

# PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

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PARLIAMENT OF INDIA

1951

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

4411

4412

**PARLIAMENT OF INDIA**

*Saturday, 19th May, 1951*

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

[MR. SPEAKER in the Chair]

**ORAL ANSWERS TO QUESTIONS**

**AYURVEDIC INSTITUTIONS**

**\*4289. Dr. V. Subramaniam:** (a) Will the Minister of Health be pleased to state the policy of the Government of India towards institutions of Ayurvedic Colleges in the country where subjects of modern medicine are also taught in a course fitted into a five year-course as taught in the Government College of Indigenous Medicine at Madras for the G.C.I.M. course as per details given in the curriculum of studies prescribed for the College of Indian Medicine, Madras or, as taught in the Banares Ayurvedic College or Jamnagar Ayurvedic College?

(b) How many such institutions are there in India where subjects of Ayurvedic Medicine and Modern Medicine are taught as concurrent courses?

(c) Will the qualifications or portions of subjects from Modern Medicine side, taught to the students of the Government College of Indigenous Medicine, Madras (G.C.I.M. Course) as shown in the curriculum referred to above, be considered equal to the standard of a Licentiate course in Modern Medicine also?

(d) In which Medical Register are such students eligible or liable for Registration?

(e) Have all State Governments formed 'Boards of Indian Medicine' to control, encourage and to re-organise the teaching of Ayurvedic system of Medicine in all its branches, if so, in how many States and how and whether under Government orders or under a Statute?

100 P.S.D.

(f) Do Government propose to form an 'All-India Ayurvedic Board' to bring in uniformity of standards in the teaching institutions of Ayurvedic Medicine and fix the standards of teaching for a "Basic Doctor or Validya Course in Ayurveda"?

(g) On questions of Indian Medicine (Ayurvedic system), do Government take any advice from a man who knows the science of 'Ayurveda' in framing policies and if so, who is their adviser?

**The Minister of Communications (Shri Kidwai):** (a) Government have not yet formulated any policy in this matter. They are awaiting the views of the Medical Council of India regarding the recommendation of the 3rd Health Ministers Conference of 1950 that the standards of training in the different subjects of modern medicine for the degree course in the Indigenous Systems of Medicine should conform to those prescribed by the Medical Council of India and that the standards for the diploma course in these systems should conform to those enforced for the medical licentiate course. These views are expected to be received in October, 1951.

(b) and (e). The information is being collected from the State Governments and will be laid on the Table of the House in due course.

(c) No, because the instruction imparted by the College in subjects of Modern Medicine is not of the standard prescribed for the Medical Licentiate course.

(d) Under executive rules issued by the Government of Madras, the G.C.I.M. (Graduates of the College of Indigenous Medicine) Madras are eligible for registration in the Register of Practitioners of Indigenous Medicine.

(f) The matter will be considered in due course.

(g) No, but as already stated by the hon. Rajkumari Amrit Kaur in reply to Starred Question No. 1817

dated the 18th April, 1950, on matters of policy, Government consult the Standing Committee of Parliament for the Ministry of Health which includes the hon. Member whose interest in the Ayurvedic System is well known.

**Dr. V. Subramaniam:** Is that the policy of the Government to encourage Ayurvedic institutions which teach modern science subjects also? If so, what is the quantum of knowledge for Modern Medicine so far? Will the Government at an early date fix any standard for this purpose?

**Shri Kidwai:** It is for the Medical Council of India. They are being consulted.

**Dr. V. Subramaniam:** Is that the policy of the Government to encourage such institutions and what is the financial help given so far to upgrade well established Ayurvedic colleges in States where concurrent courses are taught?

**Shri Kidwai:** The colleges in States are being helped or aided financially by the State Governments.

**Dr. V. Subramaniam:** What are the amounts given to State Governments and some other private colleges teaching Allopathic Medicine to upgrade their institutions for the year 1950?

**Shri Kidwai:** The Government has not yet fixed any standard that would be required for training in such institutions.

**Dr. V. Subramaniam:** Now that the Government are going to upgrade Modern Medicine colleges, what is the amount given so far for such colleges in 1950?

**Shri Kidwai:** I will require notice for that question.

**श्री दुबेदी :** ज़ासी में आयुर्वेदिक विश्वविद्यालय के नाम से एक संस्था चल रही है। मैं जानना चाहता हूँ कि क्या उसमें आयुर्वेद और एंलोपैथी की मिली जुली शिक्षा दी जाती है और यदि हाँ तो क्या इस विश्वविद्यालय के परीक्षार्थियों को गवर्नमेंट कुछ मान्यता देती है।

**[Shri Dwivedi:** An institution by the name of Ayurvedic University is being run in Jhansi. I want to know whether combined course of Ayurveda and Allopathy is taught in that institution and if so, do the Government accord any recognition to the degrees of this University?]-

**श्री किरवई:** मुझे इसके बारे में कोई हस्तला नहीं है।

**[Shri Kidwai:** I have no information regarding it.]

**Shri S. C. Samanta:** What further steps have been taken by Government to implement the Pandit Committee's recommendations?

**Shri Kidwai:** As already stated in my reply, it was considered by the 3rd Health Ministers' Conference. Their proposal has been submitted to the Medical Council of India and the Council's suggestions are expected to be received in October and after that the Government will formulate its policy.

**Dr. M. M. Das:** May I know whether Government has recognised Ayurveda as an acknowledged medical science and has placed it on the same footing as the Allopathic system of medicine?

**Shri Kidwai:** Not yet.

**Shri Shankaraiya:** May I know whether any of these institutions have got research sections and whether any attempt is being made to co-ordinate the results of those researches?

**Shri Kidwai:** Some of the States are doing this.

**श्री जांगड़े :** क्या माननीय मंत्री महोदय बतलायेंगे कि क्या दिल्ली के तिब्बिया आयुर्वेदिक कालिज ने सरकार से ग्रांट पाने के लिए प्रार्थना की है।

**[Shri Jangde:** Will the hon. Minister be pleased to state whether the Tibbia Ayurvedic College of Delhi has asked for any grant from the Government?]

**श्री किरवई :** मुझे इसके लिए नोटिस चाहिये।

**[Shri Kidwai:** I require notice for it.]

PUBLIC RELATIONS OFFICER AT MADRAS

\*4290. **Shri Sanjivayya:** Will the Minister of Finance be pleased to state whether Government have any proposal before them to appoint a Public Relations Officer at Madras to give assistance and advice to the tax-payers and if so, from when?

**The Minister of State for Finance (Shri Tyagi):** Yes. The question of appointing a Public Relations Officer to be attached to the Madras Income-tax Department is expected to be taken up shortly.

**Shri Sanjivayya:** What are the other places at which such Public Relations Officers exist?

**Shri Tyagi:** We are launching this experiment for the first time and very recently we approached the Finance Committee and they have sanctioned a scheme. At present the idea is to appoint two such officers of the rank of Assistant Commissioner of Income-tax, one at Bombay and another at Calcutta, these cities being the biggest centres from the point of view of the realization of income-tax.

**Shri Sanjivayya:** Would this Public Relations Officer, who is shortly to be appointed in Madras, confine his activities to the State of Madras or would he extend his activities by having branches at the various District Headquarters?

**Shri Tyagi:** In fact the original idea was to appoint only two such officers, as I stated, one at Bombay and one at Calcutta. In the Finance Committee some of the hon. Members of this House insisted that the experiment should be expanded and we should try it even in the *mufussil* areas and particularly in Madras. My senior colleague has agreed to this proposal and as and when the officers are found, they will be appointed.

**Pandit Munishwar Datt Upadhyay:** What are the functions of this Public Relations Officer?

**Shri Tyagi:** (1) Encouraging direct contact between the department and the assessee; (2) redressing in consultation with the Commissioner of Income-tax concerned the legitimate grievances which assessee or refundees may bring to his notice; helping assessee to present their returns, statements or other letters whenever desired to do so in person; (3) explaining the nature of the entries required by the Income-tax return form and the procedure generally followed in the assessment, explaining procedure for getting refunds and the time-limits applicable to refunds; and (4) generally, advising the taxpayers as to their rights and obligations under the Income-tax Act by means of personal contact and occasionally by pamphlets etc.

**Shri Amolakh Chand:** May I know the estimated expenditure of such an office at Madras and Bombay?

**Shri Tyagi:** The pay of the officers would be about Rs. 1,000—50—1,400 the standard of pay which an Assistant Commissioner of Income-tax draws and the rest of the matters will, of course, be examined.

**Shri Hanumanthaiya:** Would there be any staff under that officer, Sir?

**Shri Tyagi:** There is already a good staff in the Income-tax Commissioners' offices; they will be attached to these offices. I shall see to it that most of the staff required for this work is drawn from the Income-tax Commissioners' offices.

**Shri R. Velayudhan:** May I know whether there is any Regional Publicity Officer of the Government of India in Madras—if this work cannot be undertaken by that officer?

**Shri Tyagi:** I do not deal with Publicity Officers.

**Shri Sanjivayya:** The hon. Minister said that such officers have already been appointed in Calcutta and Bombay. Has the appointment of such officers resulted in any increase in income to the Exchequer?

**Shri Tyagi:** I never said that they have been appointed. I only said that the intention was to appoint them, as soon as we are able to get suitable officers first at Bombay and Calcutta and then at Madras.

**Mr. Speaker:** Next question.

#### PAY COMMISSION

\*4291. **Shrimati Jayashri:** (a) Will the Minister of Home Affairs be pleased to state if, as a result of the report of the Central Pay Commission, all Central Class I officers have been placed on a permanent basis in all Ministries?

(b) If not, which are the Ministries in which all such officers have not been permanently appointed and what is the number of such officers?

(c) Is it a fact that for purposes of promotion the seniority of employees is sometimes disregarded?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) and (b). The hon. Member presumably has in mind paragraph 132 of the Central Pay Commission's Report. The Commission did not, and indeed could not have taken the responsibility of recommending that all Central Class I officers in all the Ministries should be made permanent. The Central Secretariat Service (Re-organisation and

Re-inforcement) Scheme is designed to place as many posts as possible on a permanent footing and to confirm against such posts temporary officers who are found suitable. Some temporary posts have to be created from time to time to cope with temporary increases in Government's activities and new activities of a temporary nature that may be undertaken. There must, therefore, be a certain number of temporary Class I officers in all the Ministries.

