** Unless I see the questions, it is not possible for me to state from memory. If the grounds that are there are covered, then of course the questions will have to be disallowed but it does not necessarily follow that the questions will be allowed as Short Notice Questions.

**Shri Sidhva:** Being a serious and urgent matter, you have, in this respect, been allowing Short Notice Questions.

**Mr. Speaker:** Each will depend on its own merits.

**Shri Sidhva:** Yours is always the last word.

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**ASSAM (ALTERATION OF BOUNDARIES) BILL**

**The Deputy Minister of External Affairs (Dr. Keskar):** I beg to move for leave to introduce a Bill to alter the boundaries of the State of Assam consequent on the cession of a strip of territory comprised in that State to the Government of Bhutan.

**Shri Chaliha (Assam):** Sir, I want to object to this Bill. Without consulting the views of the people of Assam we are introducing this Bill, and slices of territories of Assam are being given away to others.

**Mr. Speaker:** Has the Minister any statement to make in this regard?

**Dr. Keskar:** The question cannot arise at this late stage.

**Hon. Members:** Late stage?

**Dr. Keskar:** I am sorry. This Bill is a consequence of the passing of the Indo-Bhutan Treaty which has been accepted by Government and which I hope has been accepted by this Parliament because all Treaties are laid on the Table here and if there is any objection, it could be raised immediately after the Treaty is signed. Now in that Treaty India has given back to Bhutan a small strip of territory which Bhutanese claim as belonging to them. In fact the claim of the Bhutanese Government was for a much larger territory and ultimately in the negotiations we agreed as a gesture of goodwill and friendship to hand them back a small bit of territory. The transaction has already been.....

**Mr. Speaker:** We need not go into the details. When the Bill comes up the hon. Member will have opportunity of discussing it.

**Shri R. K. Chaudhuri (Assam):** May I ask one question?

**Mr. Speaker:** No.

The question is:

“That leave be granted to introduce a Bill to alter the boundaries

[Mr. Speaker]

of the State of Assam consequent on the cession of a strip of territory comprised in that State to the Government of Bhutan."

The motion was adopted.

Dr. Keskar: I introduce the Bill.

## REPRESENTATION OF THE PEOPLE (NO. 2) BILL—contd.

Mr. Speaker: The House will now proceed with the further consideration of the Representation of the People (No. 2) Bill. I believe amendment No. 63 in Supplementary List I was under discussion. It was moved but was not placed before the House.

Shri Sidhva (Madhya Pradesh): Sir, we have received the agenda which says that the Bill for amendment of the Constitution will be sent to the Select Committee.

Shrimati Durgabai (Madras): Tomorrow.

Mr. Speaker: This only shows that the hon. Member should verify the facts before putting questions.

Shri Hussain Imam (Bihar): We would like to know how long will the motion for reference to Select Committee take and how long will consideration of this Bill be postponed in this regard?

Mr. Speaker: It is too early to say, so far as I am concerned. When the Select Committee motion comes, Government will make the proposal and it depends on the House to accept or reject it. The matter is entirely in the hands of the House and not in the hands of the Chair.

Shri Hussain Imam: How long will it take?

Mr. Speaker: As long as the hon. Members choose to go on.

Shri Sidhva: Tomorrow's agenda says that that Bill will be sent to the Select Committee. May I know whether the consideration of the Representation of the People Bill will be interrupted.

Mr. Speaker: Obviously it follows. When that matter is taken up, simultaneously two things cannot go on. That item will get precedence. After that is disposed of, this Bill will start again.

### New Clause 13-A

Mr. Speaker: I place the amendment of Mr. S. N. Das before the House.

Amendment moved.

After clause 13, insert new clause:

"13A. *President Message Day.*—  
(1) Simultaneously with the issue of the notification under Section 13, the President shall fix a date to be observed throughout the country as 'The President Message Day' when, at a fixed time, a message from him, incorporating the Preamble, the essence of fundamental rights, directive principles of State policy and such other relevant provisions of the Constitution and Acts pertaining to the election of members of Legislatures and the great responsibility of the electors in choosing proper candidates to administer the Sovereign Democratic Republic of India, be read over to the electors invited in prescribed manner and assembled in a meeting in each village and Mohalla of each town.

(2) Suitable arrangements shall be made by the prescribed authorities to carry out the purpose of this Section.

(3) The prescribed authority shall have the right to call upon any person who lives in the locality concerned to read the President's message and he shall do the same."

श्री जे० आर० कपूर: अध्यक्ष महोदय, मैं इस संशोधन का, जो मेरे माननीय मित्र ऐस० ऐन० दाम जी ने संसद् के सामने उपस्थित किया था, हृदय से समर्थन करता हूँ। मेरी समझ में ऐसा होना बहुत ही उचित होगा। जिस समय चुनाव शुरू होने की घोषणा की जाय, उस समय यदि सारे देश में हमारे राष्ट्रपति द्वारा इस प्रकार की घोषणा कर दी जाय और सारे देश को यह चेतावनी दे दी जाय कि चुनाव होने वाला है, तो बहुत ही उचित होगा। चुनाव का समय एक बड़ा ही गम्भीर समय है, बड़ा ही महत्वपूर्ण समय है और सब लोग, जिन को मतदान का अधिकार है, उन को सचेत कर दिया जाय कि ऐसा पवित्र समय है, ऐसे महत्व के समय पर वह सचेत हो जाय और अपने कर्तव्य

सुचारु रूप से पालन करें, तो बहुत ही उचित होगा। चुनाव का समय ऐसा समय होता है, जब कि तरह तरह की बातें एक दल दूसरे दल के खिलाफ कहता है। ऐसे समय में लोगों को चेतावनी दे देना कि वे अपने कर्तव्य का ठीक तरह से पालन करें, बहुत ही आवश्यक प्रतीत होता है। जो सुझाव इस संशोधन में रखा गया है, वह ऐसा सुझाव है कि चुनाव को ठीक तरह से चलाने के लिये बहुत ही जरूरी है।

सम्भव है कि माननीय कानून मंत्री महोदय यह कहें कि हमारे इस विधेयक में इस तरह की बात विशेष रूप से रखना कोई आवश्यक नहीं है। उन की सम्मति यदि यह हो कि इस विधेयक में इन का रखना आवश्यक नहीं है, लेकिन इस तरह की कार्रवाई होना उचित है, तो मुझे इस में कोई ऐनराज नहीं होगा कि यह संशोधन न माना जाय और मेरे माननीय मित्र इसको वापस ले लें। बशर्ते कि माननीय कानून मंत्री महोदय इस बात का आश्वासन दिलायें कि इस तरह की कार्रवाई जरूर की जायगी और इस तरह का कनवेंशन (convention) देश में हो जायगा।

मतलब तो हम लोगों का यह है कि ऐसी कार्रवाई अवश्य होनी चाहिये, चाहे इस कार्रवाई करने की बात विधेयक में लिखी जाय या न लिखी जाय। विधेयक में होना या न होना कोई खास बात नहीं है। जो खास बात है वह यह है कि इस तरह की कार्रवाई सदा हो। मुझे ऐसा प्रतीत होता है कि माननीय कानून मंत्री महोदय इस बात को शायद स्वीकार कर लें। लेकिन मेरी दिक्कत तो, बख्श महोदय, यह है कि इस विषय

के ऊपर जब बात हो रही है और जब विशेष तौर से हम चाहते हैं कि कानून मंत्री इस विषय पर कुछ कहें, तो वह इस बारे में कुछ सुन ही नहीं रहे हैं। मैं उन से सविनय प्रार्थना करूंगा कि वह मेरी इस बात को ध्यान से सुन लें और, जैसा मेरा ख्याल है वह इस बात से सहमत होंगे, तो वह स्पष्ट रूप से इस संसद् के सम्मुख कह दें कि इस तरह की कार्रवाई की जायगी और इस तरह का कनवेंशन हमारे देश में होगा।

मैं यह कह देना भी उचित समझता हूँ कि इस संशोधन में यह लिखा गया है कि हर मोहल्ले में इस तरह की घोषणा की जाय। मैं समझता हूँ कि ऐसा होना तो सम्भव नहीं होगा। लेकिन यह अवश्य होना चाहिये कि हर गांव में और हर शहर में, यदि मोहल्ले में न हो सके जैसा कि मैं समझता हूँ कि नहीं हो सकेगा, हर गांव में और हर शहर में उचित रूप से राष्ट्रपति के सन्देश की इस सम्बन्ध में घोषणा सदा कर दी जाय।

(English translation of the above speech)

**Shri J. R. Kipoor (Uttar Pradesh):** Sir, I support this amendment moved in this House by my hon. friend Shri S. N. Das. In my opinion it would be quite proper to adopt it. When the dates of the election are announced, it alongwith that the President were to make such a declaration and announce it to the country that the elections are to be held then I think this would serve a useful purpose. The time of election is certainly a very important one. All the people, who have the right to vote, should be told that it is an important time and so they should better be alert and discharge their duties properly. The election time is usually such a time when one party makes various kinds of allegations against the other party. Therefore at such a time, it becomes very necessary to warn the people as to how they may discharge



[Shri J. R. Kapoor]

their duties most appropriately. The suggestion made in this amendment is of such a nature as is necessary to conduct the elections in a proper manner.

It is just possible the hon. Minister of Law may say that it is not necessary to lay down such things specifically in the Bill. If he is of the opinion that though it is necessary to have some such provision in the Bill yet it is not essential to include it in the Bill itself then I would have no objection if this amendment is not accepted, and my hon. friend withdraws it. The only condition is that the hon. Minister assures us that some such action will certainly be taken and a convention of this type would be set up in this country. We are only interested in this thing being done. It does not matter if it is included in the Bill or not. Its inclusion in the Bill is not at all essential. The only important thing is that such things should always be done. It seems to me that the hon. Minister of Law would be pleased to accept this. But, Sir, my difficulty is that when we are discussing this subject we particularly like the hon. Minister to express his opinion about it, but he is not at all paying any attention towards this matter. I would like to request him to listen to my submission attentively and if he agrees to it, as I think he would, then he should give out clearly in this House that such a procedure would be followed and such a convention would be established in the country.

I would like to state in this connection that it is laid down in the amendment that such an announcement should be made in every *mohalla*. I feel that it would not be possible to do so. However, in every village and city, if not in every *mohalla* of the city, which I think is not at all possible to do this message of the President should better be announced in the most suitable manner.

पंडित मुनीश्वर वत्त उपाध्याय :

अध्यक्ष महोदय, यह जो संशोधन सदन के सामने उपस्थित है, देखने में बड़ा सुन्दर संशोधन है और उपयोगी भी प्रतीत होता है, क्योंकि इस में यह कहा गया है कि हर आम चुनाव के पहले एक ऐसा दिन नियत किया जाय, जिस दिन कि सारे देश में, जिले जिले में और हर प्रान्त में, यहां तक कि जिलों के छोटे छोटे हिस्सों में

भी और शहरों के छोटे छोटे हिस्सों में भी अलग अलग सभायें हों और उन सभायों में इस चुनाव का महत्व और चुनाव में चुनने वालों को चुने जाने वालों के सम्बन्ध में जो आवश्यक बातें हों, वह सब बताई जायें, और लोगों में एक उत्साह पैदा किया जाय कि वह जिस से चुनाव के काम में दिलचस्पी ले और उस के महत्व को समझें, उस में उन का क्या कर्तव्य है उस को समझें और फिर उस के अनुसार अनुशासित रूप से उस चुनाव में भाग ले कर चुनाव को कामयाब बनायें। जहां तक इस के उद्देश्य का सम्बन्ध है, बड़ा सुन्दर उद्देश्य है, बड़ा ऊंचा उद्देश्य है और इस में कोई सन्देह नहीं है कि चुनाव को ज्यादा कारगर बनाने में, ज्यादा महत्वपूर्ण बनाने में और यह अवसर देने में कि सभी उस में उपयोगी भाग ले सकें, उस के लिये यह बड़ा सुन्दर संशोधन है। जो संशोधन आया है, मेरी समझ में वह चुनाव को बड़ा सुन्दर रूप दे सकता है। परन्तु मैं इस संशोधन में बहुत सी कमियां भी देखता हूं और कमियों के अलावा बहुत बड़ी दिक्कतें भी देखता हूं। जो कमियां इस में हैं, वह यह है कि यह संशोधन इतनी दूर तक चला गया है, इतने ब्योरे में चला गया है। यह चाहते हैं कि मोहल्ले मोहल्ले और दो दो, चार चार गांव और घरों के पीछे सभायें हों। यह मुझे सम्भव नहीं लगता, जब तक कि इस तरह से संगठित रूप से कोई स्टेट (State) की, राज्य की मशीनरी (machinery) न हो, जिस के जरिये से यह काम किया जाय। फिर इस में सब से बड़ी दिक्कत की जो बात है, सब से बड़ी क़ाबिले ऐतराज जो बात हो सकती है, जिस पर कि लोगों को आपत्ति हो सकती है, वह यह है

कि इस काम को करने के लिये कौन सी मंशीनरी देश में इस्तेमाल की जाय, किस के माफ्त यह काम कराया जाय। अगर हम कहें कि गवर्नमेंट के अफसरान के माफ्त यह काम कराया जाय, तो मैं देखता हूँ कि न इतने गवर्नमेंट के पास अफसरान हैं कि जो इस काम के लिये प्राप्त हो सकते हैं और न वे पर्याप्त हो सकते हैं, जो कि सारे देश में, देश के छोटे छोटे हिस्सों में इस तरह का आन्दोलन चलायें और इस तरह का प्रचार करें। फिर अगर इन के माफ्त हम ऐसा प्रचार कराने हैं, सरकारी अफसरान के माफ्त हम इस काम को कराने हैं, तो मेरा ख्याल है कि न उस में लोगों को इतना उत्साह हो सकता है और न उस में उन में इतनी दिलचस्पी हो सकती है, जितनी कि नानआफिशियल (Non-official) संगठन के जरिये से इस को कराने से हो सकती है।

अब अगर नान आफिशियल संगठन का बात कही जाती है, और सरकारी मंत्रियों के सम्बन्ध में सोचते हैं, तो बड़ी भारी दिक्कत यह है कि कौन सी ऐसी मंत्रिया हो, जिस के माफ्त यह काम कराया जाय। कोई और काम होता, तो सम्भव है कि हमारे देश की जो सब से बड़ी मंत्रिया है, उसके जरिये से काम को कराने में लोगों को ऐतराज नहीं होता। लेकिन यह तो ऐसा विषय नहीं है। इस में तरह तरह की पार्टियाँ (Parties) और तरह तरह के लोग चुनाव में हमारे विरुद्ध खड़े होड़े वाले हैं और चुनाव लड़ने वाले हैं और जो उन के लिये मुनासिब बात भी है। ऐसी हालत में यह बड़ा ऐतराज हो सकता है कि उस से स तरह के काम को कराने में,

इस तरह के जलस करने में, नाजायज फायदा एक जमाअत को पहुंचेगा, जिस के जरिये से कि यह काम कराया जायगा। अगर यह कहा जाय कि और कोई जमाअत करे तो जिस जमाअत, के जरिये से भी यह काम कराया जायगा, उसके खिलाफ इस तरह के ऐतराज और मुनासिब ऐतराज पैदा हो आवेंगे, जिन का जवाब देना मुश्किल हो जायगा। फिर देश में कोई और संगठन ऐसा है भी नहीं, जिस के जरिये से सारे देश में इस तरह का व्यापक आन्दोलन, इस तरह का इन्तजाम किया जा सके, जिस में चुनाव में हिस्सा लेने वालों को पूरी तरह सचेत कर सके, उन को जरूरी बातों को बता सके।

इस वास्ते इस संशोधन को अमली शकल देने में जैसी दिक्कतें हैं, उन से मैं समझता हूँ कि जो संशोधन दास साहब ने पेश किया है, बावजूद इस के कि इस का उद्देश्य बहुत ऊंचा है, बावजूद इस के कि यह बहुत उपयोगी हो सकता है, बावजूद इस के कि यह हमारे चुनाव के उद्देश्यों की पूर्ति में सहायक हो सकता है, फिर भी इस के अन्दर जो दिक्कतें हैं, उनकी वजह से यह सम्भव नहीं है कि आम चुनाव के पहले कोई ऐसा जलसा कर सके और चुनाव में भाग लेने वालों को शिक्षा दे सके। इसलिये मैं इस संशोधन का विरोध करता हूँ और समझता हूँ कि यह संशोधन मुनासिब संशोधन नहीं होगा। इन शब्दों के साथ मैं इस का विरोध करता हूँ

(English translation of the above speech)

Pandit Munishwar Datt Upadhyay (Uttar Pradesh): Sir, the amendment which is before the House, seems to be

[Pandit Munishwar Datt Upadhyay]

very attractive as also very useful, because this amendment provides that a particular day should be fixed before general election for holding meetings in every district of all the provinces, even in the small places of the districts and the cities throughout the country. At such meetings the importance of the elections and all the necessary details about the candidates contesting the election should be explained to the voters and their enthusiasm should be roused so that they may take keen interest in the elections and realize their importance, and also understand their duty towards them which may enable them to participate in these elections in a disciplined way and thus make the elections a success. So far as the objects of the amendment are concerned, they are very high and lofty and there is no doubt that this amendment is very useful in making the elections a success and giving them due importance and providing an opportunity to all of us to take ample part in them. I think the amendment, which has been moved in the House, can make the elections a success. But I also find many defects in this amendment, and besides them serious difficulties also. The defect of this amendment is that it is very comprehensive and a detailed one. It has been sought through this amendment to hold meetings in every *Mohalla* and in groups of villages comprising of two or three villages or a number of houses. I do not think it is at all possible to do so in the absence of an organised State machinery through which this can be done. But the greatest difficulty about which the people can raise objection is regarding the machinery which should be adopted to carry out this work. If we say that this work can be carried out by the Government Officials, then I have to say that there is already a dearth of such Government Officials, who can carry out this work, and moreover, the number of these officials is not enough to carry out this campaign and educate the people with regard to the elections. And if we employ the Government officials to carry out this work, I think this can neither arouse enthusiasm in the people nor can it create so much interest in them as can be done by non-official organisations.

Now, if we think of non-official organisations for the carrying out of this work then the difficulty would be about the selection of the organisation through which this work can be got done. Had it been any work other than this one, the people would have had no objection to this work being carried out through the biggest organisation of the country. But this is quite a different matter. Different political

parties and persons of different ideologies are going to contest the elections against us and it is quite proper for them to raise objection against this. One serious objection in respect of getting this work done and organising meetings etc. by a particular party may be that the particular party will get an undue advantage if this thing is carried out with its help. If it is said that any other party may be asked to carry out this work then similar objections, no doubt quite reasonable, will be raised and it would become rather difficult to give a satisfactory explanation of that. Then again, there is no other organisation in the country which could be entrusted to carry out such a comprehensive programme whereby the electorate taking part in the elections may be educated and necessary particulars regarding election explained to them.

In spite of the fact that the object of this amendment moved by Shri Das is very noble, it is ideal and useful and can go a long way in propagating the very objects for which elections are being held, yet there are certain difficulties in implementing it. Due to inherent difficulties underlying this amendment it is not possible to hold any meetings whereby voters could be educated and given instructions regarding the elections. Therefore, I oppose this amendment and I think it is not an amendment of the right type. With these words I close. I oppose this amendment.

**Shri Kamath (Madhya Pradesh):** There is much to be said for the idea underlying this amendment moved by my hon. friend Mr. S. N. Das. In a few months' time what is perhaps the largest electorate in the world will go to the polls to choose their representatives, and as far as India is concerned it is the biggest experiment thus far in political democracy.