(c) Seniority is only one of the considerations in the matter of making promotions which have always to be made on the basis of merit and suitability.

**Shrimati Jayashri:** May I know how many of these temporary Class I officers of the Central Government have been in continuous service since before the war, during the war, before the Partition and after the Partition?

**Shri Rajagopalachari:** For such a new kind of analysis, I should like to have notice.

**Shrimati Jayashri:** May I know why such a large number is maintained on a temporary basis?

**Shri Rajagopalachari:** There has been during the war a certain amount of increase in the strength; but, as many as possible have been put on a permanent basis as I have already explained. We cannot simply make the posts permanent for the sake of those who were in office temporarily during the time of the war.

**Prof. K. T. Shah:** What is the total number of such officers now serving on a temporary basis?

**Shri Rajagopalachari:** In any particular Class? If the hon. Member gives notice.....

**Prof. K. T. Shah:** Class I.

**Shri Rajagopalachari:** I would gladly give the number, if I get notice.

**Prof. K. T. Shah:** Serving on a temporary basis provides experience. Does it make a qualification for being absorbed permanently if and when opportunity arises?

**Shri Rajagopalachari:** Most certainly, Sir. Any efficiency and experience that have been obtained will be made use of without prejudice to those who are anxiously waiting to be adopted also.

**Shri T. N. Singh:** Has any check up been made whether many of these temporary officers are not likely to be

absorbed in the near future and if so, any efforts are being made to ask them to resettle themselves elsewhere?

**Shri Rajagopalachari:** As soon as their classification is over, they are taken from time to time into the permanent service. The officers concerned know very well whether they have prospects or not. Those who are unqualified know very well their difficulties.

**Shri Rathnaswamy:** May I know to what extent Government have given effect to the recommendations made by the Pay Commission particularly in regard to raising the age of retirement from 55 to 58 years?

**Shri Rajagopalachari:** Most of the recommendations are being given effect to with as much speed as possible. As to the punishment of old men, that also is very briskly taken in hand.

**Mr. Speaker:** Next question.

#### RESERVATIONS IN SERVICES FOR BACKWARD CLASSES

\*4292. **Shri P. Basi Reddi:** Will the Minister of Home Affairs be pleased to state:

(a) whether Government have provided for reservation in Central Services in respect of any backward classes other than the Scheduled Castes; and

(b) if not, the reasons therefor?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) and (b). Reservation has been provided at present in respect only of Scheduled Castes and Scheduled Tribes. Except in this respect, Government does not feel free under the Constitution to reserve any posts community-wise or sub-community-wise. Advancement of any backward people may probably lie in directions other than the reservation of some Government posts which would benefit only a few lucky members of such groups.

**Shri P. Basi Reddi:** Has the Commission contemplated under Article 340 of the Constitution been appointed?

**Shri Rajagopalachari:** Not yet.

**Shri P. S. Basi Reddi:** When is the Commission likely to be appointed?

**Shri Rajagopalachari:** The Commission will be appointed with as much expedition as possible. I cannot give the time, on behalf of the President.

**Shri Barman:** Have the Government any responsibility, supervisory or otherwise to see that the State Governments also follow the recommendations of the Constitution regarding reservation in the services for Scheduled Castes in their States?

**Shri Rajagopalachari:** If the hon. Member is referring to the Directive Principles embodied in some of the Articles of the Constitution, the Government of India has every responsibility, and intends to carry it out to see that the States follow them with as much zeal as the Union Government. There has been already reservation for the Scheduled Castes and Scheduled Tribes. As regards backward classes, as they are called, the position has to wait because the Commission's report may be very helpful in the matter when it is appointed and takes up the work.

**Shri P. Basi Reddi:** Have the Government prepared a list of the backward classes in the country?

**Shri Rajagopalachari:** It is a question whether 'backward classes' means a list of castes and sub-castes or whether we should adopt any other system of classification. The phrase 'backward classes' is, I take it, more general than what hon. Members mean by tribes, castes and communities.

**Shri Barman:** Will the Government be pleased to enquire whether the Government of West Bengal have withdrawn reservation in services since 1948 by their Finance Department notification, and whether there is great dissatisfaction on that account?

**Shri Rajagopalachari:** I am afraid the question can better be answered usefully by the West Bengal Government.

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

#### MEDICAL SERVICES OF ARMED FORCES

\*4295. **Dr. M. M. Das:** (a) Will the Minister of Defence be pleased to state how many different scales of pay exist today for the officers of the same cadre in the Medical Services of the Armed Forces?

(b) What are the reasons for not bringing all these different scales of pay under one single scale of pay for all the medical officers of the Armed Forces?

(c) What is the total number of the old I. M. S. officers still serving in the Defence Forces?

(d) How many of the Indian I. M. S. officers get overseas allowance even when serving in India?

**The Deputy Minister of Defence (Major-General Himatsinghji):** (a) There are four different scales of pay applicable to officers of the following categories:

- (i) Pre-war regular I.M.S. officers appointed before 1st April, 1937;
- (ii) Pre-war regular I.M.S. officers appointed on or after 1st April, 1937;
- (iii) Post-war regular A.M.C. officers, including officers granted Short Service Regular Commissions; and
- (iv) Emergency Commissioned Officers holding licentiate qualifications and continuing in A.M.C. pending release.

(b) Officers of categories (a) (i) and (ii) were recruited under different conditions of service, and Government have guaranteed protection to them by respecting their old terms and conditions. Licentiate Medical Officers were recruited as a war-time emergency measure and were given a different pay scale as compared to those holding graduate medical qualifications. As they are now in a wasting category, it was decided to continue them on the war-time scale of pay. It is thus not possible to bring all these officers on a single uniform pay code.

(c) 53.

(d) None.

**Dr. M. M. Das:** The hon. Minister in his reply has said that there are four special different grades. May I know whether the medical men from the Anglo-Indian community, who were taught under a special standard, and have been given special scales of pay, are included in these?

**Major-General Himatsinghji:** They come automatically under the various scales as I have read out before. There is no separate grade for Anglo-Indians in the Army Medical Corps.

**Dr. M. M. Das:** May I know whether the changes that were made by the Lee Commission in the old I.M.S. cadre are still in force?

**Major-General Himatsinghji:** Before 1919, there were special allowances called Overseas Allowance, for what are known as King's Commissioned Officers. As a result of the recommendations of the Lee Commission, they were stopped with effect from 1st January, 1919. They are no more in force.

**Dr. M. M. Das:** May I know whether the Indian I.M.S. officers who were recruited before the Lee Commission are entitled to overseas allowances even when they serve in this country?

**Major-General Himatsinhji:** No, Sir. That has been stopped in 1919. There are only two officers of that category now. Both these officers draw the consolidated pay fixed for their respective appointments. Therefore, the question does not arise.

**Dr. M. M. Das:** May I know what is the highest and lowest grade of pay in these four different groups mentioned by the hon. Minister and when they came into force?

**Major-General Himatsinhji:** The new scale pay code came into force since July, 1947. In categories III and IV, i.e., in A.M.C. and Licentiate Officers Grades, there will be no officer above the rank of Lieutenant-Colonel. Therefore, I will give the scale of Pay per month of the lowest rank, i.e., Lieutenant and the highest rank, i.e. Lieutenant-Colonel only, for purposes of comparison:

I.M.S.		AMC.	Licentiates
Pre.	Post.		
1937	1937		
Lieutenant Rs. 500/-	450/-	400 to 450/- according to number of years service.	450/-
Lieutenant- Colonel.		1,100/- to 1,400/- according to number of years service.	1,350/-
Rs. 1,500/-	1,350/-		

**Dr. M. M. Das:** From the reply given, it seems there are two different grades in the I.M.S. I would like to know how many officers belong to each grade?

**Major-General Himatsinhji:** I would not like to give the total number of I.M.S. Officers in the army. In the first category there are 53. In the Licentiates grade (category IV) there are 311, and the rest of the officers are in category II and III.

#### ADMINISTRATION OF ANDAMANS

**\*4296. Shri Krishnanand Rai:** (a) Will the Minister of Home Affairs be pleased to state what is the amount of expenditure that Government incur annually on the administration of Andamans?

(b) Are recruitments made from the local residents in the Administrative Services?

(c). What is the relative numerical strength of the local residents in Government Administrative Services and is there any local resident in the officer's grade?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) The expenditure during the last three years was, as follows:

	Rs.
(i) 1948-49	99.53 lakhs (Actual)
(ii) 1949-50	116.75 lakhs (Actual)
(iii) 1950-51	125.26 lakhs (Revised estimates)

(b) To the extent that suitable candidates are available, persons are recruited from among those who now live there.

(c) As far as I could gather, locally recruited staff as counted in August, 1950 were 1,055, number recruited from the mainland was 520. One local resident holds gazetted rank.

**Shri Krishnanand Rai:** May I know whether any demand has been made by the local residents of Andamans to be associated in the administration there, and if so, whether Government propose to set up some Advisory Committee with the Chief Commissioner?

**Shri Rajagopalachari:** Apart from the demand—of which I am not aware—as I have already stated, one local resident holds a gazetted rank out of the 40 posts of gazetted officers there. And out of a total staff of 1,055 nearly 500 are from the local residents. The total local population in Andamans is 16,500.

**Shri Krishnanand Rai:** Do Government propose to set up any Advisory Council of the local residents with the Chief Commissioner for Andamans?

**Shri Rajagopalachari:** The Chief Commissioner there, as I said, is assisted by about 40 gazetted officers. As to whether there should be any Advisory Council of the local residents—and all of them are not the original inhabitants of the islands, but most of them are from those who had gone from the mainland sometime ago—that will be a matter for consideration along with questions relating to other Class C States.

**Shri Dwivedi:** Sir, may I know.....

**Mr. Speaker:** No more time need be spent on this question. I go to the next.

## BEGGARS

\*4297. **Shri Krishnanand Rai:** Will the Minister of Home Affairs be pleased to state:

(a) whether figures have been compiled in the census of 1951 about the number of beggars in India;

(b) if so, what is their total strength at present in the country and in which State and region of the country they abound in number; and

(c) whether Government are considering any proposal at present to outlaw and abolish beggary in India and to provide them with work?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) and (b). The results of the 1951 census are being tabulated. Information regarding the number of beggars and vagrants in India will be published after the tabulation has been completed.

(c) No, Sir. 'Outlawing' is legally easy but 'abolishing' is beset with great difficulty. I have no doubt the problem will be taken up in due course.