Adult franchise, it has been observed in many quarters, without adult education is not free from danger. Therefore it becomes all the more incumbent on us, all the more necessary that the adult electorate should be taught the duties that have devolved upon them under the new dispensation.

By education I do not mean formal education in a university or college but education of which even my friend Dr. Deshmukh will approve—the teaching to the people of the duties and obligations that have accrued or come to them with the advent of freedom, the teaching that is imparted not within the four walls of a university or college but even in their homes, on their own village lawns and in their own tenements.

That to my mind, is an essential task that has got to be performed, if not today, tomorrow. The President of the Constituent Assembly, Dr. Rajendra Prasad, and also, I believe to a certain extent, Dr. Ambedkar himself, in the course of their last speeches in that Assembly made remarks to this effect—as to what dangers accompanied this biggest experiment in democracy that India has decided to set out upon. Therefore, the proposal of Mr. Das assumes some importance.

The other day a suggestion was made in the House that voters who did not exercise their franchise might be penalised, that a fine of Rs. five to 100—I do not know the amount—might be imposed upon those who did not care to exercise their vote in the coming election. This was ruled out as impracticable by the House and I believe.....

**Shri A. C. Guha (West Bengal):** Not by the House but by the Minister.

**Shri Kamath (Madhya Pradesh):** The Minister opposed it and the House agreed. And I believe, to a large extent rightly, because we cannot accept this proposal unless it is coupled with its inevitable concomitant, that is to say, the imposition of a fine or a penalty upon those Members elected by these voters, who fail to attend Parliament or the Assemblies without valid reason. If that could be accepted, then we are right in imposing a fine or penalty upon those who do not vote. But unless the second corollary of it is accepted, that Members of Parliament or of State Legislatures must be liable to a penalty in case they fail to attend or perform their duties.....

**Mr. Speaker:** Let us not go into an aspect which has been disposed of.

**Shri Kamath:** It has not been disposed of.

**Mr. Speaker:** The hon. Member's point is that there are certain prerequisites, and that unless provision is made for them such an amendment is premature. That is the trend of his argument. But he has sufficiently made the ground clear.

**Shri Kamath:** I was only suggesting that this amendment seeks to educate the electorate, because unless the electorate is educated about its duties and responsibilities the elections may not be as effective and as successful as they might otherwise be. In that context I casually mentioned that it is very well to say that the electorate if

not educated might not exercise their vote and that to prevent that sort of a thing the imposition of a penalty was suggested, but in that eventuality a penalty must be imposed in those cases also where their elected representatives fail to perform their duties in this House or in State Legislatures.

The point of the amendment seems to be that before the elections take place, the electorate, uneducated as they are so far in their political rights and duties, must be told what their rights and duties are. It is quite right to say that most of the people—almost all, I will say, in the rural areas and even in urban areas quite a good number—are unaware of the various provisions of the Constitution and even, I may say, of the many laws that we pass in this House. That may be partly due to apathy, as Dr. Ambedkar said the other day, but it is also due partly to the lack of education in the political sphere, and to that end this amendment is directed. My friend, Mr. Upadhyay said that the machinery for this purpose may not be available. If to conduct elections in which nearly 180 million people will take part there is adequate machinery, I do not see how it can be trotted out as an excuse that machinery is not available with the Government for this purpose. As a matter of fact, in every village or in a group of villages there are the *patwari* and *kotwar* who can be called upon to read the President's Message to the people of that area. It has been suggested that the President may broadcast his Message and not let it be read by agents in every area. This would have been very well if the radio system had penetrated every town and village in our country. Unfortunately we have not reached that stage in our progress yet. I believe, in America not merely the party in power but also every other party is allowed to broadcast its manifesto, its message to the nation and to the electorate. But we are yet very far off from that consummation. And here, therefore, the snag of this amendment arises in that the President's broadcast Message—unless the other parties also are given an equal right to broadcast their own messages—might be misconstrued as a message from the party in power. The President, under the Constitution, is supposed to act always on the advice of the Council of Ministers, and therefore any message coming from him might be construed by the people as an appeal by the party in power. If, of course, it incorporates only the Preamble, the Fundamental Rights, the Directive Principles of State Policy and the other relevant provisions of the Constitution without any reference to the

[Shri Kamath]

any in which the franchise should be exercised, then there can be nothing objectionable in the amendment. But if there is even the faintest insinuation or suggestion in the Message about the way people should vote, then I think this Message might become open to objection. I wonder whether the President in this matter can be allowed to act or will act upon his own without consulting his Council of Ministers, and if the Message is prepared by him without any advice of the Council of Ministers, then I suppose the Message could be read out to the people as an impartial and as an above-party Message. Otherwise it may lay itself open to objection.

The other day in answer to a question of mine the Information and Broadcasting Minister stated that the question of the use of the All India Radio by all parties during the coming election was still under consideration. I asked that question in the last session also and the same answer was given on that occasion; now again the answer was that there is still time for consideration. I think this matter is important enough for Government to take a decision on as soon as possible. The radio should not be the monopoly of any party, especially the ruling party, the party in power. The facilities of the radio must be given to all the parties in the elections.

10 A.M.

The Deputy Speaker, the other day when he was in the Chair suggested when Mr. Das was about to move his amendment that there is no objection to the President broadcasting on the radio network in our country. But, in the first place, it will not reach all the people. Secondly, if the President does it, under the Constitution as it stands, it might be misconstrued by the people as a message from the party in power. So, if the President broadcasts we must see to it that every party is allowed to broadcast their own message, their own policy to the people and let the people choose whichever representatives they want. Therefore, while supporting the idea underlying this amendment, I feel that the amendment as it stands, read with reference to the Constitution, might become open to objection on the part of the people.

I would suggest to the hon. the Law Minister that a message incorporating the bare provisions of the Constitution, with Fundamental Rights, rights of franchise, be posted or put up in the post offices all over the country, or in the schools and other public places. If meetings are held to read out this message, I am afraid tempers may be

roused at such meetings, because Government officers will be participating in this programme or ceremony and when tempers are roused, one does not know which way the wind may blow, and the President's Message Day might become unfortunately a day not of very happy memory, but one which might be remembered with sorrow. Therefore, while commending the idea or underlying object, I oppose the amendment.

**Shri Hanumanthaiya (Mysore):** This amendment is drafted with good intentions. It may be that the hon. Member wants to make people vote-conscious on the eve of the elections. That is a good idea. But how far it will work in practice is the thing that ought to influence this House in accepting or rejecting it.

The scheme of the Constitution is that the President is not an individual authority, apart from the Cabinet. The scheme of the Constitution is that the President acts on the advice of the Ministers. If so, the message that has to be drafted will be done by the concerned Ministry which is in office. Then the parties which are opposed to the Ministry in office will naturally object to the views or ideas incorporated in it. If the President by himself issues that message there is another constitutional difficulty. We are allowing the President, who is the constitutional head to over-step the limits within which he has to work according to the spirit of the Constitution. In either case, we will be placing not only the voters but also the President on the horns of a dilemma. If he issues the message he is likely to be considered as overstepping the limits within which he has to work under the Constitution; if on the other hand he is guided by the Ministry he will be accused of being used for the purpose of election by the Ministry in office.

Secondly, the same predicament or dilemma would arise to the civil officers. Here sub-clauses (2) and (3) of the amendment ask the authorities to arrange such meetings. The question may arise as to who should convene the meeting. If an officer convenes the meeting, then arises the question as to who should preside over the meeting or where the meeting is to be convened with the result that invariably the local officials will be drawn into the vortex of the controversy, which is a very unhealthy thing. We must keep not only the President, but also the civilian officers above party politics. That is the fundamental basis on which we are working this Constitution. By a good intention, or by an intention to serve the electorate, we must not un-

wittingly draw into the arena of controversy these two institutions or authorities which are above and apart from party politics.

There is another aspect of the matter. As is well known, we are trying an experiment which has never been tried in this country or anywhere else on this magnitude. To convene a meeting in every *mohalla* of a town or village will involve expenditure which has never been taken into consideration by the Mover of this amendment. If you calculate the amount required for every meeting, the expenditure under this head would run into crores. It is very easy to give an innocent amendment. But when it is worked in practice with reference to 35 crores of people one can easily see that the expenditure involved is very considerable. My point is that we have to run this democracy as well as this election machinery with the minimum expenditure. It is no good going on multiplying our expenditure for fanciful ideas.

Therefore, from the point of view of expenditure as well as from the point of view of constitutional difficulty, this amendment ought not to be accepted.

**Prof. Ranga (Madras):** I have only a few words to say about this amendment. I am not in favour of this amendment, although the substance of it reads rather nice and sounds also very plausible and even inspiring. I am second to none in my admiration and regard to our President, and I am extremely anxious that his reputation for impartiality should be maintained and sustained by the State as well as by all political parties in this country. If, however, this amendment were to be passed and his name were to be brought into the streets and market places all over the country and if on that President's day, as my hon. friend Mr. Kamath warned us, it were to lead to any untoward incidents, then it would cast a reflection which the President does not deserve at all. We should not make it possible for anybody to say anything at all against our President—the present or the future.

Secondly, who is to read this message? We are anxious that public servants should be kept out of this electioneering affairs. Throughout the Bill the main idea is that public servants should be kept out of the electioneering picture.

**Shri J. R. Kapoor:** The chairman of the municipal board would do it.

**Prof. Ranga:** The chairman of the municipal board would himself be a

representative of one of the political parties in the municipality. Similarly the panchayat board president; similarly the various local board presidents and so on. When we do not want these officers to be brought into this thing at all how is this Message going to be conveyed to the people themselves? One is as suggested by my hon. friend Mr. Kamath, that is pasting the posters everywhere all over the country. I am in favour of it. But that is not quite clearly stated here. The second thing is the radio. That also would be a very good thing. We could expect the President to say only that much which is intended to convey his message to the people and nothing more. I am prepared to accept that. But that also is not specifically mentioned here. We have got to see to it that on that day when the officers go out into the streets and market places and begin to read this message they do not overstep the mark and they do not say anything either by hinting or by gestures or by their intonation or even by their enthusiasm on the so-called explanation of this Message so as to give any indication to the people that they themselves are in favour of such and such political party.

**Shri J. R. Kapoor:** The amendment does not say so.

**Prof. Ranga:** There is nothing to prevent any such thing happening, and I do not want such things to happen at all in this country. We have had very bad experience in the past years when the British were here during our General Elections, and also even in these recent elections when administrative officers have not earned any reputation for complete impartiality or non-interest in political affairs. Therefore I think on the whole the advantage is in not having such a Day but in leaving it to the discretion of the President to send out a message sufficiently in advance of the election day, either on the radio or by a poster. Indeed there is nothing to prevent him from doing it and I do not think it would be necessary for him to seek the consent of his Ministry of the day. All that he has to do is to reiterate what is contained in the Preamble and also the articles containing the Fundamental Rights of the citizens and I hope he would be content to do that. And it would be best also for us to leave it at that and not to proceed with this amendment.

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

**Shri R. Velayudhan (Travancore-Cochin):** When I read this amendment I felt that it was not so harmless as

[Shri R. Velayudhan]

it appeared to be. In my opinion this amendment is not only harmful but is also dangerous in the matter of conducting a free, unfettered and impartial election during the General Elections. Of course it is the concern not only of this House but also of the people of the country as a whole that we should have an election without any interference from any individual, in whichever position he or she might be placed. I have got the greatest regard for the position of the President. But I must say that his position is, constitutionally speaking, analogous to the position of a party head, chosen by a majority party. The Constitution has given him a correct place. Unlike the President of the U.S.A. the President of our Republic is more or less occupying a place just like the King of England or something like that. Therefore his position is just like a constitutional monarch, and nothing more or less than that. We will have to reserve this position very shrewdly and I think neither this Parliament nor the people of India should allow that power to be tampered with by executive interference or in any other way. Therefore, if the President speaks through a message—when he is a party man, when he is chosen by a majority party—I think it has got a little tinge towards partiality for party politics. We were hearing for the last one year the echo about the coming General Elections. Several people have spoken about it, and I think the President also was speaking about it at so many places. When I read about one or two of his speeches my first reaction was that if the President himself spoke like this he might be interfering or indulging in an election propaganda.

Our election is the greatest experiment in democracy, if the country is going to be a democracy at all. But I have my own fear about democracy being misused because the signs in the country are such and the tendency on the part of the executive today is to check the people's power, the power of democracy in the country. For example we had the other day the Constitution (Amendment) Bill which curtailed the freedom of speech. It is a sign of the coming symptom in the country. As such it is the important duty not only of this Parliament but of all those people if they want liberty, if they want democracy in the country to thrive, not only to fight for it but to die for it when the time comes for such a sacrifice. I not only warn this House but warn the country as well that in order to see democracy taking proper shape in the country we should not allow either the Executive, or the

Executive head, or even the President to interfere in our elections. Mr. Kamath was emotional about this matter. I am also emotional about this matter when the name of the President is there. For the President, we may have personal respect. That is a different matter altogether. But as regards his position, we are only accepting or recognising it. It is nothing more than that. I do not want hero-worship as the President is only an institution sanctioned by Constitution. We elect him as President and we send him away if the country is not having confidence in him. Therefore, the President should not be allowed to interfere in the form of a message—or whatever form it may be—in an election campaign. He should leave it to the Election Commission to have the election conducted in the way as it is given in this Bill, if we are going to have a free and fair election.

पंडित ठाकुरदास भार्गव : जनार्दन

डिप्टी स्पीकर (Deputy Speaker)

साहब, यह जो तरमीम हमारे लायक दोस्त

श्री एस० एन० दास साहब ने पेश की है,

उस के पीछे जो स्पिरिट (spirit)

है, उस की मैं बड़े जोर से तारीफ करता

हूँ। मुझे अफसोस है कि ऐसे सीधे

मामले के बारे में हाउस (House)

में इस कदर राय का इस्तेलाफ पैदा हो

गया है और प्रोफेसर रंगा साहब और

कामत साहब की तक्रार सुन कर मुझ को

यह ख्याल पैदा हुआ कि दरअसल उन्होंने

ने इस तरमीम में जो दर्ज है, उस में

ज्यादा इस तरमीम में पढ़ा है। जहाँ

तक इस तरमीम का ताल्लुक है, वह

उसकी स्पिरिट के तो कायल है, लेकिन

उन को बड़ा डर है कि जो कुछ कि

इस तरमीम में लिखा हुआ है, उस से

ज्यादा गवर्नमेंट (Government) या

प्रेसीडेंट (President) साहब कुछ न कर

देखी पर उन्होंने ऐतराज जाहिर किया है

और यही ऐतराज मेरे ख्याल में श्री वेलायुधन

का था, जो कि यहाँ तक कहते हैं कि

कहीं ऐसा न हो कि इस तरमीम के

बनने से गवर्नमेंट या प्रेसीडेंट कोई ना-जायज़ फायदा उठा लें। मैं अदब से अर्ज करूंगा कि जो कुछ इस तरमीम में दर्ज है, उस से बाहर जाने की हमें ज़रूरत नहीं है। इस सारे बिल (Bill) की एक यही स्पिरिट है कि इस मुल्क में फेयर (fair) और फ्री इलेक्शन्स (free elections) हों। हर पार्टी (party) को और हर शख्स को यह हक हो कि वह अपना नुक्तेख्याल पब्लिक (public) के सामने रख सके और अपना प्रोपेगैंडा (propaganda) कर सके और लोगों से ठीक तौर से राय ले सके। इस उसूल के मुखालिफ़ राय जाहिर करने की किसी को भी गुंजाइश नहीं हो सकती। मैं अदब से अर्ज करूंगा कि यह जो तरमीम पेश की जा रही है, इस का भी एक ही मतलब है और वह यह कि मुल्क में फ्री और फेयर इलेक्शन्स (free and fair elections) हों। आखिर जो चीज़ें हैं, वह सिर्फ़ कानून पास करने से ही नहीं हो जायंगी। हम अच्छे अच्छे कानून पेश करते हैं, लेकिन जिन लोगों को उन कानूनों पर अमल करना है, उन लोगों के अमल पर ही इस बात का इन्हिसार होगा।.....

**श्री कामत:** इस में दो लफ्ज़ हैं प्रापर कैंडिडेट (proper candidate) जिन का बेजा फायदा उठाया जा सकता है।

**पंडित ठाकुर दास भागवत:** मेरे दोस्त ने जो, प्रापर कैंडिडेट, इन अल्फ़ाज़ पर ऐतराज़ उठाया है, इस का जवाब मैं आयन्दा दूंगा। मैं जो अर्ज कर रहा था वह यह था कि हमारा जो सारा हाउस अपनी ताकत लगा रहा है और जो बिल पास किया जा रहा है, वह इसी वास्ते है

कि इलेक्शन के ज़माने में लोगों में आपस में फिसाद न हों, बिटरनेस (bitterness) न हो और इलेक्शन फ्री और फेयर हों। मैं हर एक पार्टी की खिदमत में और ख़ुसूसन अपनी पार्टी की खिदमत में, यह अदब से गुज़ारिश करूंगा कि इस तरमीम का मंशा यह है कि हर पार्टी ईमानदारी से और आपस में मुहब्बत से इलेक्शन रन (run) करें और यह समझें कि सब लोग एक ही मुल्क के रहने वाले हैं और सारे इलेक्शन को फ़ेटरनिटी (fraternity) की स्पिरिट (spirit) में रन करें। इस तरह का माहौल पैदा करना हर पार्टी का फ़र्ज़ है और सब से ज्यादा कांग्रेस पार्टी (Congress party) का फ़र्ज़ है, जो कि मुल्क में सब से बड़ी पार्टी है। मैं आपसे अर्ज करता हूँ कि इसी माहौल पैदा करने के लिये यह तरमीम दी गई है। मेरे लायक दोस्तों ने, जिन्होंने यह राय जाहिर की है कि प्रेसीडेंट कांस्टीट्यूशनल हेड (Constitutional Head) होता है और जो मिनिस्टर (Minister) कहेंगे, वह वही करेगा, मैं अदब से अर्ज करूंगा कि उन्होंने इस अमेंडमेंट (Amendment) को नहीं समझा है। इस अमेंडमेंट की रू से इस में प्रेसीडेंट की परसनैलिटी (personality) प्रोज़ेक्टेड (Projected) नहीं होगी। इस में लिखा है कि जो फ़ंडामेंटल राइट्स (Fundamental Rights) हैं और जो डाइरेक्टिव प्रिंसिपल्स (Directive Principles) हैं, जो प्रिऐबिल (preamble) है और जो कांस्टीट्यूशन (Constitution) की ज़रूरी चीज़ें हैं, वह एक सेट फ़ारमूला (Set Formula) की तरह पढ़ी जायें। इसलिये इस मैसेज (message) में न तो प्रेसीडेंट के ख्यालात शामिल होंगे और न पौबुदा



[पंडित ठाकर दास भागंव]

गवर्नमेंट के ख्यालात ही शामिल होंगे। मेरे कुछ लायक दोस्तों ने यह समझने में गलती की है कि इस मैसेज में इस तरह के ख्यालात होंगे। जनाब वाला, मैं ने विलयत में पार्लियामेंट का ओपनिंग डे (Opening Day) देखा है, जब कि बादशाह और उन की मलिका दोनों हाउस में बड़ी सेरीमनी (ceremony) के साथ आते हैं, जिस से कि जाहिर होता है कि वह पार्लियामेंट के ओपनिंग की कितनी ज्यादा वक्त करते हैं। हमारे यहां भी प्रेसीडेंट साहब, चाहे वह किसी भी पार्टी के हों, पार्लियामेंट के ओपनिंग के लिये कांस्टीट्यूशन के मुताबिक तशरीफ लाते हैं और हाउस को मैसेज देते हैं। चाहे प्रेसीडेंट वही मैसेज देते हैं, जो कि गवर्नमेंट का होता है, मगर वह पार्टी से ऊपर समझे जाते हैं। कुछ काम प्रेसीडेंट अपने मिनिस्टर की एडवाइज (advice) पर करते हैं, पर कुछ काम ऐसे हैं जिन को कि कांस्टीट्यूशन ने उन के ऊपर डाला है और उन कामों को उन्हें कांस्टीट्यूशन की रू से करना होता है। मैं प्रो० रंगा और श्री कामत से इस बात में सहमत हूँ कि प्रेसीडेंट साहब को ऐसे अख्तियारात न दिये जायं कि वह इलेक्शन में अपने ख्यालात का इजहार करें। लेकिन अमेंडमेंट भी तो यह नहीं कहता। अमेंडमेंट तो यही कहता है कि यह मैसेज इस तरह का हो कि इस में परसनैलिटी (personality) का कोई वास्ता न हो।

इसके अलावा यह सवाल उठाया गया है कि इस मैसेज को पढ़ेगा कौन। ऐसी दिक्कतें पेश करना फिजूल है। यों तो इलेक्शन आफिसर (election officer) भी गवर्नमेंट का अफसर होगा, पोलिंग आफिसर (Polling

officer) भी गवर्नमेंट का अफसर होगा। हमको पार्टी से गवर्नमेंट को कनफ्यूज (Confuse) नहीं करना चाहिये। स्टेट के जितने पबलिक सरवेंट्स (Public servants) हैं, वह जो भी पार्टी इन-पावर (Party in Power) होगी, उस के हुकम के मुताबिक काम करेगे। इस मैसेज को देते वक्त जो भी पार्टी इन पावर होगी, उसी के अफसर इस मैसेज को देंगे। यह मैसेज तो इस तरह का होगा, जैसा कि प्रेसीडेंट अपना भाषण देते हैं। लेकिन वह भाषण भी मिनिस्ट्री का लिखा होता है और उसमें गवर्नमेंट की पालिसी (policy) का जिक्र होता है, पर यह मैसेज जो होगा, वह तो इससे भी मुख्तलिफ़ होगा और उसमें किसी पालिसी का जिक्र नहीं होगा।

अब जो इसमें लिखा है, प्रापर कैंडीडेट, तो क्या हमारे लायक दोस्त यह चाहते हैं कि इसकी जगह, इम्प्रापर कैंडीडेट (improper candidate) लिखा जाय। मैं अर्ज करता हूँ कि [यह लिखना बिल्कुल खतरनाक नहीं है कि he will expound the great responsibilities of electors in choosing proper candidates. अगर इस प्रापर (proper) की जगह इम्प्रापर (improper) कर दिया जाय, तो मैं अर्ज करूंगा कि यह बहुत इम्प्रापर होगा। यह तो एक आम हिदायत होगी। कि हर वोटर (voter) अपने वोट (vote) को ठीक तौर से इस्तेमाल करे, वह तो एक सेट फारमूला (Set formula) होगा, लेकिन इसमें इसका कोई मौक़ा नहीं होगा कि प्रेसीडेंट साहब या मिनिस्टर साहबान अपने ख्यालात का इजहार करें।

इसका मतलब यही होगा कि वोटर अपनी जिम्मेवारी को अच्छी तरह समझ लें और चुनाव अच्छे हों। यह अमेंडमेंट में दर्ज है कि पढ़ने वाले लोग अपनी राय जाहिर नहीं करेंगे। सिर्फ प्रेसीडेंट का मैसेज पढ़ा जायगा, जिसमें फंडामेंटल राइट्स होंगे, डाइरेक्टिव प्रिस्प्लस होंगे और प्रिऐंजिल (Preamble) होगी। इससे तो सिर्फ एक माहौल पैदा किया जायगा कि जिसमें इलेक्शन फ्री और फेयर हो और आपस में बिटरनेस न पैदा हो। चाहे इस अमेंडमेंट को ला मिनिस्टर साहब मंजूर करें या न करें, लेकिन मैं उनकी खिदमत में यह अर्ज करना चाहता हूँ कि इसके पीछे जो ख्याल है कि एक दिन मुकर्रर किया जाय और एक सेट फारमूला वोटर्स को पढ़कर सुनाया जाय, ताकि चुनाव अच्छे हों, इसके लिये वह रूल्स (Rules) में प्रावीजन (Provision) कर दें कि यह मैसेज इलेक्शन शुरू होने के दिन पढ़ा जाय और इलेक्शन इससे ही शुरू हों। मैं अर्ज करता हूँ कि जहाँ तक इसके उसूल का सवाल है, इसमें कोई चीज आबजेक्शनेबिल (objectionable) नहीं है। एक चीज जरूर मुश्किल है, वह यह कि इसको हर गांव में और हर मुहल्ले में पढ़ा जाय, मैं समझता हूँ कि यह मुमकिन नहीं होगा, ताहम खास खास बड़ी जगहों में यह पढ़ा जा सकता और यह एक हैल्दी कनवेंशन (healthy convention) होगा। हम एक नया तजर्बा करने जा रहे हैं, इस लिये हमको इस तरह का माहौल पैदा करना चाहिये, ताकि वोटर को मालूम हो सके कि चुनाव का यह तरीका है। हम पचासों बातें इस एक्ट में कर रहे हैं, जो कि बहुत अच्छी

है। इस लिये मैं अदब से अर्ज करूंगा कि अगर आप इसको एक्ट का हिस्सा नहीं बनाना चाहते हैं, तो इसको रूल्स में जरूर जगह दें।

(English translation of the above speech)

**Pandit Thakur Das Bhargava** (Punjab): Mr. Deputy-Speaker, Sir, I strongly support the spirit of the amendment that has been introduced by my able friend Shri S. N. Das. I am sorry to note that there is so much difference of opinion in the House on a simple matter such as this, and after having heard the speeches of Prof Ranga and Shri Kamath I am afraid to presume that they read much more in it than what it actually contains. So far as the spirit of this amendment is concerned they are impressed by it but they have grave apprehensions lest the Government or the President may not go beyond what is actually meant by this amendment. This is the apprehension that has been expressed by them and in my opinion, this was the objection that was raised by Shri Velayudhan too, who went to the extent of saying that it may not come to pass that the Government or the President may take undue advantage of this amendment, if accepted. I beg to submit that we need not go beyond what is actually laid down in this amendment. The only spirit behind this Bill is that there should be fair and free elections. Every person or party should have a right to keep their point of view before the public, do propaganda in their own favour and take votes from the people in the right manner. There can be no room to express any discordant note against this principle. I beg to submit that this amendment too that has been introduced, aims at this very principle that there should be free and fair elections in the country. After all the requisite things would not come merely by making legislations. We introduce a number of good legislations here but actual working will depend upon those people who will have to implement them into practice.....

**Shri Kamath:** There are two words 'proper candidate' in it and undue advantage can be taken of them.

**Pandit Thakur Das Bhargava:** My friend has raised objection on the words 'proper candidate' and I shall answer him later on. What I was submitting at this time was that this House of ours which was utilising all its energy in passing this Bill was doing so only with their purpose in view that

[Pandit Thakur Das Bhargava]

there should be no quarrels or bitterness among the various parties during the elections and that elections should be free and fair. I beg to make a request to all the parties of the country in general and to my own party in particular that the aim of this amendment is that every party should run the elections with sincerity and mutual love and with a spirit of fraternity. They should realize that all of them are nationals of the one and the same country. It is the duty of every party, especially of the Congress party, which is the major party of the country, to create a suitable atmosphere for it. I beg to submit that this amendment has been introduced only to create such an atmosphere. To my able friends who say that the President is only a constitutional head and would do only what his Ministers would advise him to do I would request them that they have not understood this amendment at all. The personality of the President would not be projected according to the provisions of this amendment. It only lays down that the fundamental rights and the directive principles, the preamble, and all other important things in the Constitution should be read out as a set formula. Therefore such a message would contain neither the thoughts of the President nor of the present Government. Some of my able friends have misunderstood that this message would contain such thoughts. Sir, I have myself seen the opening day of the Parliament in England. On that occasion both the King and the Queen attend the House with great ceremony—a fact which clearly shows how much importance they attach to the opening ceremony of the House. Here too our President,—may he be of any party—comes to perform the opening ceremony and delivers the message to the House according to the rules laid down in our Constitution. Although the President delivers the same message which is given on behalf of the Government yet he is considered to be above party politics. He performs certain functions on the advice of his ministers but the Constitution also has laid down certain duties for him to perform and he has got to do them. I agree with Shri Kamath and Prof. Ranga when they say that the President should not be vested with such powers as may enable him to express his own ideas at the time of elections. But this amendment too does not say it. It only says that the nature of this message should be such as would have no connection with any personality whatsoever.

Besides this a question has been raised as to who would read out this message before the voters. It is of no

use to put forth such obstacles in the way. The Election Commissioner would be an Officer of the Government and so would be the Polling Officers. We should not confuse party with the Government. All the public servants of the State would only carry out the directives of the party in power. The officers of that party which would be in power at the time of giving that message would deliver that to the public. The message would be just like the Address of the President. But that Address too is written by the Ministry and a mention of Government's policy is made in that: against this the message under discussion would be something different from such an Address and no mention of policy would be made in it.

Now as regards the words 'proper candidate' to my hon. friends want that the words 'improper candidate' should be put down there instead. I beg to submit that it is not at all dangerous to write the words that "he will expound the great responsibilities of electors in choosing proper candidates". If the word 'improper' is substituted in place of the word 'proper' then I would submit that that would be really an improper thing. It would only serve the purpose of a general directive that every voter should use his vote properly. It would be a set formula and the President or the hon. Ministers will get no chance to express their ideas through it. It would only mean that the voters should realize their responsibilities properly and that elections should be fair. It is laid down in this amendment that the persons who will read out this message will not in any way express their own ideas. Only the President's message will be read out which will cover the fundamental rights, the directive principles and the preamble. By doing so a healthy atmosphere would be created so that free and fair elections may be held and there may not be created any bitterness between the parties. May the hon. Minister of Law accept this amendment or not but I certainly like to request him that a provision embodying the underlying idea of this amendment should be made in the election rules to the effect that a day may be fixed when a set of formulae should be read out to the voters so that elections may be held properly. For as a provision should be made in the rules that this message should be read out on the day on which elections are to be held, rather the election should begin with this message. So far as the principle underlying this amendment is concerned, I beg to submit that there is nothing objectionable in it.

One provision, that it should be read out in every village and Mohalla is certainly a difficult one. I realize it that it will not be possible. Nevertheless it can be read out at particular big places and in this manner a healthy convention would be established. We are going to make a new experiment, so we should create such an atmosphere by which the voter may come to know the general outline of the election. We are keeping scores of things in this act which are really good. I would, therefore, most humbly submit that if you do not want to make this amendment a part of this act, at least include it in the rules.

**Mr. Deputy-Speaker:** Mr. Hussain Iman, I will ask the hon. Minister to reply later on after Mr. Hussain Imam has spoken.

**Shri Kamath:** The hon. Minister may intervene but he may not reply to the debate.

شی حسین امام : میں جناب کی خدمت میں اپنے خیالات ظاہر کرنا چاہتا ہوں۔ مجھے بالکل اتفاق ہے تھاکر داس جی سے کہ کوئی فعل جس کے ذریعے سے انتخاب کرنے والوں کو اس بات کو تعلیم دی جائے کہ وہ اپنے حق کو مناسب طریقہ پر استعمال کریں ایک مستحسن فعل ہوگا۔ مگر سوال یہ ہے کہ یہ جو ترمیم ہمارے سامنے ہے یہ ہماری ضروریات کو پورا کرتی ہے یا نہیں۔ مجھے افسوس کے ساتھ کہنا پڑتا ہے کہ اس میں الفاظ بہت ہیں لیکن کام کی چیزیں بہت کم ہیں۔ مجھے افسوس کے ساتھ کہنا پڑتا ہے کہ ممانعت شراب کے بعد ہم لوگ اپ الفاظ سے مخمور ہونے لگے ہیں۔ اور بجائے اس کے کہ ہم کوئی ایسا کام کریں جس سے کہ صحیح معلوم میں آزادی انتخاب کا موقع ملے ہم اس سے دوسرا طریقہ اختیار کرتے

ہیں۔ مجھے لا منسٹر صاحب (Minister of Law) کی کل کی اسپیکر یاد تھی۔ اور میں نے یاد تازہ کرنے کے لئے اس کو اپنے سامنے رکھ لیا ہے۔ انہوں نے اس فرسٹریشن اور ہیلپ لیس نیس (Frustration and helplessness) کا اظہار کیا ہے کہ اگر افسران کسی صورت سے انتخاب میں ظلم کریں یا لوگوں پر دباؤ ڈالیں یا ان کو ان کی آزادی سے روکیں۔ تو اس کو روکنے کے لئے کوئی ذریعہ ہمارے پاس نہیں ہے۔ جناب صدر! یہ بڑی افسوس ناک حالت ہے کہ پریسائڈنگ آفیسر (Presiding officer) کی طرف سے اس قسم کے افعال سرزد ہوں جو کہ انتخاب میں خلل انداز ہوں اور ان کو روکنے کے لئے ہمارے پاس کوئی ذریعہ نہ ہو۔ جناب صدر! میں ان کے متعلق یہ بھی صاف کر دوں کہ انہوں نے اپنی مجبوریوں بیان کی تھیں۔ اور انہوں نے اس اصول سے مخالفت نہیں کی تھی وہ اس معاملے میں ہم لوگوں سے متفق ہیں کہ اس کو روکنا چاہیئے۔ مگر ایک پریکٹیکل (practical) آدمی ہونے کی حیثیت سے انہوں نے کہا کہ ان افسران کو سزا دینے کے لئے مقدمہ لانے سے پیشتر یہ ضروری ہے کہ ایک سینکشننگ اتھارٹی (Sanctioning authority) چاہئے جو سینکشن کرے اور یہ

[ شری حسین امام ]

سینکشن کرنے والے اس جماعت کے سوا اور کوئی نہیں ہوں گے جو کہ اس ناجائز طرح سے کامیاب ہو کر آئی ہے۔ تو کیا کوئی توقع کر سکتا ہے کہ جو جماعت اس ذریعہ سے کامیاب ہوئی ہے وہ ان لوگوں کو سزا دے گی؟ ان حالات میں میں سمجھتا ہوں کہ یہ ایک دوا نہیں ہے بلکہ یہ ایک نشہ آور چیز ہے جو ہم کو بے ہوش کر دے۔ ہماری تکلیف بڑی ہے۔ ہماری اس تکلیف کا جو علاج جناب لا میمبر صاحب نے تجویز کیا تھا وہ بہت صحیح تھا مگر مجبوریوں کچھ ایسی ہیں کہ وہ علاج نہیں ہو سکتا۔ تب اب سوا خودکشی کے اور کوئی چارہ کار نہیں ہے۔ ولایت میں ایک قانون پیش ہوا تھا۔ پارلیامینٹ میں جس میں یہ کہا گیا تھا کہ جو لوگ بہت تکلیف میں ہوں۔ جو کہ لا علاج سخت بیمار ہیں یا جن کو دوسری بڑی تکلیف ہے ان کو ایسی دوائیاں دینا جن سے کہ وہ خودکشی کر سکیں ناجائز قرار نہ دیا جائے۔ یہ بن بھی یہی ہے کہ آزادی دی جائے کہ جمہوریت خودکشی کر لیں اور تکلیفوں کا خاتمہ ہو جائے یہ مجبوریوں ہیں کہ ان کو ہمیں برداشت کرنا پویگا۔

تیسرا پانڈٹ (point) جو بہت ضروری ہے وہ یہ ہے کہ لا میمبر

صاحب نے جیسا کہ اس اسپیک میں بیان فرمایا تھا اور بہت صحیح فرمایا تھا کہ پریسڈنٹ (President) کی پوزیشن (position) بالکل کانستٹیوشنل مانرک (Constitutional monarch) کی ہے۔ وہ اپنے اختیار خاص سے کوئی کام نہیں کر سکتا ہے۔

“At the same time the Constitution lays down that the President shall not act except on the advice tendered by his Council of Ministers.”

یہ جناب لا میمبر صاحب نے صفحہ ۱۵۵۰۲ اے پر ارشاد فرمایا ہے۔ اس کے معنی یہ ہیں کہ جو بیان ہو گا وہ دراصل چاہے کتنی ہی کوشش کی جائے وہ پارٹی مینیفیسٹو (party manifesto) کی ایک دوسری شکل ہو جائے گی۔ پراپر کنڈیڈیت (proper candidate) کے متعلق جو کوالیفیکیشن (qualification) رکھے جائیں گے وہ کچھ ایسے ہوں گے کہ وہ خاص خاص قسم کے لوگوں کو ہی فٹ (fit) کریں گے۔ ہم لوگ جانتے ہیں کہ بسا اوقات جب آسامیاں خالی ہوتی ہیں گورنمنٹ کے دفاتروں میں اور ان کے اشتہار دئے جاتے ہیں تو اس میں کوالیفیکیشن کچھ ایسے رکھے جاتے ہیں کہ جو خاص خاص محبوب کنڈیڈیت ہیں انہیں کو لیا جا سکے اور باقی کو نہیں۔ اس لئے یہ ایک بہت ہی خوفناک چیز ہو گی۔

میرے خیال سے اگر گورنمنٹ،  
 واقعی اس بات کی کوشش کرے کہ  
 انتخاب بغیر رو رعایت کے ہو تو  
 اس چیز کی بہت سخت ضرورت  
 ہے کہ اس میں کہا جائے - سمجھایا  
 جائے کہ ہر شخص کو آزادی ہو گی  
 اپنا ووٹ دینے کی - اس کے استعمال  
 پر کسی قسم کی سزا نہیں دی  
 جائے گی - اور جو آدمی کہ ڈرائے  
 یا دھمکائے اور لوگوں کو مجبور کرے  
 کہ اپنی ضمیر کے خلاف ووٹ دے  
 ان کو سزا دی جائے - اس قسم کی  
 چیزوں کی ضرورت ہے اور صرف کہنے  
 کی نہیں - حضرات ! مصیبت یہ  
 ہے کہ آپ کوئی قانون پاس کر  
 دیجئے اور اس کے پیچھے انفرسمنٹ  
 برانچ (Enforcement branch)  
 نہ ہو تو وہ قانون کسی مطالب کا  
 نہیں - ہم لوگ دیکھ چکے ہیں  
 شاداً ایکٹ کو کہ ایک قانون پاس  
 ہوا - مگر چونکہ اس میں  
 اینفرسمنٹ کا انتظام کافی نہیں تھا  
 نتیجہ یہ ہے کہ ڈیڈ لیٹر (dead  
 letter) رہ گیا - اسی طرح آپ کے  
 ہر منصوبے، آپ کے ہر قوانین، بیٹا  
 رہیں گے اگر ان کے پیچھے ایک  
 افیکٹو میشینری تو اینفرس  
 tive machinery to enforce)  
 نہ ہو - اس لئے میری گزارش یہ  
 ہے کہ ہم لوگوں کو کوشش یہ کرنی  
 چاہئے کہ جہاں تک ہو سکے ہم

پہل کلائز (penal clauses) کو  
 اور ریگولیشن (regulat-  
 ory provisions) جتنے ہیں ان  
 کو مضبوط سے مضبوط تر کریں بجائے  
 اس کے کہ ہم اچھا دیکھنے والا سنڈر  
 روپ کی چیزیں سامنے لا کر رکھ دیں  
 اور پھر اس کے پاس ہونے کے بعد  
 اس کا استعمال نہ کریں - اس طرح  
 کوئی نتیجہ نہیں نکلتا - The  
 taste of the pudding consists  
 in eating and not in seeing  
 it. اس لئے میں گزارش کروں گا  
 کہ یہ بیکار چیز ہے اور اس املدمنٹ  
 کی ضرورت نہیں ہے -

(English translation of the above  
 speech)

Shri Hussain Imam: I wish to give expression to my views. I am in full agreement with Shri Thakur Dasji when he says that any act whereby the electors might be instructed to exercise their right properly would be a desirable act. But the question is whether the amendment now before us does or does not fulfil our requirements. I regret to have to say that it contains a lot of words but not much of value. I regret to have to say that after the prohibition we people have started getting intoxicated with words and instead of doing anything to ensure a really free election we are adopting quite the reverse course. I have in mind the speech made by the hon. Minister of Law yesterday and I have even kept it before me in order to refresh my memory. He has given expression to a sense of frustration and helplessness by saying that if, in the course of the elections, the officers somehow act highhandedly or bring pressure to bear on people or put a restraint on their freedom we have no means to prevent that. Sir, this would be a tragic state of affairs that the Presiding Officer might be guilty of such acts as constitute interference with the elections and we should be without any means of preventing that. Sir, I may also make it clear that so far as he is concerned he has simply given expression to his helplessness and has not opposed the principle. He

[Shri Hussain Imam]

agrees with us in that this must be prevented. But being a practical man he stated that before those people could be prosecuted and convicted it was essential that there should be a sanctioning authority to sanction their prosecution and that those who have to give the sanction would be none other than the very group which would have attained success by those unfair means. Can it ever be expected, then, that a group which attains success by such means would punish those very people? Under these circumstances I think this is not going to be a remedy but just an intoxicant that might help us to lose consciousness. Our malady is a grave one. The cure for this malady that was proposed by the hon. Minister for Law was quite proper but there are certain handicaps which rule out that cure. Now, therefore, there is no other course left to pursue but committing suicide. Sometime back there was a Bill introduced in the British Parliament which sought to provide that it should not be held unlawful for anyone to provide such drugs to persons, who are in great agony, who are struck down with a serious, incurable disease or are suffering from any other grave malady, as might enable them to commit suicide. This Bill is also to the same effect. It seeks freedom for democracy to commit suicide so that there might be an end to all troubles. These are the difficulties that shall have to be put up with.