**Thakur Lal Singh:** Was any difference made between "beggars" and "hermits" when collecting the census figures?

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

## CUSTOMS DUTIES

\*4298. **Shri Sidhva:** (a) Will the Minister of Finance be pleased to state on what commodity the highest amount of customs duty was realised during 1950?

(b) What was the total amount recovered as duty on such commodity?

(c) On what commodity the lowest customs duty was recovered?

**The Minister of State for Finance (Shri Tyagi):** I am sorry my hon. friend has asked figures relating to the calendar year. I have changed over to the financial year and if he has no objection, I shall give the figures for the financial year.

**Shri Sidhva:** All right.

**Shri Tyagi:** The highest amount of customs duty was realised from the following commodities in the year 1950-1951:

(a) Imports (during 1950-51).	Motor Spirit.
Exports (during 1950-51).	Jute Manufac- tures.

(b) Motor Spirit. ... Rs. 1,949-22 lakhs.

Jute Manufactures. ... Rs. 2,388-80 lakhs.

(c) Imports.—Not readily available, but "boots and shoes" is one of the items which brought in very little revenue—only Rs. 8,000.

Exports.—Rice, with the smallest amount of revenue, to the tune of nearly Rs. 1,000.

**Shri Sidhva:** How does the duty realised on petrol during the year compare with that realised during the previous year, 1949-50?

**Shri Tyagi:** For motor spirit in 1949-1950, it was Rs. 14,08,95,000; and in the previous year it was Rs. 9,66,66,000.

**Shri Sidhva:** Was this difference between Rs. 9 crores and Rs. 14 crores due to the increase in the rate of the duty or due to the increase in the quantity of petrol imported?

**Shri Tyagi:** I think it is more due to the increase in the quantity.

**Shri Hussain Imam:** Will the hon. Minister enlighten the House on the *ad-valorem* incidence of the duty on these two items?

**Shri Tyagi:** Sir, it will take a lot of time to calculate that.

**Shri A. C. Guha:** What is the export duty realised from jute goods in the previous years?

**Shri Tyagi:** In the year 1951.....

**Mr. Speaker:** The hon. Member wants the figure for the year 1949-50

**Shri Tyagi:** The collections for the two years have been Rs. 6,34,96,000 for 1948-1949 and Rs. 8,76,67,000 for the year 1949-1950.

**Shri A. C. Guha:** What is the quantity of jute goods exported during the year 1950-1951? Was it less than in the previous year and if so by how much less was it?

**Shri Tyagi:** Sir, I would require notice to collect these figures.

**Shri Sidhva:** What is the total realised as customs duty for the financial year 1950-51?

**Shri Tyagi:** The total customs revenue for 1948-49 was Rs. 125,01,00,000.

For 1949-50 it was Rs. 125,22,00,000, and in 1950-51 it was Rs. 155,69,00,000.

#### HIGHER TECHNICAL INSTITUTION AT KURLA

\*4299. **Shri S. C. Samanta:** Will the Minister of Education be pleased to state how far has the scheme for the establishment of a Higher Technical Institution at Kurla progressed?

**The Minister of Communications (Shri Kidwai):** Due to financial stringency, it has not been possible to make a beginning with this project.

**Shri S. C. Samanta:** May I know whether it has been finally settled that the site will be located at Kurla?

**Shri Kidwai:** The choice lies between Kurla and Thana.

**Shri S. C. Samanta:** May I know how much sum has been set apart for the preliminary work in this year?

**Shri Kidwai:** No sum has been set apart in this year.

**Shri S. C. Samanta:** When do Government expect to open the Institution?

**Shri Kidwai:** There is a proposal not to proceed with this scheme in the next five years. That is under consideration.

**Dr. Deshmukh:** What is the expenditure so far incurred on the scheme?

**Shri Kidwai:** I don't think any expenditure has been incurred on this scheme.

#### RESEARCHES IN TECHNOLOGICAL DEVELOPMENT ESTABLISHMENTS

\*4300. **Shri S. N. Das:** (a) Will the Minister of Defence be pleased to state whether any results of the researches achieved at the different technological development establishments of the Army, Navy and Air Force have been utilised for civilian use?

(b) Out of the various technological researches, how many have been brought under Patent?

**The Deputy Minister of Defence (Major-General Himatsinhji):** (a) Yes. Although research and technical development work carried out in the Defence Technical Establishments and Laboratories is directed to the solution of Defence problems, the results of the investigations are in many cases made available to the Civil Departments and State Governments, industry and general public through various channels.

(b) 10, during the last two years.

**Shri S. N. Das:** May I know whether there is any organisation which acts like a clearing house or co-ordinating agency to co-ordinate the various researches made in the various development establishments both in Military and Civil Departments?

**Major-General Himatsinhji:** Yes, Sir. In the Military, the three Services have close co-ordination and the policy laid down is under the control of the Central Committee. As far as the Armed Forces and the Civil are concerned, we have a Scientific Research Organisation, just established in the Defence Department and it works in close co-operation with the civil authorities.

**Shri S. N. Das:** May I know whether there was any organization which acts like a clearing House between the various development institutes run by the Military—a sort of Information Bureau?

**Major-General Himatsinhji:** The Scientific Research Organization acts like the clearing house.

**Shri Kamath:** May I know which particular results of the researches made at the various Technological Institutes of the Armed Forces have so far been made available to Industry?

**Major-General Himatsinhji:** I have not got the detailed information here. I can however give the following instances:

textiles, paints, oils and varnishes, lubricants, greases and petroleum products, timber and plywood, crockery and glassware, general metal stores, chemicals and footwear and leather goods.

**Shri Kamath:** Is there any co-ordinating machinery between the Armed Forces Technological Institutes and the Industrial Institutes?

**Mr. Speaker:** He has stated that.

**Shri S. N. Das:** Sir, the Minister said that 10 researches have been brought under Patent. May I know the names of those cases and the policy behind it?

**Major-General Himatsinhji:** Results of research and technical development are often patented in those cases where protection to Government interests by means of such patents is considered advisable and where the patenting can be done without prejudice to military security. The ten inventions in respect of which patents have already been granted are:

(1) Optical instruments for use in tropical climates.

- (2) Manufacture of dry electric batteries of an improved type.
- (3) Manufacture of inert electric batteries of a new type.
- (4) An improved kind of tone transformer.
- (5) Manufacture and assembly of different types of improved electric cells.
- (6) A self-pressurising design of stove.
- (7) A new design of oil fed cooker.
- (8) An improved composition of waterproof abrasive cloth.
- (9) A new kind of signalling device.
- (10) A design of ammunition for training purposes.

**Dr. Deshmukh:** May I know in what particulars the researches have been fruitful so far as improvement of footwear is concerned and how the industry has benefited?

**Major-General Himatsinhji:** I don't have the details of footwear research. But, I believe it concerns research of what type of footwear are best in cold weather, or snow or in hot weather and what is the effect of climate on the wearers.

#### UNIVERSITY COMMISSION

\*4301. **Shri S. N. Das:** (a) Will the Minister of Education be pleased to state which of the various recommendations made by the University Commission regarding agricultural education have been implemented or are proposed to be implemented by the Government of India?

(b) What steps have so far been taken by the Government of India to introduce the study of agriculture in primary, secondary and higher education in Part 'C' States?

**The Minister of Communications (Shri Kidwai):** (a) Most of the recommendations of the University Commission regarding agricultural education concern State Governments. Their attention has been drawn to them.

So far as the Central Government is concerned the matters are still under consideration.

(b) The information is being collected and will be laid on the Table of the House in due course.

**Shri S. N. Das:** May I know whether agricultural education is being recognized by Government as a major national issue?

100 P.S.D.

**Shri Kidwai:** I think the hon. Member realizes that more and more importance is being attached to agricultural education.

**Shri S. N. Das:** May I know the number of agriculture institutes that have been started after 1947?

**Shri Kidwai:** I require notice of that.

**Dr. Deshmukh:** Is it not a fact that Government have accepted the recommendations so far as the establishment of a rural University is concerned, and if so, what encouragement do Government propose to give to it?

**Shri Kidwai:** This question refers only to agricultural education. I have stated that it concerns mostly the State Governments and their attention has been drawn to it and their proposals are awaited.

#### मध्यप्रदेश के बस्तर जिले की

#### जलशक्ति का उपयोग

\*४३०३. श्री जांगड़े : क्या प्राकृतिक संसाधन तथा वैज्ञानिक अनुसंधान मंत्री यह बतलाने की कृपा करेंगे कि क्या सरकार ने मध्यप्रदेश के बस्तर जिले की विभिन्न नदियों अथवा प्राकृतिक जल प्रपातों के जल से जल विद्युत शक्ति उत्पन्न करने तथा सिंचाई सम्बन्धी सुविधाओं को प्राप्य करने के उद्देश्य से किसी प्रकार का अनुसंधान अथवा पर्यावलोकन कार्य किया है अथवा कोई योजना तैयार की है ?

#### EXPLOITATION OF WATERS IN BASTAR DISTRICT OF MADHYA PRADESH

[4303. **Shri Jangde:** Will the Minister of Natural Resources and Scientific Research be pleased to state whether the Government of India have carried out any investigations and survey in the Bastar District of Madhya Pradesh or prepared a plan to exploit the waters of the various rivers or natural waterfalls for purposes of generating electricity and providing facilities of irrigation?]

प्राकृतिक संसाधन तथा वैज्ञानिक अनुसंधान मंत्री ( श्री श्री प्रकाश ) : नहीं ।

[The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): No, Sir.]

**श्री जंगड़े :** क्या माननीय प्राकृतिक संसाधन . . . .

[Shri Jangde: Will the hon. Minister of Natural Resources.....]

Mr. Speaker: I think it will be better if he puts these questions orally.

**श्री जंगड़े :** माननीय प्राकृतिक संसाधन तथा वैज्ञानिक अनुसंधान मंत्री बतलायेंगे कि क्या यह सही नहीं है कि बहुतेरी नदियां जो बस्तर जिले में बहती हैं उनमें से मद्रास सरकार न जल-विद्युत शक्ति और सिंचाई के साधन निकाले हैं और यदि हाँ तो क्या यह सुविधायें बस्तर जिले को नहीं दिलाई जा सकतीं ?

[Shri Jangde: Will the Minister of Natural Resources and Scientific Research be pleased to state whether it is a fact that the Government of Madras have harnessed the various rivers flowing in the Baster district for generating electricity and for irrigation purposes, and if so, whether these facilities cannot be provided to the Baster district as well?]