There is a third point, and an important one at that. The hon. Minister for Law stated in the course of his speech, and correctly too, that the position of the President is exactly identical to that of a constitutional monarch. He cannot do anything by his own personal authority.

"At the same time the Constitution lays down that the President shall not act except on the advice tendered by his Council of Ministers." This observation of the hon. Minister for Law appears at page 15504 A. This means that the statement, in spite of the best efforts to the contrary, will be just another form of the party manifesto. The qualifications that will be laid down for the proper candidate will be such as would fit only some special people. We know how many a time when vacancies occur in Government offices and have to be advertised the qualifications laid down are such as might help in the selection of the favoured ones only, to the exclusion of all the rest. Thus, it would be a dangerous provision.

In my opinion if the Government is really keen on having free and impartial elections it is extremely essential to state herein that every man shall have the freedom of vote and that its exercise shall not entail any punishment. Also, any person who employs intimidation or coercion and forces others to vote against the dictates of their conscience should be punished. These are the measures required, not just pious professions. The difficulty is that whatever law might be passed if it is not backed by an enforcement establishment it is of no use. We have already seen how the Sharda Act remained a dead letter just because enforcement was not properly provided for. In the same way, all your plans, all your laws would remain ineffective if they are not backed by an effective machinery to enforce them. Hence, I submit that we people should, as far as possible, strengthen the penal clauses and the regulatory provisions, rather than bring forth measures of glittering colour and beautiful shape, to be consigned to oblivion after their passage. That would be a wasteful course. The taste of the pudding consists in eating and not in seeing it.

Hence, I would submit that the amendment is useless and is not called for.

**Mr. Deputy-Speaker:** Let us hear the hon. Minister.

**Ch. Ranbir Singh (Punjab):** Sir, so far, nobody has spoken in support of the amendment and everybody who has spoken so far, except Pandit Thakur Das Bhargava, has opposed the amendment. I would request you to give a chance to somebody who is likely to support the amendment.

**Shri Syamnandan Sahaya (Bihar):** Are you supporting the amendment?

**Ch. Ranbir Singh:** Yes; I stand to support the amendment.

**Mr. Deputy-Speaker:** The hon. Minister would like to intervene. Let us hear the hon. Minister.

**The Minister of Law (Dr. Ambedkar):** Yes, I should like to make a few observations.

The object underlying this amendment is, no doubt, very laudable. I do not think that looking at the mere motive and the objective, there could be much objection to the amendment. But, added to the motive, there are certain other provisions contained in this amendment which are intended to give the motive and the object its proper effect. It is from that point of view that I find it difficult to accept the amendment.

The amendment empowers the President to carry out the objects mentioned in this new amendment. No doubt, the Mover of the amendment thinks that the amendment has no political complexion. I should have thought that the introduction of the President in this business is enough to give a political colour to it for the simple reason that although the President, as an individual, as the Head of the State, may be above all parties and party considerations, there is no doubt at all that in giving effect to this particular amendment, the President as usual will have to act upon the advice of the Ministry. No one can have any doubt that the Ministry is a political institution of the day. It is therefore very difficult.....

**Shri Kamath:** This is an all-parties Ministry.

**Dr. Ambedkar:** That is a different thing. It is therefore very difficult to be sure in the interests of fair elections that nothing will be introduced in the text of the Message which may not be objected to by some political party. I submit, therefore, that it would be wrong to bring in the President in the political arena, charged with emotion, and bitter feeling as it is likely to be in the course of the elections.

Another thing I find is that the amendment speaks of the purposes being carried out by a prescribed authority. There is no mention in this amendment as to what is to be this prescribed authority, or who is to prescribe this particular authority. Again, if the prescribed authority is to be the State Governments in the various parts of India or the administrative agents who are working under the State Governments, there again, we are introducing a very dangerous political instrument in a proposition which, apart from all other things, is, no doubt, as I said, very laudable. Again, the requirement that it shall be read in every village, and every *mohalla* seems to me to demand too much from the administrative machinery. What is to happen if the Message is not read in some villages and in some *mohallas*? Is the election to be held over until that requirement is satisfied? There is no mention about it in the whole of this amendment. Therefore, from political and administrative points of view, I think the amendment is a very impracticable one.

However, there is I think, another aspect of the matter which might be taken into consideration in determining one's view as to whether this amend-

ment is to be accepted or not accepted. Supposing there was no such amendment as suggested by my friend. Is it not possible to suppose that the purpose of this amendment will be given effect to by the various political parties themselves? I am sure about it that every party will cherish the underlying object and therefore, I cannot see what can prevent all the political parties and each one of them, trying to issue some kind of a message as is mentioned in the opening part of this amendment, that there is our Constitution which has got a Preamble and we are supposed to give effect to the Preamble and to the Fundamental Rights and the Directive Principles. So let each one of us try our level best to select the proper candidates in order to give effect to the Fundamental Rights and the Directive Principles and the Preamble to the Constitution. I therefore submit that even if such an amendment were not to be carried—and I think it cannot be carried by reason of the administrative difficulties I have referred to—the purpose of it would undoubtedly be given effect to by the various political parties. I therefore suggest that rather than accept this amendment I would leave the matter to the various political parties to give effect to it in the best way they think it can be done.

**Shri Kamath:** Is the hon. Minister not in favour of every political party making free use of the radio?

**Dr. Ambedkar:** I think that is a matter which really requires to be considered. I have paid some attention to this question of the radio, both in England and in Australia. When the question is raised at the appropriate stage, I shall be glad to make such observations as I can profitably make for the House.

**Mr. Deputy-Speaker:** Is it necessary to pursue this matter after what the hon. Minister has just now stated?

**चौधरी रनबीर सिंह :** उपाध्यक्ष महोदय, वावजूद इन बात के कि माननीय मंत्री महोदय ने अपनी स्वीकृति नहीं दिखाई कि वह इस संशोधन को मंजूर करने जा रहे हैं, फिर भी मैं यह समझता हूँ और दिल से यह मानता हूँ कि इस संशोधन को मंजूर ज़रूर करना चाहिये मेरा ऐसा क्या है कि जितनी आपत्तियाँ इस के रास्ते में जिन दोस्तों ने बताई हैं, वे छाया



[ चौधरी रनबीर सिंह ]

गलत फहमी में हैं। मैं इस बात को जानता हूँ और इस हाउस (House) के सामने जितने भी भाई बोले, माननीय मंत्री महोदय या दूसरे सदस्य, सब ने इस संशोधन के आदर्शों को माना। लेकिन किस तरह से वह निभाया जाय और किस तरह से नहीं निभाया जाय, इस पर आपत्ति जाहिर की है। मैं नहीं समझता कि इस के अन्दर कोई आपत्ति है। क्योंकि अगर हम अफसरों के ऊपर, यानी गवर्नमेंट में जितने आदमी इलैक्शन कराने पर लगेंगे, उन के ऊपर ऐतबार नहीं करेंगे, तो इलैक्शन कैसे हो सकता है। अगर उन के ऊपर ऐतबार नहीं किया, तो कोई चुनाव भी नहीं होने वाला है। एक तरह से हम उन के ऊपर, चाहे वह ऐतबार के लायक हैं या नहीं हैं, ऐतबार करने पर मजबूर हैं। और मेरा तो यह भी ख्याल है कि इस में कोई बहुत बड़ा स्टेक (stake) भी नहीं है कि हम ऐतबार करें या न करें, यह सवाल पैदा हो। यह तो सिर्फ प्रेसीडेंट साहब के, प्रधानजी के, सन्देश को पढ़ने का सवाल है। इस में एक अफसर कहीं तक कितनी क्या शरारत या कोई किसी खास आदमी को खुश करने के लिये क्या कर सकता है, मेरी समझ में नहीं आता। इस लिये मैं समझता हूँ कि इस के अन्दर भी कोई आपत्ति की बात नहीं है।

जहां तक प्रधान के चुनाव में घसीटने के बारे में जो बातें कही गई हैं, मैं समझता हूँ कि इस के अन्दर भी कोई हर्ज नहीं है। प्रेसीडेंट (President) साहब चुनाव के अन्दर आते नहीं। जो कुछ भी वह अपना सन्देश दे रहे हैं, वह सन्देश तो ऐसा सन्देश है, जो हिन्दुस्तान के विधान में मंजूर किया गया है। उस के बाद थोड़ी सी आपत्ति जो जाहिर की

गई है, वह है 'प्रापर' (proper) शब्द के ऊपर। मैं यह पूछना चाहता हूँ कि कोई आदमी, जो चुनाव के लिये खड़ा होने वाला है, क्या वह यह कहेगा कि मैं प्रापर आदमी नहीं हूँ। जो भी कोई आदमी चुनाव के अन्दर खड़ा होने जा रहा है, वह यह कहेगा कि सब से अच्छा आदमी, सब से ठीक आदमी, चुनने के लायक मैं ही हूँ और मुझे ही देश के फायदे के लिये वोट दो और चुनो। तो फिर प्रापर शब्द पर कहां आपत्ति आ जाती है, यह भी मेरी समझ में नहीं आता।

माननीय मंत्री महोदय ने और दूसरे दोस्तों ने भी इस में एक आपत्ति यह जाहिर की है कि शायद यह इम्प्राक्टिकेबुल (impracticable) हो और शायद इस के ऊपर चला न जा सके। मैं ऐसा नहीं मानता। क्योंकि हम इस देश के अन्दर चुनाव के लिये कहीं न कहीं से मशीनरी पैदा करेंगे। तो फिर सन्देश को पढ़वाने के लिये कौन सी आपत्ति है।

अब सन्देश के बारे में और मेरा नम्र निवेदन है और वह यह है कि जैसा कुछ भाइयों का ख्याल है कि रेडियो के द्वारा भी यह सन्देश पहुंचाया जा सकता है या अखबारों के द्वारा भी पहुंचाया जा सकता है। मगर उसमें आपत्ति यह है कि रेडियो सब तक नहीं पहुंचता, अखबार सब तक नहीं पहुंचते। मैं कहता हूँ कि इसके अलावा भी इस में एक भारी आपत्ति है और वह यह कि जिस ज़बान में वह पहुंचाये जाते हैं, वह सब की ज़बान नहीं है। वह ज़बान चन्द आदमियों की ज़बान है। वह चन्द पढ़े लिखे आदमियों की ज़बान है। अगर आप इस को अंग्रेजी में पहुंचाएँ, तो शायद आप पन्द्रह फ्री सदी आदमियों तक ही पहुंचा सकते हैं। अगर हिन्दी में पहुंचावें

तो जिस तरह की हिन्दी आजकल प्रचलित है, वह शायद तीस फ़ी सदी तक पहुँचेगी। देहात में जैसी हिन्दी यहां बोली जाती है, हालांकि हम लोग हिन्दी बोलने वाले इलाक़े के कहे जाते हैं, फिर भी देहात में बहुत से भाई ऐसे हैं, जो इस हिन्दी को नहीं समझ सकते। मैं समझता हूँ कि उस सन्देश को पहुँचाने के लिये यह जरूरी है कि हर देहात में पहुँचा जाय और उस ज़बान में नहीं, जो इस सेक्रेटरिएट (Secretariat) की ज़बान हो, बल्कि वह उस इलाक़े की ज़बान हो। इस लिये मेरा नम्र निवेदन है कि माननीय मंत्री महोदय इस बात पर फिर दोबारा ग़ौर करेंगे। इस के अन्दर जैसी आपत्ति लोगों ने ज़ाहिर की है वह मेरी समझ में कोई आपत्ति नहीं है और न इस में प्रेसीडेंट साहब के ऊपर कोई स्लर (slur) आने की बात है।

अब जहां तक लोगों का इस के खिलाफ़ आवाज़ उठाने की बात का सवाल है, वह तो एक ऐसी बात है कि जिस के ऊपर मुझे एक मिसाल याद आती है। यह तो हमेशा हुआ करता है। वह मिसाल यह है कि एक बाप और एक बेटा एक घोड़ा लिये हुए जा रहे थे। तो पहले बाप घोड़े पर सवार था और बेटा पैदल चल रहा था। जब वह आगे चले, तो कुछ आदमी मिले। उन्होंने कहा देखो, इस बुड़े की अकल मारी गई है। बेटा बेचारा पैदल पैदल भागता है और यह बुड़्ढा घोड़े पर सवार है। तो बाप ने समझा कि यह तो कोई बड़ी भारी ग़लती है। उस ने बेटे को घोड़े पर सवार कर दिया और जब वह वहां से आगे कुछ चन्द क़दम चले, तो कुछ और दोस्त मिले, तो उस ज़बान

बेटे से कहने लगे कि तुझे शर्म नहीं आती, तेरा बाप जो बुड़्ढा है, वह तो पैदल चल रहा है और तू घोड़े पर सवार है। इस के बाद उन्होंने सोचा कि यह भी ग़लत है, बुड़्ढे का पैदल चलना दुरुस्त नहीं है और बेटे का भी पैदल-चलना दुरुस्त नहीं है। उन्होंने सोचा कि शायद यह अच्छा हो और लोग इस से सहमत होंगे कि हम दोनों इस के ऊपर सवार हो जायें। इसलिये वह दोनों उस पर सवार हो गये और आगे चले। लेकिन आगे फिर लोगों ने इस पर भी आपत्ति की।

Mr. Deputy-Speaker: Hon. Members read this story in their school days.

चौधरी रनबीर सिंह : मं. ज़यादा से ज़यादा एक मिनट और लूंगा। तो वह बेचारे दोनों उस पर से उतर गये और आगे चले। तो उस पर भी लोगों ने आपत्ति की कि देखो कैसे आदमी हैं कि घोड़ा है और फिर भी पैदल जा रहे हैं। इन के जैसा बेवकूफ़ कौन होगा। तो जहां तक किसी भी चीज़ की भलाई और बुराई का सवाल है, आप कितना ही प्रेसीडेंट साहब को दूर रखिये, अफ़सरान को कितना ही दूर रखिये, उन के ऊपर जिन लोगों को कुछ कीचड़ फेंकनी है, वह तो जरूर कीचड़ फेंकेंगे। इस डर से कि कोई कीचड़ न फेंके, हम अपने आम फ़र्ज़ को भी पूरा करना छोड़ दें, इस से मैं सहमत नहीं हूँ।

(English translation of the above speech)

Ch. Ranbir Singh: Sir, although the hon. Minister has shown no inclination to accept this amendment, yet I think and believe in the heart of my hearts that this amendment should be accepted. I think that the hon. friends who have tried to show difficulties in the way of its acceptance are probably

[Ch. Ranbir Singh]

under a misapprehension. All the hon. Members including the hon. Minister himself who spoke before the House agreed with the objects of the amendment. But objections were raised about the method of their achievement. I do not think there should be any objection as such for if we would begin to suspect Government officers i.e. those conducting the work of elections, how could the election be carried on? No election can take place without placing reliance upon them. In a way we are obliged to rely upon them whether they are trustworthy or not. Indeed, I think there is no such big stake involved as to create the question of our placing reliance upon them or not. The question is only of reading out the message of the President. I do not understand what mischief, and to what extent, can an officer do in this matter to please some particular person. Hence I think there is nothing objectionable in it.

In regard to what has been said about involving the President into elections, I do not find in it anything of the sort. The President does in no way enter into elections for whatever message he is going to issue will be a message that has been embodied in the Constitution. Then, some objection has been raised on the use of the word "proper". I want to ask whether a man going to stand for election will ever say that he is not a proper man. Anybody who is to contest an election would only say that he is the best man, most fit and worthy to be elected and therefore votes should be given to him in the interest of the country. I also, therefore do not understand where does an objection come for the use of the word "proper".

The hon. Minister as well as some other friends have expressed the opinion that it would probably be impracticable to impliment it. I do not think so; for after all we have to create some machinery from somewhere for conducting elections in the country. What objection then could there be to carry the message?

Some friends are of the opinion that the message could also be circulated through the radio and the press. But the difficulty there is that the radio and newspapers do not reach everybody. Besides, there is another great difficulty that the language in which these messages are to be circulated is not the language of all the people. It is the language of an educated few. If it is circulated in English, it could only be carried to probably 15 per cent. people. If it is done in Hindi, then,

in the context of the Hindi that is current today, it will probably reach 30 per cent. Although we are said to come from Hindi speaking area, yet a large number of villagers there do not understand that type of Hindi. Hence I think that to carry the message it is necessary to circulate it in every village in the language which is not of this Secretariat but of that area. I submit therefore that the hon. Minister should again consider this matter. I do not consider the objections voiced by the hon. Members to be very substantial. Nor is there anything which might bring a slur on the President.

So far as the question of raising objection against this is concerned, I am reminded of an anecdote. This always happens. The anecdote is that once a man and his son were going somewhere with their horse. The father was on the horseback while the son walked along on foot. As they went ahead they came across some people who remarked as to how stupid that old man was who himself rode the horse while the poor son went on foot. So the father thought it was a blunder and made the son ride on the horse while himself began walking. As they covered some distance some other persons happened to meet them. They chided the young son for riding the horse while the old man marched on foot. So they thought they had made a mistake again and that it was improper for either of them to go on foot. They thought people will concur if both of them rode. So they both got upon the horseback and proceeded. But people whom they came across after covering some distance began to chide them for this even.

**Mr. Deputy-Speaker:** Hon. Members have read this story in their school days.

**Ch. Ranbir Singh:** I would hardly take one minute more. So both of them got down and went on foot when people again remarked as to what sort of men were they to go on foot while they had a horse to ride upon. Therefore, so far the question of goodness or badness of a thing goes, howsoever aloof you may keep the President and the officials the people who have to throw mud upon them will invariably do so in every case. Abandoning of our duty for the fear of vilification does not appeal to me.

**The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha):** Sir, the question be now put.

**Mr. Deputy-Speaker:** The question is.

After clause 13, insert new clause:

"13-A. *President Message Day.*—  
(1) Simultaneously with the issue of the notification under Section 13, the President shall fix a date to be observed throughout the country as 'The President Message Day' when at a fixed time a message from him, incorporating the Preamble, the essence of fundamental rights, directive principles of State policy and such other relevant provisions of the Constitution and Acts pertaining to the election of members of Legislatures and the great responsibility of the electors in choosing proper candidates to administer the Sovereign Democratic Republic of India, be read over to the electors invited in prescribed manner and assembled in a meeting in each village and *Mohalla* of each town.

(2) Suitable arrangements shall be made by the prescribed authorities to carry out the purpose of this Section.

(3) The prescribed authority shall have the right to call upon any person who lives in the locality concerned to read the President's message and he shall do the same."

The motion was negatived.

Clauses 14 to 16 were added to the Bill.

**Clause 17.**—(*Definition*)

**Shri Naziruddin Ahmad** (West Bengal): The point is we have two Councils. In order to prevent confusion we should call the State Council as Legislative Council as we call the Upper House as Council of States.

**Dr. Ambedkar:** I do not accept it. All these terms are defined in the Representation of the People Act.

**Shri Naziruddin Ahmad:** Then I do not press the amendment.

**Mr. Deputy-Speaker:** The question is:

"That clause 17 stand part of the Bill."

The motion was adopted.

Clause 17 was added to the Bill.

**Clause 18.**—(*Returning Officer for each Constituency*)

**Sardar Hukam Singh** (Punjab): I beg to move:

In clause 18, for "who shall be such officer of Government as" substitute "whom".

My object is that his discretion to appoint Returning Officers should not be restricted only to the Government officials but he should have liberty to appoint other persons as well who may not be officers of Government but may yet be suitable for appointment as Returning Officers. We are making much of the fact that we are going to have free elections. I do not mean to cast any aspersions on any particular officers but there is no doubt that while there will be a good number of Government officials who might be relied upon for their independence and non-affiliation with other parties and it cannot be denied that there would be other officers as well who would thrive simply by pleasing their officers. When the field is restricted and when the Election Commissioner wants a very large number of Returning Officers, then certainly such men who may not be even to his taste may have to be appointed by him. Political considerations would come in if we make this allegation that outsiders would be having certain sympathy with one candidate or the other. This can also be applied with the same force to officers that they would also have party affiliations. They may not be allowed to go out openly and canvass for any individual but certainly they shall have their own sympathies with individuals as well as parties.

**Shri Sidhva:** That is lesser of the two evils.

**Sardar Hukam Singh:** I do not think so. This amendment does not take away his discretion to appoint suitable officers. They would be there and if he thinks that he can rely upon them, he may do it. It only widens his field of discretion, so that if at any time he finds it necessary to go outside the sphere of Government officials, there should not be any legislative restriction in his path. That is all that I seek by this amendment and I commend it to the House.

11 A.M.

**Dr. Ambedkar:** It is difficult to accept this amendment. I agree with my friend Sardar Hukam Singh that we might to some extent depend upon non-official agency. Certainly our election would be much quicker if we can expand the staff under the Election Commissioner by drawing upon people who are not in the administrative service of the Government. But at the same time we have to recognise that all the Governments and bodies whom the Government of India had consulted in this matter have insisted that the machinery should be entirely official. That being so, I am afraid it is not possible to accept the amendment.

**Mr. Deputy-Speaker:** Amendment moved:

In clause 18, for "who shall be such officer of Government as" substitute "whom".

**Shri Hanumanthaiya:** Sir, you did well in ascertaining the view of the hon. Minister. After all this amendment does not go against the provision made in the Bill. I think that a great number of Returning Officers will be required. I would make a concrete suggestion that retired Government officials may as well be recruited for the purpose. If necessary a declaration may be taken from such retired officials that they will not take part in favour of one side or the other. This will facilitate the work. There are more retired Government officials in India than in service.

**Shri Venkataraman (Madras):** Only 4,000 officers will be required.

**Shri Hanumanthaiya:** Therefore it would be wise on our part to make use of their services, especially when we are going to deal with such a huge electorate. Sardar Hukam Singh said that his amendment merely widens the discretion of the Election Commission and does not restrict it. Even after accepting the amendment it is open to the Election Commissioner to restrict his choice to officers in service.

**Mr. Deputy-Speaker:** Non-officials would certainly be drawn upon for presiding officers or polling officers at the booths. Quite a number of them will be required. The Returning Officer has the responsibility of checking, accepting or rejecting the nomination papers as also the counting of votes. It cannot be said that a non-official is not affiliated to one party or the other.

**Shri Hanumanthaiya:** Suppose a Government official is appointed as a Returning Officer. After a year he retires and if then there is an election, is he *ipso facto* disqualified to be a Returning Officer in that election?

**Mr. Deputy-Speaker:** His successor will be there in office. If the hon. Member ceases to be a Member of Parliament, is he not disqualified and why should he not continue to be a Member?

**Shri Hanumanthaiya:** That analogy does not apply in this case. The Election Commission authorises an officer to act as a Returning Officer. That authority is more important than the position he occupies in Government service or outside. Therefore if the Election Commissioner feels that

a set of individuals or retired officials can act as returning officers with equal efficiency and impartiality as those in service, they should not be excluded. I feel that it would not be right on the part of this House to say that only Government officials could be impartial and could be efficient in a matter of this kind.

**Mr. Deputy-Speaker:** The question is:

In clause 18, for "who shall be such officer of Government as" substitute "whom".

The motion was negatived.

**चौधरी रनबीर सिंह :** उपाध्यक्ष महोदय, मैं सरदार हुकम सिंह जी ने जो संशोधन पेश किया है, उसके तो हक में नहीं हूँ और इसके अलावा जब प्रोफ़ेसर रंगा जी बोल रहे थे उन्होंने यह ख्याल जाहिर किया था कि प्रान्त के अफ़सरों को रिटर्निंग अफ़सर (returning Officer) न लगाया जाय, उन के संशोधन के पीछे तथा रंगा जी ने जो कहा, उस के पीछे जो भावना है, वह यह है कि उन्हें डर है कि सरकारी अफ़सरान कहीं मिनिस्ट्रों से डर कर या उन को खुश करने के लिये ठीक ठीक ढंग स न चलें। इस के लिये मेरी समझ में एक बीच का रास्ता आता है और वह यह है कि सरकारी अफ़सरान को रिटर्निंग अफ़सर लगाया जाय, लेकिन वह सरकारी अफ़सरान सिविल के नहीं हों, बल्कि मिलिटरी के हों, मिलिटरी अफ़सरान को रिटर्निंग अफ़सर लगाया जाय और अगर उन को इस काम के लिये लिया जायेगा, तो इलैक्शन ठीक ढंग से हो, इस के ज्यादा चान्सेज (chances) होंगे, क्योंकि फ़ीज के अंदर उन को मर्यादा या डिसिप्लिन (discipline) के अन्दर चलना सिखाया जाता है और उन लोगों की डिसिप्लिन के अन्दर रह कर काम करने की आदत हो जाती है, कायदे क़ानून से बाहर जाते हुए वह बहुत चबराते हैं। भले ही आप

प्रीजाइडिंग अफसर (Presiding Officer) चाहे सिविल के ले लें, लेकिन रिटर्निंग अफसर वह मिलिटरी के ही होने चाहियें।

पंडित ठाकुरदास भागंब : पोलिंग अफसर (Polling Officer) और प्रीजाइडिंग अफसर पर सिपाही लगा दिये जाये।

चौ० रनबीर सिंह : सिपाही नहीं, उस के लिये आप के पास इंडियन कमीशन्ड अफसर (Indian Commissioned Officers) हैं। मेजर हैं, कर्नल हैं, लैफ्टेनैन्ट कर्नल है। और इन की देश के अन्दर कोई कमी नहीं है, उन को आप रिटर्निंग अफसर लगाये।

उपाध्याय महोदय : वह जरूर आयेंगे। उम्मीदवारों में जब आपस में लड़ाई शुरू होगी, तब वह जरूर आयेंगे।

चौ० रनबीर सिंह : उस के लिये फौज के दूसरे अफसर भी आ सकते हैं। लेकिन रिटर्निंग अफसर का काम, जहां तक मेरा ख्याल है, वह ज़ादा दयानतदारी और अच्छे ढंग से चला सकते हैं और मिलिटरी अफसरान पर किसी भी पार्टी को कोई शक भी नहीं होगा।

(English translation of the above speech)

**Ch. Ranbir Singh:** Sir, At the outset, I am not in favour of the amendment moved by Sardar Hukam Singh. Further when Prof. Ranga was speaking, he had expressed the view that the provincial officers should not be appointed returning officers. The spirit underlying the amendment referred to above and Prof. Ranga's view is based on the misgivings that the provincial officers, out of fear or a desire to placate the Ministers, may not conduct this task properly. I can suggest a compromising formula to overcome this difficulty. The Government officers may be appointed to act as the returning officers, but all that needs be done is that instead of selecting them from the civil side they should be taken from the Military. There shall be more chances

for a fair conduct of the elections if the military officers are appointed returning officers. It is so because they are taught to observe discipline and keep within rules and regulations strictly. They are, thus, much accustomed to observe discipline and are always very hesitant to violate any rules or regulations. You may appoint the presiding officers from either side viz., from Civil or Military, but the returning officers must necessarily belong to the Military.

**Pandit Thakur Das Bhargava:** Sepoys may be appointed as polling officers and the presiding officers?

**Ch. Ranbir Singh:** Not the sepoy, you have a sufficient number of Indian commissioned officers of the rank of a Major, Lt. Colonel and Colonel who may be appointed to act as returning officers.

**Mr. Deputy-Speaker:** They will surely come and intervene when the rival candidates begin fighting.

**Ch. Ranbir Singh:** For that purpose, other military officers can also be requisitioned, but as far as the duties of a Returning Officer are concerned, in my opinion, the military officers can discharge them in a more honest and more efficient manner. At the same time no political party will suspect their motives. I conclude.

**Shri Hanumanthaiya:** May I make one suggestion to the hon. Minister? I have been not only a candidate two or three times but I have conducted election cases as well. A majority of these cases pertained to the wrong rejection of the nomination papers. After the Constitution came into force recently there was a case in my State where the nomination had been rejected on flimsy grounds and a by-election had to be held all over again. I would therefore make a suggestion to the Minister and to the Election Commission. These Returning Officers should, before the General Elections, be given training in the correct ways of accepting or rejecting the nomination papers. It is no aspersion—and it is on record—to say that the Election Commissions have passed remarks that most of these Returning Officers are not well-equipped legally to scrutinise the nomination papers. In our scheme of elections on the basis of adult franchise if, improperly, a nomination paper is accepted or rejected the election has to be held all over again entailing fresh expenditure not only for the candidates but also for the Government.

**Mr. Deputy-Speaker:** Instructions are always issued to these Officers.

**Shri Hanumanthaiya:** I know instructions have been issued even on previous occasions but those instructions have never been properly understood by these Returning Officers. You, Sir, yourself are a good advocate and you might have personal experience of how elections are conducted and now these Returning Officers have erred any number of times in spite of the instructions. Therefore, let the Election Commissioner in each case give proper training to the officer concerned who may also be instructed to err on the side of liberality rather than on the side of strict scrutiny.

**Prof. Ranga:** I am sorry my hon. friend, Mr. Velayudhan has not moved his amendment which I was hoping he would move. I had already made the point earlier—which unfortunately did not find favour with the Select Committee—that the Election Commissioner should have power to appoint Returning Officers from amongst officers belonging to a State other than the one in which the constituency is. But in addition to that idea if only the suggestion contained in Mr. Velayudhan's amendment were accepted by my hon. friend, the Law Minister, it would give a chance to the Election Commissioner to nominate anyone from among Government officers, as Returning Officers.

**Mr. Deputy-Speaker:** Even as it is, it does not prevent the Election Commissioner from appointing any officer from another State. All that has to be done is that the officer, whether he comes from that State or another State, has to be appointed in consultation with the Government of the State in which the constituency is situate. A Bombay officer may be appointed for Madras, but as it is the Madras State that has to give all the assistance and help therefore the Madras State is consulted. Whether that was the intention or not, the language implies that any officer from any State may be appointed—only the Government of that State must be consulted.

**Prof. Ranga:** I see the force of your interpretation, Sir, and I hope the Government will see to it that whenever it is found necessary the Election Commissioner would be expected to recruit these Returning Officers from amongst officers of a State other than that to which they may be appointed. I also recognise the force of your argument that the Government of the State wherein this officer has to work will have to be consulted as to the suitability of the man to work in that State. If these two conditions are satisfied I

would certainly be very happy and would think that quite a good part of my objection has been met satisfactorily.

**Dr. Ambedkar:** The clause may be put to the House, Sir.

**Mr. Deputy-Speaker:** As far as I am able to see the wording is such that he may be an officer of the concerned State or of another State.

**The Minister of State for Transport and Railways (Shri Santhanam):** But if the officer is of another Government then that Government has to be consulted.

**Mr. Deputy-Speaker:** That is a matter of administrative convenience. This is a statutory provision. Therefore, without amendment the clause may be worked.

The question is:

"That clause 18 stand part of the Bill".

The motion was adopted.

Clause 18 was added to the Bill.

Clause 19 was added to the Bill.

**Clause 20.—(Assistant Returning Officers.)**

**Sardar Hukam Singh:** I beg to move:

Omit proviso to sub-clause (1) of clause 20.

The arguments which I put forward in the case of Returning Officers hold good in the case of this clause also which relates to Assistant Returning Officers.

**Mr. Deputy-Speaker:** Therefore, there need not be much argument.

**Sardar Hukam Singh:** I only want to suggest that we should not place a premium on Government officers and.....

**Mr. Deputy-Speaker:** But no qualifications are necessary.

**Sardar Hukam Singh:** Qualifications are not required but certainly it should not be that we do not have that much trust in non-officials as we have in officials to discharge these duties. As pointed out by my hon. friend, there may be retired judicial officers who may be available. Why should we restrict the field of selection? My only point is that the choice might be left to the Election Commissioner so that if he required more men he could go out of the field of Government officers. Otherwise, of

course, he might restrict himself only to the field of Government officials.

**Mr. Deputy-Speaker:** If there is sanction, even if it is a case of doubt or of mistake, a Government officer can be dealt with whereas a non-official is not amenable to the same extent.

**Sardar Hukam Singh:** But if that officer is favourable to the party in power?

**Mr. Deputy-Speaker:** I will put the amendment to vote.

The question is:

Omit proviso to sub-clause (1) of clause 20.

The motion was negatived.

**Shri Naziruddin Ahmad:** I have an amendment which should be accepted, otherwise there will be consequential amendments in other parts.

I beg to move:

In the proviso to sub-clause (2) of clause 20, for "function" substitute "functions".

I wish to draw the attention of the House.....

**Mr. Deputy-Speaker:** The hon. Member will kindly see that "functions" is used earlier and "function" later. The general functions are there, this particular function refers to counting of votes and scrutiny of nominations, etc.

**Dr. Ambedkar:** I accept the amendment.

**Shri Naziruddin Ahmad:** I know that they are sometimes reasonable.

**Mr. Deputy-Speaker:** The question is:

In the proviso to sub-clause (2) of clause 20, for "function" substitute "functions".

The motion was adopted.

**Pandit Munishwar Datt Upadhyay:** Although I do not wish to move my amendment I would request the hon. Minister to bear the substance of my amendment in mind. Because, there may be more than one Assistant Returning Officer and the question will naturally arise as to who shall take up that job. The function of passing orders and scrutinising of nomination paper is very important.

**Dr. Ambedkar:** If something suddenly happens to him and there is no time for him to give an authority, what is to happen?

**Pandit Munishwar Datt Upadhyay:** In that case there shall not be any Returning Officer.

**Mr. Deputy-Speaker:** Automatically, there will be the other man. I do not think it is necessary to pursue that suggestion.

**Shri J. R. Kapoor:** I am not moving my amendment but I would very much like to request the hon. the Law Minister to tell us as to how the difficulty that might arise by accepting clause 20 in its present form is going to be remedied. If it is his intention to make some provision by rule-making powers to provide for such contingencies that will serve my purpose. It has been rightly pointed out by my hon. friend Pandit Upadhyay that there will be more than one Assistant Returning Officer and if the Returning Officer per chance either falls ill or for any other reason is unable to perform the functions of the Returning Officer, the question will arise as to which of the two or more Assistant Returning Officers would perform the functions of the Returning Officer.

**Mr. Deputy-Speaker:** I am afraid that the practice of not moving amendments, but at the same time speaking on them is increasing. I should, therefore, intervene at this stage. If hon. Members are so convinced that their amendments ought to be accepted, they must have the courage to move them. Otherwise, they have the chance to speak when I put the clause to the House. I do not think I should allow the time of the House to be spent over enquiries as to whether the hon. Minister would consent to an amendment or not. These are matters which should be decided outside.

**Shri J. R. Kapoor:** May I submit that it was not for want of courage on my part that I did not move it formally. I wanted to avoid the trouble of the Chair in going through the formalities.

**Mr. Deputy-Speaker:** The Chair is willing to undergo the trouble of going through the formalities. I am not prepared to allow this talk.

**Shri J. R. Kapoor:** Then, shall I move it?

**Mr. Deputy-Speaker:** I have no objection. Can the Chair prevent any hon. Member from moving his amendment? Hon. Members should not ask for the opinion of the Chair. If they want, let them move their amendments.



**Shri J. R. Kapoor:** I beg to move:

In the proviso to sub-clause (2) of clause 20, at the end, add:

"in which case the seniormost Government servant among the Assistant Returning Officers shall perform the said functions."

My reasons are very much the same as those advanced by my hon. friend Pandit Upadhyay. While he was making his submission that one of the Assistant Returning Officers should be authorised by the Returning Officer in writing to perform those functions, promptly the hon. the Law Minister said that it may be that the Returning Officer of a place falls suddenly ill and he has not the time to give his authority in writing. That was a very valid objection on his part and it is to meet that objection that I have put in my amendment in the present form, so that it will not be necessary for the Returning Officer even to authorise anybody. Merely by virtue of the fact that one of the Assistant Returning Officers will be the seniormost of the Government officers he will automatically perform the functions of the Returning Officer. The question will arise as to which of the three or four Assistant Returning Officers would perform the functions of the Chief Returning Officer. Will all the four or five quarrel among themselves or sit at a meeting and decide? We should not leave anything to uncertainty. I know of certain cases in which this question did arise and the election had to be set aside because of this consideration. I would earnestly submit that either my amendment should be accepted or a provision to this effect may be made in the rules.