**श्री श्री प्रकाश :** इसके सम्बन्ध में सरकारी तौर से अनुसंधान अप्रैल सन् १९४७ में किया गया था और उस अनुसंधान से यह पता लगा था कि यहां काफी साधन हैं जिनसे कि देश को बहुत लाभ हो सकता है। परन्तु मध्य प्रदेश की सरकार ने इस मामले को आगे बढ़ाना नहीं चाहा। इस कारण यह काम स्थगित कर दिया गया है यह बात ठीक नहीं है कि मद्रास में कोई ऐसी योजना है जिसकी कि माननीय सदस्य चर्चा कर रहे हैं।

[Shri Sri Prakasa: In this connection preliminary survey was conducted during 1947 and it was found that the area contained many resources which could be utilised for the development of the country. But the Madhya Pradesh Government did not show any desire to pursue the matter any further. Therefore, this matter has been postponed. It is not true that the Government of Madras have prepared any such scheme about which the hon. Member has made this reference.]

**श्री जंगड़े :** क्या माननीय मंत्री बतलायेंगे कि बस्तर जिले में कितने जल-प्रपात हैं ?

[Shri Jangde: Will the hon. Minister please state as to how many waterfalls are there in the Baster district?]

**श्री श्री प्रकाश :** मैं ने तो इसका अनुसंधान नहीं किया है और मुझे इसकी जानकारी नहीं है।

[Shri Sri Prakasa: I have not made any survey of that place and therefore, I have no knowledge about it.]

#### PANCHET DAM

\*4304. **Shri Kshudiram Mahata:** Will the Minister of Natural Resources and Scientific Research be pleased to state whether the preliminary works for the construction of Panchet Dam (D.V.C.) have been completed and if not, at what stage they are?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** The preliminary works have not yet been completed. So far 4 miles of metalled and 8 miles of kutcha roads have been constructed; 36 buildings and 8 culverts have been completed; 3,725 Running Feet of drilling work has been done and some preliminary drawings have been prepared.

**Shri Kshudiram Mahata:** May I know whether the work is progressing according to the schedule?

**Shri Sri Prakasa:** As the House is aware, the whole problem has been under the most careful scrutiny of the Ministry and as far as is possible we are proceeding to scheduled time. But I cannot promise that we shall be able to keep it up because the problem of Panchet Hill is particularly difficult.

**Shri Shiva Rao:** May I know whether project estimates have been received by my hon. friend with regard to this particular scheme?

**Shri Sri Prakasa:** Yes, Sir. A project report based on preliminary designs has been received and is under examination at the Centre.

**Shri B. K. Das:** May I know what has been the total expenditure upto the present time in this scheme?

**Shri Sri Prakasa:** If the hon. Member wants separate figures for the different parts of the scheme, I fear I cannot give them.

**Shri Shiva Rao:** May I ask at what stage my hon. friend's proposal is for the expansion of the Board of Consultants?

**Shri Sri Prakasa:** At the last Inter-State Conference this matter was considered and we have already taken decisions as regards the Board of Consultants by adding some Indian Engineers on it.

#### DRUGS (IMPORT LICENCE)

\*4305. **Shri A. C. Guha:** (a) Will the Minister of Health be pleased to state whether it is a fact that certain drugs which have been placed in the O.G.L. by the Controller of Imports, still require an import licence from the Drugs Controller?

(b) If so, why and what are the drugs so controlled?

**The Minister of Communications (Shri Kidwai):** (a) and (b): No import licence under the Import Trade Control Regulations is required in respect of the drugs placed in the O.G.L. Under Rule 23 of the Drugs Rules issued under the Drugs Act, 1940, however, an import licence from the Drugs Controller (India) is required for the import of any biological or other special product specified in Schedule C or C(I) to those Rules. The purpose of this licence is to ensure compliance, on the part of the importer, with the provisions of the Drugs Act and the Rules relating to labelling, standards, etc., and is, therefore, entirely different from that of a licence issued under the Import Trade Control Regulations. An import licence under the Drugs Rules in respect of Schedule C and C(I) of the Drugs is required irrespective of whether the Import Trade Control Regulations impose any restrictions or not in regard to the import of these items. A copy of Schedules C and C(I) to the Drugs Rules is laid on the Table. [See Appendix XXV, annexure No. 36.]

**Shri A. C. Guha:** May I know if this control by the Controller of Drugs is intended mainly for qualitative purposes or for quantitative restriction also?

**Shri Kidwai:** There is no restriction on the quantity. He has only to ensure that all the provisions of the Drugs Act are complied with.

**Shri A. C. Guha:** What are the names of the particular kinds of medicines which require a licence?

**Shri Kidwai:** A statement has been laid on the Table which gives the names of all the drugs.

#### COST OF ADVERTISEMENTS

\*4306. **Prof. K. T. Shah:** (a) Will the Minister of Home Affairs be pleased to state the total cost of advertising incurred by his Ministry in the years 1948-49, 1949-50, 1950-51, for which Government had to make payments inter-departmentally and also state the cost of Government Gazettes, in connection with Home Ministry's notifications?

(b) What was the total cost of periodical publications issued by his Ministry during the same period as also of the Tourist Information Bureau?

(c) What was the total of charges, if any, during the above period for exhibiting public notices issued by the Ministry?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) The Ministry of Home Affairs have not incurred any expenditure for which payments are made inter-departmentally.

This Ministry do not have to bear the cost of notifications published in the Gazettes.

(b) Nil.

(c) A sum of Rs. 55,606 was paid during 1948-49 for advertisements in newspapers in connection with the Special Recruitment Board. In 1949-50 on the same account a sum of Rs. 3,401 was spent. In 1950-51 nil.

No charges were incurred for exhibiting public notices.

**Prof. K. T. Shah:** May I know whether the cost of advertising in newspapers is incurred for each separate advertisement or is it the practice to buy space, say so many thousands of inches, from newspapers for that purpose?

**Shri Rajagopalachari:** The question may be put to another Department. As I have already said I have answered on behalf of the Home Ministry. The only establishment in which the Home Ministry is concerned, which uses advertisements, is the Union Public Service Commission. They do a great deal of advertising amounting to 2½ lakhs on the average each year. If the information is required for all Ministries and as to how this is done I would ask the hon. Member to put a different question.

**Prof. K. T. Shah:** My question related only to the Home Ministry and the question is on a matter of fact, whether they pay for each advertise-

ment as inserted in the newspapers separately or whether they buy a total number of inches, say 20 or 40 thousand inches, during the year.

**Shri Rajagopalachari:** I shall make enquiries and answer this with regard to the U.P.S.C. expenditure. The hon. Member will see that really there is no expenditure by way of advertisements now in the Home Ministry.

**Shri A. C. Guha:** Is the expenditure on advertisement incurred by the U.P.S.C. charged to the Department concerned or is the entire cost borne by the Home Ministry?

**Shri Rajagopalachari:** I shall find out.

**Prof. K. T. Shah:** I wanted to know whether the notifications issued by the Home Ministry in the Gazette are made freely or any *pro forma* entry is made in the account of the Home Ministry for the insertion and publication of these notices.

**Mr. Speaker:** He has already replied that they have not to pay for the insertions in the Gazette.

**Shri Rajagopalachari:** The Home Ministry does not bear the cost of the notifications in the Gazette. We are not incurring any expenditure except that last year we did incur some expenditure on account of the Special Recruitment Board and this year it is nil. I do not know what else he wants.

**Mr. Speaker:** That was the question

#### CONFERENCE OF LETTERS

\*4308. **Dr. Deshmukh:** (a) Will the Minister of Education be pleased to state how many States sent their representatives to the Conference of Letters held in Delhi on the 15th March, 1951?

(b) Which of the resolutions are proposed to be given effect to during the year 1951-52, and at what cost?

**The Minister of Communications (Shri Kidwai):** (a) 18 States.

(c) The resolutions have not been finalised yet. They have been circulated for comments to the delegates who attended the Conference. They will then be examined by Government and necessary action will be taken as and when possible.

**Dr. Deshmukh:** Is it a fact that the Conference has recommended the establishment of an Academy of Letters?

**Shri Kidwai:** Yes.

**Dr. Deshmukh:** Does Government propose to set apart any amount for the starting of this Academy?

**Shri Kidwai:** As I have said the resolutions in their final form have not yet reached the Government. Only when they are received can Government consider them.

#### ADULTERATION OF FOOD ACT

\*4309. **Shri Sidhva:** (a) Will the Minister of Health be pleased to state whether as promised, legislation to prevent adulteration of food will be introduced in this session?

(b) Have the opinions of States Governments been received?

(c) If so, what are their main suggestions?

(d) What is the cause of the delay in introducing the Bill?

**The Minister of Communications (Shri Kidwai):** (a) No such promise was made. The only promise made was that an endeavour would be made to bring a draft bill before the House as quickly as possible.

(b) and (c). 11 State Governments have so far sent their replies. A statement containing their views is laid on the Table of the House. [See Appendix XXV, annexure No. 37.]

(d) Government are awaiting the views of all State Governments on the draft bill.

**Shri Sidhva:** May I know whether in the draft Bill the authority for the operation of the various clauses is vested in the local bodies or in some special authority?

**Mr. Speaker:** That would be anticipating the provisions of the Bill.

**Shri Sidhva:** The Bill has already been circulated.

**Mr. Speaker:** Then he knows the provisions.

**Shri Sidhva:** From the statement he has given I do not find the information. I want to know what is correct, whether under the Bill circulated the authority is vested in local bodies or some special authority.

**Mr. Speaker:** Order, order. If it is a matter of interpretation of some written document, the best course is to refer to the document itself.

**Shri Sidhva:** In the list the number of States that have been consulted has been given but this information is not given.

**Mr. Speaker:** He can get the information later.

**Shri Sidhva:** How to get the information?

**Mr. Speaker:** That is a perpetual question, which I cannot answer.

**Shri Sidhva:** If we were to seek information by way of letters we need not come to the House.

**Mr. Speaker:** The hon. Member wants to have, by way of reply to a supplementary question, all the various opinions of State Governments in connection with this subject. How is it possible?

**Shri Sidhva:** I only wanted the main provision.

**Mr. Speaker:** I am sure it is bound to be a very elaborate reply as it relates to the replies of all State Governments on the question of food adulteration. That means a long lecture.