**Mr. Deputy-Speaker:** Who is to decide as to who is the seniormost?

**Shri J. R. Kapoor:** The answer is very simple. There is a civil list which gives the seniority of officers.

**Mr. Deputy-Speaker:** But if they are from different Departments?

**Shri J. R. Kapoor:** If the point is that my suggestion does not solve the difficulty, we can find out some method by which it could be specifically laid down as to which one of the Assistant Returning Officers should perform the functions. If there is any difficulty in accepting my amendment in the present form, this might be kept in mind in framing rules. My object is that nothing should be left to uncertainty.

**Dr. Ambedkar:** I do not accept this amendment. It should be remembered that we are dealing with three functions; acceptance of nomination paper, scrutiny of nomination paper and the counting of votes in certain contingencies. It does not seem to me that any of these functions are of such a special character as to require an officer of such a type that in him only we can put confidence and in no other. Unless my friend is able to satisfy me that these functions are such that they require some kind of a special character or confidence in the officer, I do not see why one Assistant Returning Officer should not perform these functions in the same manner as any other.

**Shri J. R. Kapoor:** That is the presumption in the proviso.

**Dr. Ambedkar:** The idea of my hon. friend is to grade officers: the seniormost, the next seniormost, the juniormost, etc. I do not understand why this should be done unless the functions are of such a character that we must be sure that the man in whom we can lodge the highest confidence is the man who should perform it. And it might create administrative difficulties as well.

**Mr. Deputy-Speaker:** I think there is one point in the amendment. The Election Commission may appoint one or more Assistant Returning Officers to assist the Returning Officer. Let us assume that two persons are appointed and suddenly the Returning Officer stays away without leaving any instructions. There are two persons on the spot. Which of them is to act?

**Dr. Ambedkar:** Any one of them may.

**Mr. Deputy-Speaker:** Suppose each one thinks it is the duty of the other man. What happens?

**Dr. Ambedkar:** Suppose there are two Benches. Whichever Bench is there, the Registrar of the High Court puts the case before the Bench and the Bench hears it. One may go to one and another to the other.

**Pandit Munishwar Datt Upadhyay:** One may pass one order and another may pass another order.

**Mr. Deputy-Speaker:** How can that be?

**Shri J. R. Kapoor:** There seems to be some omission here. While it is specifically provided that the Returning Officer shall be a Government servant it is not so provided so far as the Assistant Returning Officers are concerned. Is it contemplated that

the Assistant Returning Officers may be non-officials?

**Mr. Deputy-Speaker:** The hon. Member will kindly read the proviso.

**Shri J. R. Kapoor:** I am sorry. Yes, the proviso is there.

**Dr. Deshmukh (Madhya Pradesh):** Would it not be a solution if the Returning Officer determines the order in which the Assistant Returning Officers should act?

**Mr. Deputy-Speaker:** The Assistant Returning Officers will be under his control. Therefore he will make all such arrangements.

**Shri Santhanam:** The Returning Officer is not likely to have more than one Assistant Returning Officer. It is only when he is a common officer that he will have one Assistant Returning Officer for each of the constituencies.

**Shri Hanumanthaiya:** The trouble seems to be this. I want Dr. Ambedkar to consider this very carefully and not allow the fate of everyone of us to hang by a thread. The question arises in regard to the interpretation of the words "unavoidably prevented". This may very well form the ground of an election petition—that though he was not unavoidably prevented, the other officer acted. Therefore there must be some authority from the principal Returning Officer, who was unavoidably absent, that the Assistant Returning Officer has been authorised to act for him. Unless there is that specific direction it would be open to litigation after the election is over. A defeated candidate may well take up the position that the Returning Officer was not unavoidably prevented and therefore any of the functions performed are a nullity. It is that uncertainty that has to be solved.

**Mr. Deputy-Speaker:** It is more a direction to the Returning Officer.

**Dr. Ambedkar:** The point is that we have specifically laid down in a subsequent clause as to the grounds on which an election petition will lie. And this is not one of the grounds.

**Shri J. R. Kapoor:** Acceptance of a nomination paper by an unauthorised person would certainly be a valid ground for an election petition.

**Dr. Ambedkar:** But acceptance of a nomination paper by an Assistant Returning Officer would not be unauthorised.

**Shri P. Basi Reddi (Madras):** May I invite your attention to the provision in clause 24? In the case of absence of the presiding officer provision is made whereby one of the polling officers who may have been previously authorised in this behalf will officiate for the presiding officer. Similar provision can be made here also with respect to the Assistant Returning Officers—that is in the unavoidable absence of the Returning Officer one of the Assistant Returning Officers previously authorised by the Commission can officiate for him.

**Dr. Ambedkar:** What is the necessity? In the law itself the function is laid down.

**Shri P. Basi Reddi:** The question is in case there are two. And as I have pointed out, similar provision is made with respect to polling officers and assistant polling officers to act in the unavoidable absence of the presiding officer.

**Mr. Deputy-Speaker:** That is a different matter.

**Dr. Ambedkar:** We shall deal with it later on.

**Mr. Deputy-Speaker:** I shall first place the amendment before the House.

Amendment moved:

In the proviso to sub-clause (2) of clause 20, at the end, add:

"in which case the seniormost Government servant among the Assistant Returning Officers shall perform the said functions".

**Pandit Munishwar Datt Upadhyay:** My submission is that the only reply given by the hon. Minister to the question raised by my friend Mr. Hanumanthaiya is that it cannot form a ground for vitiating the election. If the hon. Minister looks to the grounds under which an election could be declared to be void—clause 99(c)—it is provided there that if "the result of the election has been materially affected by the improper acceptance or rejection of any nomination" then the Tribunal shall declare the election to be void. So the acceptance or rejection of nomination will be a ground for setting aside the election. It can be contended that the provision in that clause is not met, and that it cannot be said that the Returning Officer was 'unavoidably absent'. I think in that manner it can form a ground for an election petition, and on that petition the election can be set aside. There-

[Pandit Munishwar Datt Upadhyay]

fore the reply given by the hon. Minister is not sufficient so far as that point is concerned. To meet that difficulty some way must be found out. There must be some provision by which it may be made clear as to which of the Assistant Returning Officers is authorised or is in a position or should under the law accept or reject any nomination paper after scrutiny. Unless that is done I think the difficulty is not met. There should be some provision for it.

**Shri Hanumanthaiya:** There are judicial decisions as you are aware. Sir, where an officer is entrusted with a certain duty, he does not perform it and somebody else does and that act becomes invalid. Convicted people have been many a time acquitted on the ground that a proper officer had not arrested them or a proper court did not try them. It is a question of jurisdiction. The same difficulty arises here with regard to "unavoidably prevented". Dr. Ambedkar was pleased to say that the specific grounds have been given in clause 99 for declaring an election to be void. As my hon. friend rightly pointed out, improper acceptance or rejection of a nomination paper can be a ground in the election petition. It will surely form a ground whether that particular officer was 'unavoidably prevented' from performing his functions or not. Government records will have to be called for to see if he was on leave or in what other ways he was unavoidably prevented from performing his functions. If it is not proved that he was unavoidably prevented, then the election is sure to be set aside. Therefore, I would beg of Dr. Ambedkar not to stand on mere prestige and, as I said, allow the fate of all of us to hang by a thread so far as these elections are concerned. Let us err, if at all we err, on the side of clarity instead of erring on the side of uncertainty as Mr. Jaspat Roy Kapoor said.

**Shri Bharati (Madras):** I do not think there is really any difficulty. This clause is intended for some unforeseen difficulties. Ordinarily it is the Returning Officer who must perform these important functions. But sometimes it may so happen that he may, for instance, be involved in a car accident. Ordinarily he is not expected to leave these important functions to the Assistant Returning Officers at all. But there may be cases where the Returning Officer, who is expected to perform these functions, may be prevented by some car accident or something of that kind from coming

on that day. There, he could not have authorised anyone to perform his functions. Therefore, it is only just to provide for this contingency that this clause has been put in. Whether he is unavoidably prevented is a question of fact and naturally the Returning Officer will say that he was not able to come on a particular day when it was fixed for receiving nominations. So there is no difficulty in somebody performing his functions. It is only to provide for that possibility that this clause has been put in. It can easily be proved because he ought to have been there on a particular day, but he was not there and that itself shows that he has been unavoidably detained from coming.

**Shri Hanumanthaiya:** What the hon. Member refers to is the positive aspect of the case. In the proviso, it is the negative aspect that is worrying us, that no Assistant Returning Officer shall perform any of the functions. It is that specific direction not to do that is worrying us.

**Shri Bharati:** There are three important functions, namely, the question of accepting or rejecting a nomination, the counting of votes and the scrutiny of nominations. These are so important that these functions cannot be delegated to Assistant Returning Officer. It ought to be performed only by the Returning Officer who generally is supposed to be a very important officer and therefore, we should not allow it, but at the same time we must provide for the possibility of the Returning Officer not turning up at the proper occasion and therefore the Bill provides for that possibility and the contingency of the Returning Officer suddenly being prevented by causes over which he has no control. That is why we say that ordinarily he shall not do it but on certain important occasions where he has not been able for causes beyond his control, then and then only can the Assistant Returning Officer come into the picture to perform these functions. The Assistant Returning Officer can do the other functions. They can be delegated and therefore there is no legal difficulty at all. As for particular occasions, it is only a question of fact whether the Returning Officer has been unavoidably prevented from performing his functions. As I said, there is no difficulty and the clause might stand as it is.

**Shri P. Y. Deshpande (Madhya Pradesh):** We will get over this difficulty if we omit the word 'unavoidably'. If that is done the objection raised by

my hon. friend Mr. Hanumanthaiya will be met.

**Shri Raj Bahadur (Rajasthan):** That word 'unavoidably' is very important. In my humble opinion, the amendment that has been moved by Mr. Kapoor is not worthy of acceptance, in so far as it is specifically provided that no Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions. The Returning Officer has got to supervise and control in the discharge of that function. He can nominate one of his Assistants to perform a particular job. It is perfectly within his competence as a Returning Officer and in the exercise of his control to select one out of so many of his assistants to do a particular job. Where there is a difficulty, he can appoint one of them.

**Shri P. Basi Reddi:** How could he authorise? Suppose by accident he is prevented on the way, what will happen?

**Dr. Ambedkar:** I am afraid that a large number of bogeys are being raised in order to press a point to which some people seem to be quite attached. The position is this and I think lawyer Members would understand what I am saying.

**Shri Sidhva:** Quite the contrary.

**Dr. Ambedkar:** We know in law the distinction between what is called 'court' and what is called *persona designata*. In certain cases although a person may be a member of the court or forming a court for certain other purposes, he is specifically designated, so that he himself must perform the functions and he is not a 'court'. The same principle underlies this. The Returning Officer—whoever is appointed becomes a *persona designata*—must perform personally those functions. Then the proviso says that although he is a *persona designata* and must perform some of the functions mentioned in the proviso, in certain circumstances, namely, those mentioned in the last sentence of the proviso, the other persons who are working under him, that is, the Assistant Returning Officers shall become *persona designata* and step into his shoes. That is what it means.

**Pandit Munishwar Datt Upadhyay:** Which of them?

**Dr. Ambedkar:** Any of them may step into his shoes. I do not understand it but my hon. friend Mr. Santhanam said that at the most there might be one. Well we will take the

other contingency that there are two. Supposing if two are sitting, both of them are *persona designata*. Any one can go to A or to B and both of them can discharge the functions of a Returning Officer.

**Pandit Thakur Das Bhargava:** The difficulty will arise about scrutiny of the nomination papers by each Assistant Returning Officer acting as Returning Officer.

**Dr. Ambedkar:** I am sorry and I want to draw attention to the fact that rather inadvertently I accepted Mr. Naziruddin Ahmad's amendment for substituting the word 'functions' for the word 'function'. I think that is not correct. The original word in singular, that is, 'function' is the correct one and that is where the difficulty has arisen because he may be absent on the day of nomination. The Returning Officer may be present on the day of scrutiny and so the scrutiny will be done by him.

**Mr. Deputy-Speaker:** This can be corrected only in the third reading by amendment.

**Dr. Ambedkar:** I want to draw attention to the fact that because an Assistant Returning Officer accepts the nomination papers he must also perform the function of scrutiny and he must also perform the function of counting. That is not so.

**Shri Hanumanthaiya:** The difficulty is about the words "unavoidably prevented" and that may be a subject for interpretation in a court of law.

**Dr. Ambedkar:** What is the other word that you will supply?

**Shri Hanumanthaiya:** I will suggest a solution. Instead of the words 'unavoidably prevented' let the word 'absent' be used. Then there will be no controversy.

**Dr. Ambedkar:** I do not want him to be absent. That is my point. Once he is appointed to perform the duty and especially when he is regarded as a *persona designata* it should be obligatory upon him that notwithstanding other functions, he must attend to this function first.

**Shri Hanumanthaiya:** Then it can easily be answered in a court of law. 'Unavoidably prevented' is a matter of proof.

**Dr. Ambedkar:** It may be a matter of proof.

**Shri P. Basi Reddi:** Why not give previous authorisation to one of the Returning Officers?

**Mr. Deputy-Speaker:** He has answered that point. This argument is getting endless. If he was not really unavoidably prevented and if it is only a question between the Returning Officer and the Assistant Returning Officer, it does not matter. The point is that the election may be called in question. Is there any possibility to rectify this?

**Dr. Ambedkar:** I think that is a matter between the Election Commissioner and the Returning Officer so far as I can interpret it.

**Shri T. T. Krishnamachari (Madras):** In sub-clause (2) the words are: "Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all the functions etc." So this is the only limitation.

**Dr. Ambedkar:** The last portion is not the enacting portion; the earlier portion is the enacting portion. The Election Commission may take the Returning Officer to task if it came to know that he absented himself without any unavoidable reason.

**Shri Hanumanthaiya:** As the Deputy-Speaker pointed out, it may be between the Returning Officer and the Assistant Returning Officer but what about the candidates in the election?

**Dr. Ambedkar:** It is quite enough for the candidate to prove that the Returning Officer was absent. Whether he was absent for any unavoidable reason or not is a matter to be regulated by the Election Commissioner.

**Pandit Thakur Das Bhargava:** It has to be proved whether he was unavoidably prevented or not.

**Shri Raj Bahadur:** May I put a question to Mr. Hanumanthaiya? Who will decide whether the absence was unavoidable or not: Election Commissioner or the officer concerned? The Election Commissioner knows whether he was unavoidably absent or not.

**Pandit Thakur Das Bhargava:** The Tribunal shall have to decide if he was unavoidably prevented.

**Shri Shiv Charan Lal (Uttar Pradesh):** I think it will be all right if only one line is added, that, if there are more than one Assistant Returning officer, the Returning officer shall nominate one of them as the senior-most one.

**Mr. Deputy-Speaker:** That has already been said. That is Mr. Kapoor's amendment. Now, I shall put Mr. Kapoor's amendment to the House.

**Shri Hanumanthaiya:** I want to make a motion...

**Mr. Deputy-Speaker:** That we will come to later.

**Shri Hanumanthaiya:** With respect to this clause, I make a definite motion that this clause may be taken up later for consideration.

**Mr. Deputy-Speaker:** The question is:

"That further consideration of clause 20 be postponed."

The motion was negated.

**Mr. Deputy-Speaker:** The question is:

In the proviso to sub-clause (2) of clause 20, at the end, add:

"in which case the seniormost Government servant among the Assistant Returning Officers shall perform the said functions."

The motion was negated.

**Mr. Deputy-Speaker:** There are some amendments in the supplementary list. No. 67 by Prof. Shibban Lal Saksena who is absent. I have no objection to allow any other hon. Member to move this amendment. Let it be left to the House to decide.

**Shri Hanumanthaiya:** I shall move it, Sir. I do not want to make a speech because the matter has already been discussed. I beg to move:

In the proviso to sub-clause (2) of clause 20, omit "unless the Returning Officer is unavoidably prevented from performing the said function".

**Mr. Deputy-Speaker:** I waive notice in this regard.

The question is:

In the proviso to sub-clause (2) of clause 20, omit "unless the Returning Officer is unavoidably prevented from performing the said function."

The motion was negated.

**Shri Barman (West Bengal):** Sir, I was absent when my amendment was called. May I with your permission move my amendment? I think it may offer a solution.

**Mr. Deputy-Speaker:** What is it?

**Shri Barman:** That is amendment No. 284.

**Mr. Deputy-Speaker:** What Mr. Barman wants is this. We will assume that the Returning Officer is not unavoidably absent. Suppose he is the

collector of a district. He is expected every hour to be coming. The hours for receiving of nomination papers are fixed: between eleven and three. The other Assistant Returning Officer will say, the Returning Officer is expected and therefore he cannot receive the nomination paper. Mr. Barman wants that for receiving of nomination papers, let there be no difficulty. For scrutiny and for counting of votes, the Returning Officer must be present.

**Shri Santhanam:** It will mean that even when the Returning Officer is there, somebody will present his nomination paper to the other Assistant Returning Officer.

**Shri Barman:** Let me make the position clear, from my personal experience. In my constituency, two districts are tagged together and the divisional Commissioner is the Returning Officer. We have all along been submitting our nomination papers to the personal assistant. This has gone on for a very long time.

**Dr. Ambedkar:** If I understand the hon. Member correctly, what the amendment means is this. In the proviso as it stands, three functions can be performed by the Returning Officer, or the Assistant Returning Officer in the absence of the Returning Officer. They are: acceptance of nomination paper, scrutiny of nominations and the counting of votes. What my hon. friend wants by his amendment is that only two functions may be performed, that is scrutiny of nominations and counting of votes.

**Mr. Deputy-Speaker:** The wording is, shall not perform these two unless the other is unavoidably absent.

**Dr. Ambedkar:** There is no such thing in amendment No. 284.

**Shri Barman:** I want elimination of that clause only.

**Dr. Ambedkar:** That is, the sub-clause relating to acceptance of nomination paper and the rest will remain?

**Shri Santhanam:** Both the Returning Officer and the other Assistant Returning officer will be *persona designata*. That will be the result.

**Shri Barman:** So far as scrutiny and counting of votes are concerned, they are important and they should remain with the Returning Officer. In case he is unavoidably absent, some other Assistant Returning officer may do them.

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**Dr. Ambedkar:** There is a vast difference between the two sides.

**Shri Barman:** But, so far as acceptance of nomination paper is concerned, my submission is this. This filing of nomination papers goes on for days together. If the Returning Officer alone is authorised to accept them, then he will have to be present all the 24 hours in the station. That is not always possible.

**An Hon. Member:** It is only from eleven to three.

**Shri Barman:** But, it goes on all the days. Even the assistant receives the nomination papers. He will only have to scrutinise whether the nomination paper tallies with the voters' list, and whether the deposit has been made. Scrutiny is done by the Returning Officer on a fixed date.

**Dr. Ambedkar:** I do not understand why my friend is objecting to the acceptance of the nomination paper by a highly important officer such as the Assistant Returning Officer and prefers to lodge the paper with an assistant.

**Shri Santhanam:** The point is that the Assistant Returning Officer should be able to accept the nomination paper at any time without reference to the Returning Officer.