**Shri Hussain Imam:** When was the statement made in the House that the Bill will be introduced as soon as possible?

**Mr. Speaker:** He may refer to the proceedings of the House.

#### OVERSEAS SCHOLARSHIPS SCHEME

**\*4310. Shri P. Basi Reddi:** Will the Minister of Education be pleased to state:

(a) whether Government have taken a decision regarding the number of scholars to be sent abroad during 1951-52 under the Modified Overseas Scholarships Scheme?

(b) if so, the number decided upon by Government; and

(c) when the selection of scholars will be made?

**The Minister of Communications (Shri Kidwai):** (a) No, the matter is under consideration of Government.

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

**Shri P. Basi Reddi:** What is the total number of scholars to be sent abroad?

**Shri Kidwai:** In reply to part (a) of the question I have said No. The matter is under the consideration of the Government.

#### RE-ORGANISATION OF CENTRAL BUREAU OF EDUCATION

**\*4311. Shri P. Basi Reddi:** Will the Minister of Education be pleased to state:

(a) the objects of the re-organization of the Central Bureau of Education

into a new Division known as 'The Bureau and Development Division'; and

(b) the financial effect of the re-organisation?

**The Minister of Communications (Shri Kidwai):** (a) The function of the Central Bureau of Education is collection, analysis and distribution of educational information pertaining not only to India but to foreign countries also. This information is needed in the formulation of educational plans and to effect necessary reforms. There is thus a close link between educational planning and development on the one hand and educational data and statistics on the other.

Previous to the present re-organisation the Bureau was only one section in a Division of six sections; and the Development and Planning Section was one unit in another Division of four sections. These Divisions were in charge of Deputy Educational Advisers.

Both these services: information and planning and development had to be strengthened in order to enable this Ministry to fulfil the functions of co-ordination, stimulus and reform entrusted to it by the new Constitution.

If these two functions had been kept separate, the two Divisions concerned would have become overburdened and the result would not have been satisfactory.

In order, therefore, to make work regarding planning and development and the collation and collection of information more effective, this new Division called the "Bureau and Development Division" has been formed. The importance of the work which entails examination of proposals for development from States and advice and co-operation between the Centre and the States required that an Officer of the status of a Joint Educational Adviser should be put in charge.

(b) Rs. 13,600 per annum approximately.

**Shri P. Basi Reddi:** When was the reorganisation scheme given effect to finally?

**Shri Kidwai:** It is in existence today.

**Shri P. Basi Reddi:** But when was it brought about?

**Shri Kidwai:** About the actual date of implementation of the scheme I would require notice.

**Shri P. Basi Reddi:** Why was the matter not allowed to lie over for consideration of the Estimates Committee?

**Shri Kidwai:** I think every procedure must have been followed before the scheme was implemented.

#### MEDIUM OF INSTRUCTION

\*4312. **Shri S. C. Samanta:** (a) Will the Minister of Education be pleased to refer to the answer given to my Starred Question No. 593, asked on the 1st March, 1950 regarding medium of instruction in educational Institutions and state how the 16 complaints from individuals and 45 complaints from Associations have been dealt with (separately)?

(b) Have any fresh complaints been received since then and if so, how have they also been dealt with?

**The Minister of Communications (Shri Kidwai):** (a) The complaints were referred to the State Governments concerned.

(b) 32 fresh complaints have been received since, 18 from individuals and 14 from Associations. These were also referred to the States concerned for necessary action in the light of the resolution passed at the Education Ministers' Conference in August, 1949.

**Shri S. C. Samanta:** Is Government satisfied with the steps taken by the various State Governments?

**Shri Kidwai:** I hope the hon. Member realises that the States are autonomous in these matters. All that the Central Government can do is to refer those complaints to them and to draw their attention to those complaints.

#### UNESCO COURIER

\*4315. **Shri Sanjivayya:** Will the Minister of Education be pleased to state:

(a) whether Government have taken any decision with regard to the publishing of UNESCO Courier in the more important languages of the Country; and

(b) if so, from when and in what languages will it be published?

**The Minister of Communications (Shri Kidwai):** (a) and (b). Government of India are considering the question of publishing an Indian Edition of UNESCO Courier in Hindi. No decision has yet been reached.

#### SIROLA ART COLLECTION

\*4316. **Shri Sanjivayya:** Will the Minister of Education be pleased to state:

(a) whether the Government of India have decided to purchase the "Sirola Art Collection" which consists of more than a thousand paintings of Rajput period; and

(b) if so, at what cost?

**The Minister of Communications (Shri Kidwai):** (a) Government have already purchased the Collection.

(b) For Rs. 25,000 (Rupees twenty-five thousand).

**Shri Sanjivayya:** What is the purpose? Is it to keep these paintings in any national museum?

**Shri Kidwai:** Yes, that is the purpose.

**Shri Sidhva:** May I know from whom these paintings were purchased?

**Shri Kidwai:** I am not able to answer that question.

#### MEDICAL TREATMENT OF MINISTERS

\*4317. **Shri Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) the expenditure incurred by Government on the medical treatment in India and abroad, of Cabinet Ministers, Ministers of State and Deputy Ministers, during each of the years 1948-49, 1949-50 and 1950-51, giving figures separately for each Minister; and

(b) whether adequate medical facilities were not available in India itself, in the cases of those who had to go abroad?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) and (b): I am sorry the required information is being collected and will be laid on the Table of the House in due course, but if a question is asked about myself, I can answer straightaway.

**Shri Kamath:** May I, Sir, ask whether any fixed policy or principle is followed in the matter of medical treatment for ailing Ministers?

**Shri Rajagopalachari:** There is no separate policy, Sir. They are given the same concessions as other Government servants. Less than that, I understand. But I am sorry Mr. Kamath is putting difficult questions to me. I have stated that information is being collected and will be placed on the Table of the House.

**Shri Kamath:** In the case of Ministers who have got to go abroad for medical treatment, does Government make an effort to ascertain, before sending them abroad, whether medical facilities are available or not throughout the whole of India before they are sent abroad?

**Shri Rajagopalachari:** I am not aware of any basis for this question because I am not aware of any Minister who has gone abroad and drawn money from Government for medical treatment abroad, but if the hon. Member will communicate to me the particular matter I shall inquire.

**Shri Syamnandan Sahaya:** I wanted to ask whether Government actually spent anything for the medical treatment of Ministers other than the salary they draw. In any case the information is being collected for the whole lot, but has there been even one case where the Government have specifically incurred expenditure on the medical treatment of a Minister?

**Shri Rajagopalachari:** As I said already I must get the information before I can answer these questions. There has not been time to get information from all the Ministers concerned. I don't wish to venture a wrong answer, but as I said if my own experience is taken I can answer straightaway.

**Shri Sidhva:** The hon. Minister stated that Ministers are classified in the same category as public servants. May I know whether the Ministers are public servants?

**Mr. Speaker:** He said, "Government servants".

**Shri Sidhva:** Yes, "Government servants". May I know whether they are Government servants? He said that; that is an important point.....

**Mr. Speaker:** Only if he resumes his seat, will he get a chance of reply.

**Shri Rajagopalachari:** I would not like to answer without correct information. It is not merely for debate that we are raising this point but for getting accurate information, and I protest I am unable to answer without getting the information.

**Mr. Speaker:** We will now go to the next question. We will now take up Question No. 4307 for which authority has been given to Mr. S. V. Naik.

#### DOCUMENTARY FILMS

\*4307. **Shri S. V. Naik** (on behalf of **Shri M. L. Gupta**): (a) Will the Minister of Information and Broadcasting be pleased to refer to the answer given

to the supplementary question raised on Starred Question No. 3354 by **Shri Shiva Rao** on the 21st April, 1951 regarding documentary films and state whether any arrangements have been made to obtain the results of the exhibition of the films in foreign countries produced by the Ministry?

(b) Are Government aware of the questionnaire which accompanies every American film circulated by the American Embassy and is any such questionnaire issued with our films?

(c) Do Government receive comments, suggestions and appreciations of our films from foreign countries through our Embassies and how do they influence our future production?

**The Minister of State for Information and Broadcasting (Shri Diwakar):**

(a) Periodical reports on the exhibition of our documentary films are received from our Missions in foreign countries.

(b) Although no specific questionnaire has been prescribed, our Missions abroad collect and report reaction of the audiences to our films.

(c) Comments on the quality or treatment of films are received through our Missions; these are brought to the notice of the Films Division for future guidance and suggestions regarding subjects, treatment etc. are taken into account while drawing up future production programmes.

**Shri S. V. Naik:** Is the Government contemplating the issue of a questionnaire accompanying every documentary film?

**Shri Diwakar:** I have said just now that no questionnaire as such is sent.

**Shri S. V. Naik:** Is it contemplated to send it in future?

**Shri Diwakar:** That is a suggestion which we shall consider.

**Shri Amolakh Chand:** May I know whether it is a fact that some documentaries were purchased by the Government of India from private producers and, if so, may I know whether it was for internal publicity or for external publicity?

**Shri Diwakar:** Some films are bought from private producers and their suitability is judged later on.

**Saikh Mohiuddin:** May I know whether it is a fact that the film business of India is second in the world and is next to that of U.S.A.?

**Shri Diwakar:** That is so in regard to general production of films.

## WRITTEN ANSWERS TO QUESTIONS

## ELECTRIC SUPPLY IN DELHI

\*4293. **Shri Deshbandhu Gupta:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state what is the estimated cost of the new plant which the Delhi Electricity Board is putting up?

(b) When will it be erected and go into action?

(c) What was the target date fixed for the erection and what are the reasons for the delay, if any?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) About Rs. 2,25,00,000.

(b) The station is under erection. Of the two 9,600 kw Sets, one is expected to be commissioned by the end of this year or early next year and the other by the first quarter of next year.

(c) October, 1950. The delay is mainly due to the following reasons:

- (i) Delay in finalising the design, and layout of the plant;
- (ii) Delays in deliveries of plants by the manufacturers due to the international situation;
- (iii) Delays in supply of essential materials like cement and steel in the quantities required, with difficulties of transport.

## MUNICIPAL CORPORATION BILL FOR DELHI

\*4294. **Shri Deshbandhu Gupta:** (a) Will the Minister of Health be pleased to refer to the reply to Starred Question No. 2816 asked on 5th April, 1951 and state when Government propose to bring the Municipal Corporation Bill for Delhi before Parliament?

(b) Have Government now taken any final decision in the matter?

**The Minister of Communications (Shri Kidwai):** (a) As soon as possible.

(b) Not yet. The matter is still under consideration in consultation with the Local Administration.

## AIYAR DAM

\*4302. **Shri Jnani Ram:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether any preliminary investigation and estimates have been pre-

pared for Aiyar Dam in the Damodar River; and

(b) if so, when and what is the total cost estimated?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) and (b). Some preliminary surveys of the dam site were carried out in 1945-46, but no estimates were prepared.

## TIMBER FOR HIRAKUD DAM

\*4313. **Shri M. Nalk:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the total value of timber and other wood materials imported from States other than Orissa for the construction work of Hirakud Dam and the names of the States from where these imports were made; and

(b) whether any enquiry from the authorities of the Forest Department Orissa Government was made as to the availability of timber for these works?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):**

(a) Timber	Rs. 11.38 lakhs
Doors and windows	Rs. 0.56 lakhs
Total	Rs. 11.94 lakhs

The imports were from the following States:

(1) Punjab (India)	Rs. 4.64 lakhs
(2) Madhya Pradesh	Rs. 6.30 lakhs
(3) Bihar	Rs. 1.00 lakhs
Total	Rs. 11.94 lakhs

(b) Yes, Sir.

## AGRICULTURAL INDEBTEDNESS

\*4314. **Shri M. Nalk:** (a) Will the Minister of Finance be pleased to state whether any estimate has been made of the total agricultural indebtedness at present in India?

(b) At what figure did it stand on the date of last estimate?

(c) What efforts have been made so far to liquidate the indebtedness?

**The Minister of State for Finance (Shri Tyagi):** (a) No, Sir. Since the estimate was made by the Central Banking Enquiry Committee in 1931, no comprehensive enquiries have been made to determine the rural indebtedness.

(b) The Central Banking Enquiry Committee estimated the total rural indebtedness of British India, excluding Burma, at Rs. 821 crores.

(c) The various efforts made by the State Governments to reduce the rural indebtedness are:

- (i) control of money-lending for fixing the maximum rate of interest chargeable.
- (ii) Debt Relief—Debt conciliation and Debt Relief Acts were passed by some provinces. In Bengal, C.P. and Berar, Punjab and Madras alone the debt was scaled down by nearly Rs. 50 crores.
- (iii) Financial aid—In some States, e.g. Orissa, taccavi loans were given for the liquidation of old debts. The Unencumbered Estates Acts in U.P. and Bombay also provide for debt relief to certain landlords. The land mortgage banks in Madras, Madhya Pradesh etc. also helped to reduce many old debts.
- (iv) Some of the Zamindari Abolition Acts provide for debts of outgoing intermediaries being settled before any compensation is paid to them.

In 1943 the Reserve Bank issued a circular to various Provincial Governments exhorting them to take advantage of the rise in the price of agricultural produce for reducing rural indebtedness.

#### COMMITTEES APPOINTED BY MINISTRY OF HEALTH

304. Shri S. C. Samanta: Will the Minister of Health be pleased to state:

(a) how many Enquiry or other Committees and on which subjects were appointed by the Health Ministry since August, 1947;

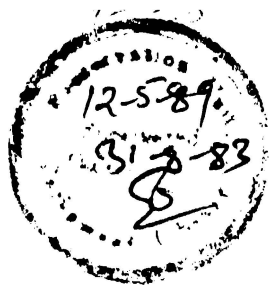
(b) the names of those Committees with the dates of appointment;

(c) how many Committees have submitted their recommendations and when; and

(d) what steps have been taken by Government to implement those recommendations (separately)?

The Minister of Communications (Shri Kidwai): (a) to (d): A statement giving the information required is placed on the Table of the House. [See Appendix XXV, annexure No. 38.]

Saturday, 19th 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

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### PARLIAMENT OF INDIA

Saturday, 19th 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.

### PAPERS LAID ON THE TABLE

REPORT re: AIRCRAFT ACCIDENT NEAR  
PATHANKOT

The Minister of Communications (Shri Kidwai): I beg to lay on the Table a copy of the report of the court of investigation of the accident to Dakota aircraft near Pathankot on the 17th July, 1950, promised in reply to Starred Question No. 1369, asked on the 12th February, 1951. [Placed in Library. See No. P-171/51.]

### DELIMITATION ORDERS

Prof. Ranga (Madras): Sir, may I draw your attention to the fact that though the hon. the Law Minister laid on the Table certain delimitation papers, they are not available in the Notice Office up till now.

Mr. Speaker: The statement was laid on the Table and then I made an announcement here that, as soon as copies are received from the Press, they will be available to the Members. I am told that a few copies that were received were distributed to the Members who wanted them here. Further copies are yet to come and as soon as they are received they will be made available to hon. Members.

158 P.D.S.

Now, as regards these Delimitation Orders of the President, there is one little point to which I would like to invite the attention of hon. Members. These orders were placed before the House in two lots. The period of limitation in making motions, as given in the People's Representation Act, is twenty days. Therefore hon. Members ought not to be under a misimpression that the twenty days will count from the last date on which the Delimitation Orders were placed on the Table of the House.

Shri Syamnandan Sahaya (Bihar): From the day on which the last Delimitation Orders were placed on the Table of the House.

Mr. Speaker: Let hon. Members first hear me and if they have anything to say they may do so after, coolly considering what I have said.

The first set of eleven orders was laid on the Table of the House on the 15th instant. So, twenty days for that will be from that date. The second set of six was laid on the Table yesterday; so twenty days will be counted from that day. Hon. Members who wish to move any modifications have to do so within that period with reference to the particular orders which have been placed on the Table of the House. That is one thing.

The other point is that they have to send notice of motions for modifications, which under the rules, I believe requires one day's notice. Therefore, if it is the misimpression of any hon. Member that he can give notice on the last (20th) day of delimitation, he will find that his notice is not according to the Rules of Procedure. Therefore, whosoever wants to give notice will kindly observe both, the one day period of notice for the motion and the other limitation of twenty days.

Shri Sidhya (Madhya Pradesh): Sir, I would like to know, when the motion

[Shri Sidhva]

is discussed, whether the House as a whole will give the vote, of the various States, because we cannot be knowing much about the various States.

**Mr. Speaker:** If the hon. Member refers to the Act, he will find that the words used are "such modifications as Parliament may make", not any particular section of Parliament.

**Shri Sidhva:** But we will be ignorant.

**Mr. Speaker:** If he is ignorant, he must find ways of getting information by discussing with people who are in the know.

If the hon. Member is not attentive, he will put me another question. The other course for him is not to vote, if he cannot make up his mind—but that is a matter for him to decide.

**Dr. Deshmukh (Madhya Pradesh):** About the supply of information about the proceedings of the Delimitation Committees, I had, as you will remember, made a request. I find that the Delimitation Committees' proposals have now been printed. Besides that, there are notes prepared by the Election Commissioner and he has given reasons for the changes, wherever he has thought them necessary. There are also figures given of revenue inspectors' circles, voting strength, etc. All that material must be made available to us before we can make any motion on that point. I would request, therefore, that these documents should be made available to the various representatives of States.

**Mr. Speaker:** I myself have no idea as to what is printed and what is not printed. Therefore, before I commit myself to anything, I wish to make enquiries and it will be my effort to see that as much material as may be reasonably required by Members for the purpose of studying the question and making motions of modification will be made available to them.

At present my statement does not go beyond making an effort on our part—hon. Members will remember that.

**Shri Sarwate (Madhya Bharat):** May I know whether sending of a notice to the Notice office would be sufficient, because the wording of the section is...

**Mr. Speaker:** The wording is clear. It is not inconsistent with what I have stated.

In order to enable hon. Members to make a motion, he has first to give a notice. If the notice of his motion is in order, then that motion will be coming on the agenda of the House and whenever that motion comes, the hon. Member has to remain present in the House and make a motion. If at that time he is either not present or does not choose to make a motion, the ordinary procedure of the House will be adopted.

**Shri R. K. Chaudhuri (Assam):** I want to know whether in the matter of counting of twenty days, the day on which the paper was laid will be excluded.

**Mr. Speaker:** As at present advised, my view is that day will not be excluded.

**Shri R. K. Chaudhuri:** Has a Member to wait till the 20th day to file a motion? If a notice is given earlier will it be possible or permissible to have the motion discussed before twenty days.

**Mr. Speaker:** The procedure which I would suggest for the benefit of Members—if it is agreeable to them and also to Government—is that, not by law, but informally, let us agree amongst ourselves that whoever wishes to give a motion will give within, say a week or so. Then, when the motions are tabled, or notices received, it will be possible for us to estimate as to how many motions there are and the time which will be required, so that we may adjust the business of the House accordingly.

**The Minister of State for Parliamentary Affairs (Shri Satyanarayan Sinha):** I think it will be suitable.

**Shri R. K. Chaudhuri:** Can a discussion on the amendment take place earlier than the 20th day?

**Mr. Speaker:** Yes; there is nothing wrong in it. The only thing is that all notices for motions received within the period of limitation must be discussed whether earlier or later.

**Shri Syamnandan Sahaya:** The last day for the receipt of notices of modifications will be up to the 19th day. Supposing we discuss the delimitation of constituencies of State on a motion, and within 19 days further motions are received, the whole position will have to be discussed again. So, I think that until the period of notice has completely expired, it will not be possible to collect all the data, and fix a day.

**Mr. Speaker:** I am afraid the suggestion is not, to my mind, a practicable one. It does not lead to any economy of time or of money. If that is so, that means that the House must sit here to dispose of all motions after the period of 19 days. Today we expect to go up to the 7th of June. I have already made provisional allotment of business. If this proposal is accepted, it means that we must carry on other business up to the 7th and must sit from 7th onwards to dispose of these orders. That is too much. Hence, I was suggesting that we may come to an agreement or working understanding that, those who wish to table motions may do so within a period of a week, so that we may know where we stand, so far as the business of the House is concerned. These motions can be taken up for discussion before that.

**Shri Kamath (Madhya Pradesh):** Does your elucidation with regard to the provision of time-limitation in the Act mean that twenty days are inclusive not merely of the day on which the Orders are placed on the Table of the House but also of the day on which the motion is made in the House—the motion of modification?