**Mr. Deputy-Speaker:** The proviso says that the Returning Officer alone shall perform these functions. Three categories of functions are taken away from the Assistant Returning Officers. Normally, all the functions which a Returning Officer can discharge, can also be discharged by the Assistant Returning Officers. The earlier portion of the proviso says that these following three functions shall not be discharged by the Assistant Returning Officers except under an extraordinary circumstance, namely, that the Returning Officer is unavoidably prevented from performing the said function. Out of these three categories, he wants to remove one category. That means, that it is only in the case of scrutiny and counting of votes that the Assistant Returning Officers shall be prevented from discharging them unless the Returning officer is unavoidably prevented. With respect to the acceptance, even if the Returning officer is there, the Assistant Returning Officer may receive. Or, if he is not there, his unavoidably being prevented from performing the said function does not arise. Let us assume that he is not unavoidably prevented. He may come in at any time. The Assistant Returning Officer may receive. There is no harm. With respect to scrutiny and

**Pandit Thakur Das Bhargava:** This amendment need not be ruled out just because the previous one has been rejected because this one instead of merely seeking to delete certain words, wants to substitute other words also. And I feel that if this amendment is accepted it will remove all the difficulties that have been pointed out here. If the person is authorised beforehand, there will be no question of unavoidable absence and there will be no difficulty whatsoever.

**Mr. Deputy-Speaker:** And that is the same as the amendment of Pandit Munishwar Datt Upadhyay.

**Shri J. R. Kapoor:** No Sir, this is not the same amendment as that of Pandit Munishwar Datt Upadhyay. Here, it is sought to remove the words "is unavoidably prevented from performing the said function" and the words "authorises him to do so" are substituted.

**Mr. Deputy-Speaker:** But though the amendment may be in a different form, what is its effect? The effect is the same and we have already decided on the question of removing the words "unavoidably prevented from". And the other part relating to authorising somebody else was also discussed, that is to say, whether any authority from the Returning Officer is necessary to the Assistant Returning Officer; and that too was rejected. So both parts of this proposal have been rejected.

**Pandit Thakur Das Bhargava:** But this third amendment seeks to substitute words which would remove the entire difficulty.

**Shri Santhanam:** But then it defeats the purpose of the proviso which wants the Returning Officer to be invariably present, except when he is prevented from doing so.

**Mr. Deputy-Speaker:** That is as regards the substance of it. I was considering the question of order, whether we can consider this now, having rejected the previous amendment. In the proviso three categories of functions are dealt with. For this one purpose the special authority from the Returning Officer is necessary, in the other two no such authority is necessary.

**Shri Karunakara Menon (Madras):** I am opposed to this amendment.

**Mr. Deputy-Speaker:** But then there will be this difficulty. The man may think he would be able to come, but he is unavoidably held up and is not able to come and there will be no way

of communicating this to the Assistant Returning Officer and so no election will take place.

**Pandit Thakur Das Bhargava:** But the authority will be given beforehand.

**Mr. Deputy-Speaker:** The authorisation will only say, "If I am absent, you carry on". That will not be being unavoidably absent. The man may stay away and see a dramatic performance.

**Pandit Thakur Das Bhargava:** If he stays away for a dramatic performance the matter will come before the Election Commission.

**Mr. Deputy-Speaker:** The idea is that the authority of the Assistant Returning Officer should not extend to those functions which are of a superior nature, except when due to unavoidable circumstances the Returning Officer is prevented from being present. I do not think any court will say that the candidate will have to prove that the absence was unavoidable. It is the duty of the Returning Officer to do that.

**Shri Kishorimohan Tripathi (Madhya Pradesh):** Anyway, this amendment may be considered, Sir.

**Mr. Deputy-Speaker:** Very well.

**Shri B. C. Upadhyaya:** I beg to move:

In the proviso to sub-clause (2) of clause 20, for "is unavoidably prevented from performing the said function" substitute "authorises him to do so".

**Mr. Deputy-Speaker:** The question has been sufficiently discussed now. I shall put it to the House:

The question is:

In the proviso to sub-clause (2) of clause 20, for "is unavoidably prevented from performing the said function" substitute "authorises him to do so".

The motion was negatived.

**Mr. Deputy-Speaker:** The question is:

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

**Clause 21.—(Returning Officer to include etc.)**

**Mr. Deputy-Speaker:** We come to clause 21. Does Mr. Naziruddin Ahmad want to move his amendment?

**Shri Naziruddin Ahmad:** Yes, Sir.

**Mr. Deputy-Speaker:** But I find it is only seeking some juxtaposition.

**Shri Naziruddin Ahmad:** No, Sir. And I shall argue the matter. I request it may not be rejected in a hurry but only after proper consideration.

I beg to move:

In clause 21, for "unless the context otherwise requires" substitute "subject to the provisions of the proviso to sub-section (2) of section 20, and unless the context otherwise requires".

By virtue of this provision the Assistant Returning Officer will always be a good substitute for the Returning Officer. The powers of the Assistant Returning Officer are curtailed by proviso to subclause (2) of clause 20. He cannot exercise those powers in any case unless of course an emergency happens. Ordinarily the Assistant Returning Officer should not be included within the expression 'Returning Officer' and if it is to be done, it must be subject to these qualifications.

**Mr. Deputy-Speaker:** Without subjecting it if he is authorised to perform certain functions under sub-clause (2), of clause 20, is it not subject to?

**Shri Naziruddin Ahmad:** If we say subject to sub-clause (2), not the proviso alone, it will be alright.

**Mr. Deputy-Speaker:** I think it is not necessary.

**Shri Naziruddin Ahmad:** I do not press the amendment.

**Mr. Deputy-Speaker:** The question is:

"That clause 21 stand part of the Bill".

The motion was adopted.

Clause 21 was added to the Bill.

**Clause 22.—(General duty of the Returning Officer.)**

**Shri Naziruddin Ahmad:** I beg to move:

In clause 22, for "It shall be the general duty" substitute "It shall be the duty".

**Mr. Deputy-Speaker:** There is a presiding officer at a polling station and it is the special duty of the polling officer to receive papers. Likewise those are special duties. It is the general duty of the Returning Officer to arrange for these.

**Shri Naziruddin Ahmad:** If we say "It shall be the duty" of the officer, it will be general duty.

**Dr. Ambedkar:** I do not think that any harm can arise by the retention of the word 'general'. I have examined the matter and have seen that this clause is an exact verbatim reproduction of the English law. That also contains 'general'.

**Mr. Deputy-Speaker:** The question is:

In clause 22, for "It shall be the general duty" substitute "It shall be the duty".

The motion was negatived.

**Mr. Deputy-Speaker:** The question is:

"That clause 22 stand part of the Bill".

The motion was adopted.

Clause 22 was added to the Bill.

**Clause 23.—(Provision of polling Stations etc.)**

**Shri Venkataraman:** As regards amendment No. 294 in the Consolidated List, I thought the hon. Minister might say that he would include it in the rules.

**Dr. Ambedkar:** Such a provision will be made in the rules.

**Shri Venkataraman:** Then I do not move it.

**Dr. Ambedkar:** As regards amendment No. 295 of the Consolidated List, this also will be considered in the framing of rules.

**Shri J. R. Kapoor:** With regard to the second part of my amendment No. 296 of the Consolidated List, I understand that the Law Minister is prepared to incorporate such a thing in the rules in which case I will not move the amendment.

**Dr. Ambedkar:** Yes.

**Mr. Deputy-Speaker:** I will now put the clause to the House.

**Shri J. R. Kapoor:** Sir, we had on the amendment list one amendment No. 297 in the name of my friend Mr. Venkataraman. He has of course not moved it. It suggested that "every candidate nominated for election to fill a seat in any constituency shall be supplied at his cost with a list of polling stations in that constituency at least seven days before the date of



election". Though it may not be necessary to make a specific provision like this in the Bill itself, some such provision must be made in the rules. In addition to that I suggest that such list should be given free of cost and not to every candidate but only to such candidates who continue to stand for election. After the date of withdrawal such list should be given to contesting candidates. It is also worth considering as to whether the electoral roll should or should not be given free to every contesting candidate.

In addition I would like the Law Minister and this House to seriously consider whether we should not accept the suggestion made in the Select Committee by Mr. Rama Rao that every candidate should have the facility of sending at least one election manifesto from himself free of postal charge to every voter. It is necessary and desirable that the State should bear this expense and the candidate should not be burdened with the expense of sending his election manifesto to every voter.

The other thing is whether every elector should or should not be told by the State itself through a written communication—an identity card etc.—that he is a voter in such and such constituency, that he should go to record his vote at such and such place and such and such are the candidates. I think, our electorate uneducated as it is, it is necessary that every elector must be told by the State itself that his electoral roll is such and such, that the election will take place at such and such place and at such and such time and that he may go to record his vote at that particular place on that particular day.

These things appear to be very necessary. This will avoid a good deal of duplication of expenditure. If every candidate is expected to send his identity slip to every voter it means duplication of expenditure. I would not even mind if the cost involved in this is shared both by the State and the contesting candidates and we may provide in the rules that every contesting candidate shall contribute towards this expenditure a certain amount of money, because it is in the interest of every candidate that every voter should know that he is a voter and he should record his vote at a particular time and place. Even if the entire expenditure is to be distributed among all the candidates it is a suggestion worth considering. But it may be that some contesting candidate may be poor, that he may not afford to spend anything on that account. If that objection is

to be met I would suggest that all the expenditure should be incurred by the State itself. If we want the election to be within the competence of even poor candidates, such as particularly the Scheduled Caste candidates, all these expenses must be borne by the State. The rest of the expenses which would amount to a very big figure may be left to be incurred by the candidates themselves or the parties to which they belong. So I would suggest that the expenses which I have mentioned should be borne by the State.

**Pandit Thakur Das Bhargava:** So far as the electoral rolls are concerned the cost is prohibitive. If there is a double constituency and the number of voters is as much as 7,50,000 each electoral roll would cost at least Rs. 1,500. This will not be within the competence of the ordinary candidate to provide the money. *(Interruption)* In regard to Scheduled Caste candidates I would suggest that they be supplied free a copy of the electoral rolls. In regard to the others I expect that the State would make it possible for a candidate to get the electoral rolls at a cost of Rs. 250, the extra being borne by the State. Every candidate would require the electoral rolls and without them no election could be fought. At the same time the candidate requires not one copy but he shall have to see that the copies are duplicated and printed and for a constituency consisting of 7,50,000 voters one would require a good number of copies. In order to ensure the accuracy of the other printed electoral rolls, which every worker has to be supplied with, it is necessary that one authenticated and true copy of the electoral rolls should be supplied to him. Unless this is done I do not see how the elections could be fought.

**Dr. Deshmukh:** I fully endorse what Mr. Kapoor and Pandit Thakur Das Bhargava have said. The only modification I would suggest is that one copy should be available free of cost to every candidate, after he has decided to stand and not before. The Government have incurred the cost in any case. It would be a dead loss if the candidate decides to copy and not purchase the copies. The money would be lost. Instead of leaving it to the candidates to make more copies I would suggest that the rates be lowered. There should be a graded cost. The first copy may cost Rs. 100, the next one Rs. 50 and the remaining ones Rs. 10 each. This would enable the purchase of a larger number of copies. It would save money to the candidate and also bring in more money to the exchequer than otherwise. That sort of scheme

[Dr. Deshmukh]

should be considered and it should be made possible for every candidate to buy as many copies at concession rates as possible. It would be of advantage both to the Government and the candidate. Also one communication free of charge should be allowed, a practice which is in existence in England. There would be no harm if a similar concession is given here.

**Shri Karunakara Menon:** I agree with the proposal that the electoral rolls should be supplied at concession rates, if not free. As regards the other two proposals I oppose them. Though it is good in idea, Government would be taking a very heavy responsibility in issuing to the voters cards showing the roll number and other particulars as well as allowing manifestoes to be sent free. Supposing a contesting candidate gets hold of the postman and sees to it that the postman does not deliver the manifestoes which are allowed to be posted free and also sees to it that the postman does not deliver the cards showing the number on the electoral rolls and other particulars. Then the Government will be accused of being a party to it and will lay themselves open to the charge that they have taken sides in the matter. Therefore for the good name of the Government this responsibility of issuing manifestoes and cards ought to be taken by the candidate himself.....

**Mr. Deputy-Speaker:** Even after the manifesto is stamped the postman can be got hold of to see that it is not being delivered.

**Shri Karunakara Menon:** When I post it to my voters at the destination it has to be delivered by the postman. The contesting candidate may capture the postman, but it will be a matter in the ordinary course.

**Mr. Deputy-Speaker:** That can be done by the opposing candidate even if the manifestoes are stamped.

**Shri Karunakara Menon:** Anyway, with respect to the electoral rolls showing numbers issued by the State, certainly the opposing candidate can play tricks. I do not think these two proposals are practicable. As regards the electoral rolls being supplied free or at concession rates that is a matter which should be considered by the Government.

**श्रीधरजी रमवीर सिंह :** उपाध्यक्ष महोदय, मैंने जो संशोधन दिया था, उस के पीछे जो तर्जुमा और धारणा थी, वह

यह थी कि सन् १९३७ में चुनाव के अंदर हमारे हल्के में जो उम्मीदवार था, उस ने अफसरान से साजिश कर के एक ऐसा पोलिंग स्टेशन (Polling Station) बनवाया कि जहाँ दो दिन पोलिंग हुआ, एक दिन तो उस इलाके का जहाँ पोलिंग स्टेशन था और दूसरे दिन दूसरे इलाके का, जिसका कि कोई वोटर (Voter) उस गांव में नहीं था। यह अफसरान के नुकतेनिगाह से भी फायदेमन्द है और उम्मीदवार के लिये भी फायदेमन्द हो। मान लीजिये कि ऐसा होता है कि किसी उम्मीदवार को यह मालूम है कि फ्रका गांव से उसका विरोध होगा, तो वह उस गांव के लिये पांच या तीन मील दूरी पर पोलिंग स्टेशन बनवाये, जहाँ एक भी वोटर वोट डालने नहीं जाये। इस तरह उस का विरोध बच जायगा और दूसरे उम्मीदवार को जो वोट मिलने थे, वह नहीं मिलेंगे। तो मेरा संशोधन जो है, वह यही है कि किसी उम्मीदवार के फायदे के लिये पोलिंग स्टेशन न बनाये जायें, बल्कि इस स्थान से बनाये जायें कि जहाँ ज्यादा सहूलियत हो। जहाँ पर ज्यादा रायें हों, वहीं पर पोलिंग स्टेशन बनाया जाय। अगर किसी इलाके में ९०० वोटें हैं और एक ग्राम में ५०० वोटें हैं, तो यह उम्मीदवारों के फायदे में भी होगा और मत देने वालों को भी इस में फायदा होगा कि ५०० वोटों वाले गांव में पोलिंग स्टेशन बनाया जाय।

जहाँ पर जिस गांव में ज्यादा से ज्यादा राय हो, वहाँ पर पोलिंग स्टेशन हो और जो छोटे छोटे गांव हों, वह बड़े गांव के अन्दर राय डालने के लिये जायें। इस के अलावा जैसा मैंने साहब ने कहा मैं उस से सहमत हूँ कि वह थिस्ट्री डालने का तरीका मेरी समझ में कामयाब नहीं है।

सकता। पोस्ट आफिस (Post Office) का जैसा महकमा है और उस के अन्दर जितना काम है, चिट्ठी बांटने वाले जो हैं, उन के पास जो काम है, वह उस को ही पूरा नहीं कर पाते हैं। बहुत सारी जो चिट्ठियां होती हैं, उनको वह फाड़ डालते हैं और उनको ठिकाने तक पहुंचाते ही नहीं हैं। ऐसी हालत में हर एक आदमी को जिस वक्त चिट्ठी पहुंचानी होगी, वह नामुमकिन हो जायगा, क्योंकि एक नाम के और एक ही वलदियत के कई आदमी होते हैं। नम्बर (Number) का किसी गांव में किसी को पता नहीं कि यह कौन से आदमी का नम्बर है और कोई से का नहीं है। तो उन तक पहुंचना बहुत मुश्किल हो जायगा। इस लिये जो कपूर साहब का सजेशन (Suggestion) पोस्टकार्ड (Post card) का है, व ठीक नहीं है।

श्री जे० आर० कपूर : मैंने तो पोस्ट कार्ड नहीं कहा था। उन्हें भेजना चाहिये, यह कहा था। यह नहीं कहा था कि डाक के जरिये से भेजना चाहिये। न मालूम कैसे माननीय दोस्त ने समझ लिया है कि डाक के जरिये से भेजना है। जो तरीका आसान होगा, वह अख्तियार कर लिया जायगा। एक तरीका तो यह हो सकता है कि पटवारी या चौकीदार के जरिये से भेज दी जायं। और इसी तरह शहरों में भेज दें या शहरों में डाक के द्वारा भी भेज दें। अब शहरों के लिये डाकिये फाड़ कर फेंक देंगे, मुझे तो ऐसा कोई अनुभव नहीं हुआ। लेकिन सम्भव है कि पंजाब प्रान्त में ऐसा होता हो, वहां बड़ी बड़ी बातें हुआ करती हैं और खास कर जिस जिले से मेरे मित्र आते हैं, वहां नवीन नवीन बातें हुआ करती हैं।

श्रीधरी रनबीर सिंह : उपाध्यक्ष महोदय, मेरे माननीय दोस्त को शायद यह पता नहीं है कि पटवारी कितनी बड़ी बड़ी शरारत करने की ताकत रखता है और अगर उस के हाथ में दे दिया जाये, तो बड़ी गलती होगी क्योंकि शायद डाकिया तो शरारत न भी करता, लेकिन पटवारी का तो बहुत सारे सदस्यों को मालूम ही है कि वह दाखिल खारिज में कितनी शरारतें करता है और वह ऐसी हालत पैदा कर सकता है कि दूसरी पार्टी (Party) को पता भी नहीं लगे और एक पार्टी वाले को मरा दिखा दे या ज़िन्दा दिखा दे, हालांकि सबूत उस के खिलाफ हो। तो पटवारी के हाथ भेजने का भी कोई अच्छा सजेशन नहीं है। मैं उसका भी विरोध किये बिना नहीं रह सकता।

जहां तक इस बात का सवाल है, यह उम्मीदवारों के लिये ही छोड़िये कि वे अपने मतदाताओं तक पहुंचायें। और यह काम हर कोई उम्मीदवार कर सकता है। अगर कोई नहीं कर सकता, तो वह उम्मीदवार खड़ा होने के लायक ही नहीं है।

अब जहां तक लिस्टों (Lists) का सवाल है, यह दुस्त है कि हमारे समाज के अन्दर जो हरिजन भाई हैं, वे इक्तसादी तौर पर काफ़ी ग़रीब हैं। लेकिन रियायत देने की भी कोई हद होती है। लिस्ट के अन्दर भी उन्हें रियायत मिले, यह मेरी समझ में नहीं आता। ज़मानत के अन्दर भी रियायत मिले। हर बात में जो रियायत देने का डिफरेंशियेशन (Differentiation) है, यह बहुत अच्छा नहीं है। डिसक्रिमिनेशन (Discrimination) हमारे विधान के खिलाफ़ है। यह डिसक्रिमिनेशन जो रखना है, तो उसे कम से कम महदुद रखिये और हर एक उम्मीद-

[ चौधरीं रनबीर सिंह ]

वार को एक या दो कापी ज़रूर दीजिये। बाकी कापियां, जैसे मेरे लायक दोस्त डाक्टर देशमुख जी ने कहा है, ऐसे रेट्स (Rates) पर दिलाइये कि जिन पर उम्मीदवार खरीद सकें। यही अच्छा होगा।

(English translation of the above speech)

**Ch. Ranbir Singh:** Mr. Deputy-Speaker, Sir, the underlying idea of my amendment was that during the elections held in 1937 a candidate from our constituency after conspiring with the officials got such a polling station fixed where polling was held for two days. One day the polling was held for the area in which the polling station was fixed and the next day it was held for another area of which there was no voter in that village. It is beneficial from the point of view of the officials as well as of the candidate himself. Suppose, a candidate comes to know that he will be opposed from a certain village, he will get the polling station fixed say at a distance of five or three miles from that village so that none of the voters may turn up there to cast votes. Thus, he will not have to face the opposition and at the same time his rivals will be deprived of their expected votes. Therefore, my amendment only means that no polling stations should be fixed for the benefit of any individual candidate but they should be fixed at places where more facilities are available to the voters. Polling stations should be fixed at places where the voters are in a large number. Suppose there are 900 votes to be cast in a certain area and there is a village in that area where there are 500 voters, then it will be beneficial both from the point of view of the candidates and the voters as well that the polling station should be fixed in that village. The polling stations should be fixed in those villages where the number of voters be maximum and the voters from the small villages should be asked to come and cast their votes at the polling stations fixed in the big villages. I agree with Shri Menon that the system of casting votes through Post Offices cannot be successful. The Postal Department, as it is constituted at present, is already overburdened with too much work and the postmen are not able to cope with the day to day work they have to do. They tear many letters and never deliver them to the addressees. Therefore, under such circumstances it will not be possible to deliver letters at the ap-

pointed time as there are many persons of the same name and of same parentage. Villagers are not much-conscious about their numbers in the lists. It will be difficult to deliver them to the correct addressees. Therefore, the suggestion of Shri Kapoor of sending postcards is not proper.