**Mr. Speaker:** Yes, both. It will mean that merely the giving of notice is not sufficient. Therefore I was suggesting that all notices may be given within about a week's time, so that, that will leave sufficient time to the Members of the House to make motions here. But these are all matters of detail which we shall see in due course. The idea is not to exclude any motion on any technical ground.

**Pandit Thakur Das Bhargava (Punjab):** The direct result of this course will be this. Suppose a motion is given today and it is discussed a week after. Then, the discussion of the motion, if it ends in voting and a certain decision, will preclude any subsequent motion which would bring the previous motion into question. Suppose a decision is taken today in respect of a particular constituency and another Member comes on the eighteenth day with a motion relating to his constituency which has been affected by the first decision. Then the other decision will not be possible. So that, one decision arrived at at a particular time will affect another. It may have to be arrived at on different motions made after a week or more.

**Mr. Speaker:** Let us not enter into that academic or theoretical discussion at this stage. I find—at least I have not studied the whole question—that each delimitation order applies

to a different State and I see no objection to take such of the motions in respect of one particular order which may have been tabled, say, within about a week or so. I do not see why they should not be taken up immediately. There is no objection later to the taking up of motions with respect to the Delimitation Orders of other States.

**Pandit Thakur Das Bhargava:** In respect of that State also.

**Mr. Speaker:** The point of the hon. Member is clear to me. But my reply to it should be that it is inevitable and the hon. Member who is so keen has to be alert.

**Dr. Deshmukh:** How can you prevent him from giving notice within twenty days?

**Mr. Speaker:** We cannot prevent him. His point is that a discussion takes place. Then the House takes a decision.

**An Hon. Member:** It cannot.

**Mr. Speaker:** And then when he subsequently chooses to table a motion; it may be barred by the previous decision of the House. That possibility is there always. The logical sequence of that will be that the House must discuss them after twenty days.

**Some Hon. Members:** That is inevitable.

**Mr. Speaker:** I do not think it is proper to put a premium on the Members to the last date.

**Shri Hussain Imam (Bihar):** Such a motion that is to be made will be confined to a certain amendment and not to the Order. Therefore the question of barring does not arise.

**Mr. Speaker:** The hon. Member has not caught the point. His point is, whatever the point in respect of which a motion is given, suppose on the same point some other motion is brought in. That is his point. With regard to that, I do not think we need anticipate all that difficulty just today. To my mind, it is absolutely an academic discussion.

**Shri Sidhva:** It may not arise also. The point after having been decided may not arise.

**Prof. Ranga:** I have two points to make. One is really half of a point which was already discussed by my hon. friend Pandit Thakur Das Bhargava. I would like you not to give a ruling on that matter now because as

[Prof. Ranga]

you yourself were pleased to say, you have not been able to look into these papers and therefore it will not be right that the House now should have your ruling. Some of us have had some experience of going into the matter in great detail and what we have found is if you upset any arrangement made in regard to one constituency you would be upsetting similar arrangements for four or five constituencies all around and that would again upset the arrangement made by the delimitation of constituencies for Parliament. Therefore it is quite possible, as I see, to have discussions even much earlier than twenty days. But the House need not take a decision on those discussions.

And then the other point that I wish to make is this. I want you to give a direction to the Election Commission to place before this House such of the information as they had placed before the Delimitation Committees which guided those Delimitation Committees when they were making their recommendations to the Election Commission itself. And in that information which they gave they detailed some of the principles which they expected the Election Commission to keep in mind in making their own proposals in regard to the minimum number or the maximum number of voters that there should be for the Legislative Assembly constituencies and also for Parliamentary constituencies, and whether they should take into consideration the population of the Scheduled Castes or the voters and, if so, under what circumstances—for certain things only the population, for certain other things only the voters' list, and so on. I would like as much of the information as possible to be supplied to the hon. Members so that they would be in a position to appreciate why the Delimitation Committees appointed by you for the different Provinces have had to make certain proposals which later on came to be finalised by the President on the advice of the Election Commission.

**Mr. Speaker:** I do not think we need carry on any further discussion over this matter. I have already stated my reactions which were on the practical side of it and not absolutely on the legal or the academic side. If we start with discussions as was suggested, it strikes me that, it may be possible just to see as to whether the voting in respect of all that could be taken on the last date. That is just possible. But that should be on the understanding completely that the last date, will be a guillotine date and that

there will be no further discussions or arguments on those questions. That is one thing. That will probably satisfy hon. Members.

**Several Hon. Members:** Yes, yes.

**Mr. Speaker:** As regards the other amendments to which Prof. Ranga referred, I should think that if any particular proposal is made and it is accepted by the House, it is inherent in that acceptance that, all consequential amendments with reference to that particular part must follow. The hon. the Law Minister will please advise me on that point. But I think you cannot make a modification which necessitates the changes and still deny those changes. I should treat them as consequential, without any specific motion. Because, that is the effect of the modification which the House accepts—just as we do in the case of Bills also. So I think that meets the requirements of all.

As regards the supply of information I have already said I will enquire and I shall try my best—and I believe we shall have the co-operation of all concerned—that hon. Members get such information as is needed for all their purposes.

**Shri T. N. Singh (Uttar Pradesh):** Yesterday it was stated that it was not possible to lay on the Table information regarding figures of electors in the various revenue units. If that is not done, it will be very difficult for Members to follow.

**Mr. Speaker:** He is practically repeating what Prof. Ranga has already submitted to the House, and I have told him that all information which is reasonably necessary for a study of the question and for suggesting modifications will be available, and my commitment was that I shall make the best effort. That point also is therefore covered in what I stated. I do not want to proceed with all further niceties.

**Shri Jaipal Singh (Bihar):** After the first lot of papers relating to these Orders were placed on the Table of the House last week you were pleased to instruct that Members could take the sets of papers from the Notice Office. But in view of the fact that the second lot of papers has been placed on the Table only yesterday and we are now at the week-end, may I request you to instruct the office that the papers should be delivered to us on Sunday so that Members may be able to study them.

**Mr. Speaker:** I think we shall go by the ordinary rules. The staff is sufficiently worked by two sittings in a day with a morning sitting and an evening sitting, and I do not wish to deprive them of their badly needed rest. It is in the interests of the efficiency of the working of the Parliament that our people should be given the required periods of rest.

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

**Mr. Speaker:** Now we will proceed with the further consideration of the motion regarding the Bill to provide for the conduct of elections to the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt and illegal practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections, as reported by the Select Committee.

I believe we had disposed of 23 clauses and clause 24 is to be taken up now.

### Clause 24.—(Presiding officers for polling stations)

**Shri Naziruddin Ahmad** (West Bengal): I beg to move:

In sub-clause (1) of clause 24, for the words "in or about the election" substitute the words "in the election in question".

Sir, in the expression occurring at the end of the body of the clause 'in or about the election' the words 'or about' are absolutely purposeless. The words 'in the election' are quite enough and I have added 'in question' to make it precise. I should be quite satisfied if the words 'or about' are deleted. But if the whole amendment is accepted, it would make it more clear, but I should be quite satisfied if the words 'or about' are deleted, because the words 'in the election' are quite enough.

**Mr. Speaker:** Amendment moved:

In sub-clause (1) of clause 24, for the words "in or about the election" substitute the words "in the election in question".

**The Minister of Law (Dr. Ambedkar):** I do not accept it.

**Mr. Speaker:** Shall I put to vote both the amendments Nos. 299 and 300?

**Shri Naziruddin Ahmad:** I should like amendment No. 299 alone to be put to vote. If that is rejected, amendment No. 300 does not arise.

**Shri T. T. Krishnamachari (Madras):** May I ask the hon. Law Minister to explain what he means by the words 'about the election' in the amendment?

**Dr. Ambedkar:** The answer is simple. The word 'election' may be used in a narrower sense, that is to say the act of election, when polling takes place. On the other hand an election may have a larger context, of other acts relating to an election, that is to say other than polling. This is the reason why the words are there. They are exactly the words from the English statutes.

**Prof. Ranga (Madras):** May I ask for an elucidation? There are a lot of people who are Presidents and Vice-Presidents of Local Boards and also Ministers and Deputy Ministers. They have a number of these subordinates in the constituencies in which they stand as candidates. Would it be open to a Returning Officer to appoint such of the employees who are directly under their control as Polling Officers according to this provision?

**Dr. Ambedkar:** I do not think any difficulty arises so far as this particular clause is concerned. All that it says is that any person who is employed by the candidate in or about the election shall not be appointed as polling officer. If there is a servant of the District Local Board or the Municipal Board who is not so employed, he is free to be appointed.

श्री भट्ट : अध्यक्ष महोदय, इस क्लॉज के बारे में मैं माननीय मंत्री महोदय से खुलासा चाहता हूँ। इस में लिखा हुआ है :

"or has been otherwise working for a candidate in or about election".

लेकिन अगर कोई किसी उम्मीदवार के लिये तो काम न करता हो लेकिन किसी उम्मीदवार के खिलाफ

[ श्री भट्ट ]

काम करता हो, तो क्या उस का भी इस में समावेश हो जाता है ?

**Dr. Ambedkar:** Any person who has an interest in a candidate shall be disqualified and that is the right principle to adopt.

श्री भट्ट : इस में है : अदरवाइज वकिंग फार (otherwise working for) तो इस में यह खुलासा हो जाय कि वकिंग फार आर अगेन्स्ट (working for or against) ।

**Dr. Ambedkar:** If one person is working for a candidate, he is certainly working against another candidate.

श्री भट्ट : यह भी हो सकता है कि कोई किसी उम्मीदवार के खिलाफ काम करता हो मगर किसी दूसरे उम्मीदवार में हमदर्दी न रखता हो ।

(English translation of the above speech)

**Shri Bhatt (Bombay):** Sir, I want a clarification of this clause from the hon. Minister. It is written therein:

"Or has been otherwise working for a candidate in or about election".

But may I know if any person who may not work for any candidate but may be working against a candidate is also covered by this?

**The Minister of Law (Dr. Ambedkar):** Any person who has an interest in a candidate shall be disqualified and that is the right principle to adopt.

**Shri Bhatt:** It says 'Otherwise working for', so I want it should be made clear as 'working for or against'.

**Dr. Ambedkar:** If one person is working for a candidate, he is certainly working against another candidate.

**Shri Bhatt:** It can also be possible that a person may be working against a particular candidate although he may not be interested in the other one.