**Shri J. R. Kapoor:** I had never mentioned postcard. I had simply said that they should send it. I had not said that it should be sent by post. I do not know how the hon. friend has come to understand that I had said that it should be sent by post. The most simple method should be adopted. One method can be that they may be sent through the *Patwari* or the *Chaukidar*, and in the cities they could be sent in this manner as well or they might be sent by post. I have no such experience that the postmen would tear off the letters in the cities. But it is just possible that such things might be happening in the Punjab Province because big things occur there and specially the district, from which my hon. friend hails, is reputed to be the home of new and strange things.

**Ch. Ranbir Singh:** Sir, perhaps my hon. friend is not aware of the limits of the *Patwari* in making mischiefs and if we utilise his services for sending them, we will commit a great blunder because it is possible that the postman may not make such a mischief but as many of the hon. Members are aware what colossal mischief he makes in the mutation papers. He can create such conditions that without the knowledge of the other party he can show a certain person to have died, or living though dead though the evidence may be against him. Therefore, sending them through the *Patwari* is also not a good suggestion. I cannot help opposing it too.

As far as this dispatch business is concerned it should be left entirely to the discretion of the candidates themselves. This could be easily done by every candidate. If a candidate is not capable of doing even so much, he is not fit to stand as a candidate.

Now, as far as the lists are concerned it is correct that the Harijans in our society are economically very poor. But there is also a limit of giving concessions even. I do not understand as to why they should be given any concessions in the lists as well. Why should they have a concession in regard to surety as well. It is no good to make differentiation in every respect. This discrimination constitutes the violation of our constitution. If you are bent on showing discrimination at least keep it restricted and provide every candidate with one or two

copies of it. Just as my worthy friend Dr. Deshmukh has said that extra copies should be provided to candidates at reasonable prices. This will be a better course.

श्री भट्ट : माननीय उपाध्यक्ष महोदय, मैं इस विषय पर ध्यान दिलाना चाहता हूँ कि नियम बनाते समय यह ख्याल रखा जाय कि एक हजार से ऊपर मतदाताओं के लिये कहीं पोलिंग स्टेशन (Polling Station) न रखा जाय, इस के मानी यह न हों कि एक हजार मतदाता अगर पांच मील में, छः मील में या आठ मील में होते हैं, तो उनको भी साथ में मिला दिया जाय, क्योंकि कई स्थान ऐसे हैं, सिर्फ राजस्थान में ही नहीं, रेगिस्तान की ही बात मैं नहीं कर रहा हूँ, लेकिन कई जगहें ऐसी हैं कि जहाँ नदी-नाले आने की वजह से भी ५०० से ज्यादा आदमियों या मतदाताओं के लिये पोलिंग स्टेशन रखना मुश्किल हो जाता है। तो यह ख्याल न रखा जाय कि एक हजार मतदाताओं को रखना ही है और एक हजार के लिये दस मील तक चला जाय। जहाँ मतदाताओं को आने में दिक्कत हो, वहाँ कम मतदाताओं के लिये भी पोलिंग स्टेशन रखा जाना चाहिये, इस चीज पर मैं खास तौर से ध्यान दिलाना चाहता हूँ।

एक हजार मतदाताओं के मानी यह हुए कि ज्यादा से ज्यादा मान लीजिये कि ६० परसेंट वोट देने आवेंगे, तो ६०० मतदाता आवेंगे। अब समझ लीजिये कि चार-पांच उम्मीदवार हुए, तो उन के लिये वोट देने को ये ६०० मतदाता आवेंगे। अब इनको वोट देने के लिये हम मान लें कि कम से कम एक आदमी को एक मिनट का समय लगा, तो भी ५०० आदमी और बहुत बहुत करो, तो ६०० आदमियों से ज्यादा मत नहीं दे सकते हैं। इसलिये

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इस चीज का भी ख्याल रखा जाय और इस को ध्यान में रखते हुए ऐसा प्रणय करना चाहिये कि एक हजार से तो ज्यादा मतदाता कभी भी नहीं होने चाहिये और ऐसे स्थानों में, जैसे रेगिस्तान में, पहाड़ी स्थानों में या जहाँ नदी नाले-होते हैं, ऐसे स्थानों में कम आदमियों के लिये भी पोलिंग स्टेशन रखा जाय, तो कुछ हर्ष नहीं है, क्योंकि हम अपने चुनाव को बहुत ही सीधा और सरल बनाना चाहते हैं। बस, इतनी ही बातों पर मैं आप का ध्यान दिलाने के लिये खड़ा हुआ था।

(English translation of the above speech)

Shri Bhatt: Mr. Deputy-Speaker, Sir, I want to draw your attention to the fact that while enacting the legislation it should be taken into consideration that no polling station should be fixed for more than one thousand voters. But it does not mean that those voters should also be included who reside at a distance of 5, 6 or 8 miles because there are many places, not only in Rajasthan, but elsewhere as well—I am not taking about desert areas alone—where it becomes difficult to have a polling station for more than 500 voters due to rivers, streams etc. Therefore, it should not be considered essential that we must have at least one thousand voters per polling station and for that we should extend the area even upto ten miles. I specially want to draw your attention to this point that polling stations should also be fixed for those small number of voters as well who have to face many difficulties in reaching the distant polling stations.

Suppose, majority of voters come to cast their votes, say 60 per cent of them come, then it will be some 600 voters per thousand. If there are four or five candidates then these 600 voters will come to cast their vote for them. Suppose, if every person takes one minute each to cast his vote then at the most 500 or 600 voters can cast their votes in a day. Therefore, keeping this point in view not more than a thousand voters should be included and it will make no difference if polling stations are fixed for small number of voters as well, specially for those who reside in such places as are situated in deserts, mountainous regions and where difficulties are experienced

[Shri Bhatt]

in crossing rivers, streams etc. because we want to make our elections as simple as possible. That is all, I had stood to draw your attention to these points only.

**Prof. Ranga:** I only wish to draw the attention of the House to the second proviso that was suggested by Mr. Kapoor. I wish that it had not been left to the rule-making power of the Government and that a specific provision had been made in this Bill itself. It is of such importance that it really deserves some special consideration at the hands of the Government as well as my hon. friend the Minister of Law. I mean the fixation of the polling stations in different places. It is in this regard that if any administration wishes to do any injustice in any one particular area, there would be plenty of scope. It is, therefore, most necessary that the Election Commission should take special care to see that sufficient notice is given to the candidates as well as the public in regard to their proposals for the fixing of polling stations in the area. An opportunity should be given to the candidates and others concerned to prefer objections and to get them heard in time. Only after these are done, a final decision to fix polling stations should be taken.

Even in regard to the premises or houses where the polling stations are to be located, sufficient care has to be taken to see that no private houses or premises are chosen. Care should be taken to select only public places and the ingress and egress to those buildings should be kept completely free from any kind of intimidation or influence by interested parties.

**Shri Bharati:** Public places in villages?

**Prof. Ranga:** There are schools; there are village *chavaris* or *choultries*. Where such accommodation is not available, suitable arrangements should be made to see that a place is chosen which helps all the candidates concerned, as well as the voters. I sincerely hope that sufficient care will be taken in framing the rules and to see to it that in this regard no scope is given for dissatisfaction to any section of the people or any political party.

Lastly, I wish to say that I am wholeheartedly in favour of what fell from the lips of my hon. friend Shri Gokulbhai Bhatt that as far as possible a polling station is provided for not more than 1,000 voters, and where it is found necessary and also possible for not more than five hundred voters. After all it should be within the knowledge

and experience of my hon. friend the Law Minister himself that in most cases it is not possible or within the capacity of a polling officer to record more than 500 votes in a period of eight hours. Therefore, I hope it would be found possible to make necessary provision in the rules for accommodating such special circumstances as are to be found in many parts of the country and to see to it that a polling station is provided for not more than five hundred voters.

**Shri Raj Bahadur:** I would once again like to reiterate my submission to have a definite provision in regard to this matter. I had tabled an amendment to this effect, but I have not purposely moved it, in view of the minutes of the Select Committee and also on account of an assurance which I got elsewhere. But I would like to point out that the Select Committee Report has made two points clear: that there should be not more than one thousand voters allotted to a polling station and that no voter is compelled to walk more than three miles to cast his vote.

I may just bring it to the notice of the House that in my place there are only about fifty to hundred voters over an area of ten square miles—for instance in Jaisalmer or Jodhpur. What will you do there? Some special care has got to be taken in this respect. There are large constituencies extending from one corner to another, extending over 500 miles, a big constituency of thinly populated voters. If the polling booth is not easily accessible to the voters then it will clearly mean disenfranchisement. I would point out that the degree of political consciousness in my part of the country is not as high, particularly in those areas that I have mentioned, as in other areas. Therefore it is all the more necessary that in order to attract people to vote special care should be taken in respect of such areas as the western part of Rajasthan and similar areas. The same thing will apply to other such areas also, for instance the Tribal areas, where it is thinly populated, and mountainous areas. I am told by my friend from Himachal Pradesh that almost the same conditions exist so far as the hilly tracks of that region are concerned. Another friend tells me about Assam. Therefore special care has got to be taken about them. For our democracy to be successful it is only desirable that the largest number of people should be allowed and given the convenience to vote. As a matter of fact the success of our elections will be judged by foreign countries by the percentage of voting in our country, and as such it is only desirable that suitable steps should be

taken and suitable provision made in the rules for such areas. I hope the hon. Minister will be pleased to give us a definite assurance in this behalf.

**Dr. Deshmukh:** I have given notice of an amendment by which I have sought to add a new clause with respect to the number of voters that should be assigned to any polling booth. But since this point is under discussion now it will probably save time if I make my observations at this stage and I need not move the amendment of which I have given notice.

I do not understand how this figure of one thousand voters has been arrived at. Mr. Gokulbhai Bhatt has said that we expect not more than sixty per cent. of the voters to come in. Even if there are only six hundred voters to vote I do not understand how it will be possible within 480 minutes to record the 600 votes. I personally think that a minute for every voter would not be an exorbitant calculation. Moreover it is not possible absolutely to be certain that all the eight hours from the very beginning to the end, excluding the recess, that every second will be utilised. 480 voters could vote at one polling booth if they are regularly brought in and sent up to the polling booth from the first minute of the starting of the polling to the end. But that may not be possible, and there may be gaps in-between when there may be no voters for voting. My calculation was somewhat conservative. I am prepared to raise it a little. I had stated in my amendment that there shall be an independent polling station for every area inhabited by not more than two hundred electors. This might lead to a very large number of polling booths and I am prepared to raise it to five hundred. But I do not think it will be possible really to record all the votes if we go by the standard of one thousand.

I hope that the whole thing will be carefully considered and scientifically worked out so that there will not be any complaint on this score that certain voters who had come to the polling booth could not vote simply because the adjustment was not properly made. The Select Committee was worried about the distance that a voter should go. If we lower the number of voters per polling booth the number of booths will be increased and certainly the distance which a voter will have to walk will also be reduced. I would like that when framing these rules, the Election Commissioner will take into consideration this and see that the largest number of polling booths are provided, so that no candidate will have

any complaint that the voters who had to come to a polling booth were not able to vote for want of time and because the calculation was not correct.

**Pandit Munishwar Datt Upadhyay:** My hon. friend had just said that it is not possible to have more than, say, 500 voters at the polling booth or polling stations in one day. My submission is that in a polling station there shall be a number of polling booths so that even according to his calculation 480 votes can be cast. Let it be even 300 votes. To say that more than 500 voters cannot be accommodated at one polling station is I think wrong. One thousand is quite a reasonable number.

**Dr. Deshmukh:** What will be the number of polling booths?

**Pandit Munishwar Datt Upadhyay:** There shall be a number of polling booths where ballot boxes would be kept and polling officers would be there to record votes. At one station in different places or in different rooms, the polling officers will sit. They shall have ballot boxes and separately they shall record the votes of the persons who come to vote.

**Prof. Ranga:** We have to come from a greater distance.

**Dr. Deshmukh:** What is the difficulty? If you have more ballot boxes, why do you not distribute them and have many more polling stations?

**Pandit Munishwar Datt Upadhyay:** My hon. friend says that three miles is quite a reasonable distance. With the large number of voters that we have got now I think they shall not have to walk a distance of three miles. While fixing these polling stations, care should be taken that these polling stations are not under the influence of either one party or the other. That is a very material consideration. In the villages we shall have a number of voters and any person who is influential in the village, if the polling station is in the vicinity of that particular individual, it will not be possible for the voters to vote freely in those polling stations. So some indication should be made in the rules to this effect that such influences should be avoided while fixing the polling stations.

**Shri Shiv Charan Lal:** My first point is that the list should be provided free. I think that it is very, very necessary that one list should be provided free to every candidate and for the second list the price should be fixed reasonably because every candidate will require several copies of lists.

[Shri Shiv Charan Lal]

Government may in that way print a large number of lists and the candidates would also be able to get the lists at a cheaper price. I am not in favour of showing any special concession about the lists to any class of people, because if the Scheduled Castes people claim a concession, then the Brahmins might come forward and say: We have always been supplied these lists at the cost of the State. Please supply all the papers to us. There will thus be no end to giving concessions to one class or the other.

As regards the amendment of Mr. Kapoor about the chit number of the voter being supplied to him, I think it is very difficult for the Government to do that because in that way mischief will be played and one party will try to prevent supplying of the chits to the voters of another party. In that way, the candidates will not be satisfied and they will themselves supply the voters with the chits. Therefore, there will be duplication and Government should not take up that expense.

Shri Sondhi (Punjab): There will be no paper available.

Shri Shiv Charan Lal: Everything will be available.

The third point is about polling stations. The polling stations should be certainly at nearer places and one polling station for not more than 1,000 voters. There may be less voters for a polling station, say 600 or 700, according to the density of the population in that area. But, there is one thing which is very important. Further on, any sort of conveyance is prohibited. When that question comes up, it will be necessary to relax the rule to a certain extent. For example,—and I would request the hon. Law Minister to consider this—if the conveyance is supplied by another voter, there should be no objection. Suppose, there are ten voters in a village and one of them has got a bullock cart. Why not the other voters sit in that bullock cart and go to the polling station? Suppose there is another man who has got two or three bullock carts and he allows these bullock carts to be used by the other villagers to go to the polling booth and tender votes, what is the harm? This should not be prevented.

Mr. Deputy-Speaker: Is this not the subject matter of another clause altogether?

Shri Shiv Charan Lal: What I submit is this. If the Government is going to be very strict about any sort of conveyance being prohibited, the distance should be shortened. The

polling stations should be more in number.

Dr. Ambedkar: Five points have been raised and I have been asked to make a statement on each one of them. The first point is, the number of polling stations. I have been asked to say whether the Government would so arrange the polling stations that not more than a certain number of voters would be clustered or fixed for a particular station. It is very difficult for me to commit to any particular figure. But, I can say this that the Government will undertake to fix the number of polling stations on such a scale that from the point of view of the capacity of a polling station to put through a certain number of voters and from the point of view of distance, the polling stations would be so arranged in their numbers that no voter who is willing to vote and present himself to the officer for voting will have to go disappointed either on account of distance or on account of over-crowding.

The second question that has been raised is the fixation of the polling stations. I have been asked to say whether the authority of the Election Commissioner in this matter would be final or whether there would be an opportunity for the persons interested to make representations to the Election Commissioner. It is quite obvious that persons, either voters or candidates, might be interested in having a particular polling station fixed at a particular place from the point of view that that suits them or gives them an advantage over certain other candidates. Obviously, no candidate or no voter could be allowed to have the final say in this matter. The ultimate authority must remain with the Election Commissioner. But, I am prepared to say this that arrangements would be made whereby before the Election Commissioner finally fixes the polling stations, he will either invite representation or consult the people concerned in the matter before he makes his final decision.

Then I come to three other points which relate to the conduct of elections. One is the despatch of a voting card by Government to each voter. The second is the despatch on account of Government of an election manifesto of a prescribed length to each voter; and the third is the supply of electoral rolls on a concessional basis. The House will realise that it is very difficult for me to commit the Government on this matter, by giving a definite opinion or assurance, for it involves finance. But speaking not as a



member of the Government, but as a Member of the House, I have great sympathy with the first two proposals, namely, the despatch of the voting card and the despatch of an election manifesto. With regard to the supply of the electoral roll, it seems to me that if Government were to undertake the despatching of a voting card to each individual voter, the necessity for the supply of electoral rolls on a concessional rate or more copies than one, does not appear to me to be urgent. After all what a candidate does after getting the electoral roll is to come in contact with the voter and tell him his number and also the polling booth at which the elections will take place.

**Dr. Deshmukh:** What about the canvassers?

**Dr. Ambedkar:** Well, I do not know whether any particular candidate will be so lucky and fortunate as to have the means to employ such a large number of canvassers as to put the candidate actually in touch with each voter. It seems to me quite an impossible task. The candidate must rely upon his own individual personality and depend on how far he is known to the public, and if he is already not known, do something by which he becomes notorious in the district so that everybody may know him (*An Hon. Member:* Notorious?) Famous or notorious, whatever it may be.

I can quite understand that each candidate must have at least one set. Without that he cannot manage, and that must not be prohibitive in price. Although I said that it involves fin-

cial considerations and I could give no assurance without consulting Government on this matter, I feel that the task of undertaking this responsibility has considerably eased on account of the suggestion made by Mr. Kapoor that there should be no great objection for distributing the cost between the Government and the candidate. I think that is a very reasonable and feasible proposal and I can assure the House that I will put this matter before Government and ask them to come to their own conclusions.

**Dr. Deshmukh:** Will this decision be announced during the course of the passage of this Bill?

**Dr. Ambedkar:** Well, before you stand for election I will announce it.

**Mr. Deputy-Speaker:** Order, order. I take serious objection to the Members moving about like this. A certain degree of decorum has to be maintained here.

The question is.

"That clause 23 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

**Mr. Deputy-Speaker:** And the new clause 23A is not moved. Is there time to take up clause 24?

**Hon. Members:** No, Sir.

*The House then adjourned till Half Past Eight of the Clock on Wednesday, the 16th May, 1951.*