**Mr. Speaker:** Whatever it may be, he is working for a candidate and that means that he is working against another candidate. He may not have his personal views in the matter; that is a different thing. Then, I shall put the amendment to the vote of the House. The question is:

In sub-clause (1) of clause 24, for the words "in or about the election" substitute the words "in the election in question".

The motion was negatived.

**Mr. Speaker:** Then amendment No. 300 goes out. The next amendment stands in the name of Mr. Naziruddin Ahmad.

**Shri Naziruddin Ahmad:** I beg to move:

In sub-clause (3) of clause 24, for the words "illness or other unavoidable cause", substitute the words "illness or any other sufficient cause".

The word 'unavoidable' pretends to be more specific than 'sufficient cause'. But it is very difficult to define what 'unavoidable cause' means. 'Sufficient cause' is a well-known expression in the Civil Procedure Code and in other Acts. The words 'sufficient cause' have received much judicial interpretation. This is a better expression.

**Mr. Speaker:** Amendment moved:

In sub-clause (3) of clause 24, for the words "illness or other unavoidable cause", substitute the words "illness or any other sufficient cause".

**Dr. Ambedkar:** I do not accept the amendment.

**Shri R. K. Chaudhuri (Assam):** Of course, I do not agree with my hon. friend, Mr. Naziruddin Ahmad in so far as his amendment is concerned, but I should like to know what steps will be taken, who will appoint a Presiding Officer if he is suddenly taken ill or at the time of his coming to the polling station, he meets with an accident and thus is unable to be present at the polling station. Now, it is said that somebody else 10 A. M. who has been authorised may take his place. Will there be any previous authorisation? That is to say, in the absence of the Presiding officer, so and so will take his place. Will there be previous authorisation to that effect for every polling station? Otherwise, what steps will be taken in the case of sudden illness and who will act as the Presiding officer? That is what I want to know.

**Dr. Ambedkar:** There will be previous authorisation.

**Mr. Speaker:** I do not think it is necessary to go into that now. I shall put the amendment to the House. The question is:

In sub-clause (3) of clause 24, for the words "illness or other unavoidable cause", substitute the words "illness or any other sufficient cause".

The motion was negatived.

**Shri Naziruddin Ahmad:** I beg to move:

In sub-clause (3) of clause 24, for the words "during any such absence", substitute the words "during such absence".

The word 'any' is attempted to be deleted. I do not think the word 'any' serves any useful purpose.

**Dr. Ambedkar:** I do not accept the amendment.

**Mr. Speaker:** It is more or less a verbal amendment. Does the hon. Member want me to put it to the House.

**Shri Naziruddin Ahmad:** Yes; it should be put.

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

In sub-clause (3) of clause 24, for the words "during any such absence", substitute the words "during such absence".

The motion was negatived.

**Shri Naziruddin Ahmad:** For the sake of convenience, I may perhaps move the amendments without arguments, to save time. I beg to move:

In sub-clause (4) of clause 24, omit the words "as the case may be".

**Dr. Ambedkar:** I do not accept the amendment.

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

In sub-clause (4) of clause 24, omit the words "as the case may be".

The motion was negatived.

**Mr. Speaker:** All the amendments are disposed of. The question is:

"That clause 24 stand part of the Bill."

The motion was adopted.

Clause 24 was added to the Bill.

# **Clause 25.—(Duty of the Presiding Officer)**

**Mr. Speaker:** There is one amendment in Supplementary List No. 1, No. 73.

**Shri T. T. Krishnamachari:** An amendment of this nature has been negatived with reference to clause 22.

**Mr. Speaker:** So, that goes off. The question is:

"That clause 25 stand part of the Bill."

The motion was adopted.

Clause 25 was added to the Bill.

Clause 26 was added to the Bill.

# **Clause 27.—(Special Provisions)**

**Mr. Speaker:** Amendments 74 and 75 in the supplementary List. I do not think these amendments really speaking are amendments of substance. In one the hon. Member wants to substitute the words 'fix a place' for the words 'fix the place'. In the other, he wants the substitution of the words "in the election in question" for the words "in or about the election". That has been negatived by the House. I therefore proceed to put the clause to the House. There is no other amendment. The question is:

"That clause 27 stand part of the Bill."

The motion was adopted.

Clause 27 was added to the Bill.

## **New Clause 27A**

श्री एस० एन० दास : मैं यह जानना चाहूंगा कि माननीय मंत्री की इस सन्ध्व में क्या राय है । मेरा जमैंडमेंट सप्लीमेंटरी लिस्ट ४ में इस प्रकार है ।

[**Shri S. N. Das (Bihar):** I would like to know the opinion of the hon. Minister in this matter. My amendment in the Supplementary List No. 4 is as follows:]

After clause 27, insert the following new clause:

**"27A. Oath or Affirmation.—**Every Returning Officer, Assistant Returning Officer, Presiding Officer or Polling Officer before entering upon his duties shall make and subscribe before the authority prescribed by the rules, and oath or affirmation in the form prescribed by the rules that he would in discharge of his duties, act without fear, favour, affection and partiality."

**Dr. Ambedkar:** I do not think this amendment is necessary because the Returning Officer shall be a Government officer and if he fails to discharge his duty, he would certainly be liable to action either under the rules of conduct for the Government servants or under any law for misconduct.

**Prof. Ranga:** Or under the Rules under this Act.

**Mr. Speaker:** Does the hon. Member want me to put the amendment to the House?

**Shri S. N. Das:** No, Sir.

**Clause 28.—(Appointment of dates for nominations)**

**Mr. Speaker:** Let me take the printed list. Master Nand Lal is absent. Mr. B. K. Das.

**Shri B. K. Das (West Bengal):** Not moving, Sir.

**Shri M. V. Rama Rao (Mysore):** Not moving, Sir.

**Mr. Speaker:** There are a number of amendments to clause 28 in the Supplementary List No. 1. I think the better course for me would be to put all the amendments of hon. Members that are here and then if any Member is left out, it will be his business to rise up. Amendment No. 76 in Supplementary List No. 1. Mr. Naziruddin Ahmad.

**Shri Naziruddin Ahmad:** Not moving.

**Dr. Ambedkar:** This has been disposed of already. This is an amendment which he has been moving all along for the purpose of changing the Chapters.

**Mr. Speaker:** He is not going to move it.

**Mr. Speaker:** I shall go through the lists of amendments in the order they are here and if I miss any, hon. Members will please invite my attention to it. No. 304 in the Consolidated List is not moved. Then we come to supplementary list No. 2. There...

**Shri R. K. Chaudhuri:** Sir, on a point of order. Can a Member of the House walk when the Speaker is on his legs? We ought to know the position so that we may also do so, if it is permitted.

**Mr. Speaker:** Order, order. If in the opinion of the hon. Member another hon. Member has done something which is not a good thing, he must not copy it. He should set a better example himself, whatever it may be.

No. 77 in Supplementary List No. 1 is not moved by Mr. Naziruddin Ahmad. No. 78—not moved.

**Shri Hussain Imam:** Sir, the hon. Minister of Parliamentary Affairs himself is standing when the Speaker is on his legs.

**Shri R. K. Chaudhuri:** Only small fries are caught.

**Mr. Speaker:** No question of big or small fries.

**Dr. Ambedkar:** I think Mr. Chaudhuri may devote his attention to more serious matters.

**Mr. Speaker:** In view of the time taken and in view of the points of order raised here, I think I had better say that those hon. Members who want to move their amendments may please stand up. No other?

**Several Hon. Members:** No, Sir.

**Shri Naziruddin Ahmad:** I beg to move:

In part (c) of clause 28, for the words "date for the scrutiny" substitute the words "date appointed for the scrutiny".

My reason for bringing in this amendment is that the words "date for scrutiny" are rather loose and the words that I have suggested, i.e. "date appointed for the scrutiny" are more precise.

**Dr. Ambedkar:** I do not accept it.

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

In part (c) of clause 28, for the words "date for the scrutiny" substitute the words "date appointed for the scrutiny".

The motion was negatived.

**Shri Naziruddin Ahmad:** I beg to move:

In part (d) of clause 28, for the words "if necessary" substitute the words "where necessary".

The existing words "if necessary" indicate a condition precedent; but the words suggested by me, i.e. "where necessary" refer to the occasion.

**Dr. Ambedkar:** I am not accepting it.

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

In part (d) of clause 28, for the words "if necessary" substitute the words "where necessary".

The motion was negatived.

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

"That clause 28 stand part of the Bill."

The motion was adopted.

Clause 28 was added to the Bill.

Clause 29 was added to the Bill.

Clause 30 was added to the Bill.

[PANDIT THAKURDAS BHARGAVA in the Chair.]

**Clause 31.—(Presentation of nomination Paper)**

**Shri Meeran (Madras):** The Speaker was pleased to say that those who want to move their amendments may stand up so that it may not be necessary to go through the lists of amendments. We may thus save time.

**Mr. Chairman:** Well then. Those who want to move their amendments may stand up.

**Shri Chaliha (Assam):** I beg to move:

For sub-clause (1) of clause 31, substitute the following:

“(1) (a) On the date appointed for making nomination the candidate shall appear in person with his proposer and seconder between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon before the Returning Officer at the place specified in this behalf in the notice issued and the Returning Officer shall duly fill the nomination forms himself and the candidate, the proposer and seconder shall sign it in his presence and the validity of such nomination shall not be challenged in any election petition.

(b) In case of serious illness or absolute physical inability of the candidate to be present in person and if the Returning Officer is satisfied with his signature he may dispense with the presence of the candidate and shall sign the nomination paper as provided in clause (a).”

The whole object of this amendment is to obviate litigations coming up after all the expenses of an election have been undergone. The candidate should himself come with his proposer and seconder before the Returning Officer and that officer will fill up the nomination paper and get it signed. Once that is done, then that nomination paper shall not be challenged. I therefore suggest that the candidate himself should go to the Returning Officer with his proposer and seconder. In case he is sick, he can send his nomination paper and that paper shall not be challenged. It is a very good suggestion which I hope will commend itself to Dr. Ambedkar in which case

there can be consequential amendments too. The advocates have come under so much fire that they will be saved of some criticism by accepting this amendment.

**Mr. Chairman:** Amendment moved:

For sub-clause (1) of clause 31, substitute the following:

“(1) (a) On the date appointed for making nomination the candidate shall appear in person with his proposer and seconder between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon before the Returning Officer at the place specified in this behalf in the notice issued and the Returning Officer shall duly fill the nomination forms himself and the candidate, the proposer and seconder shall sign it in his presence and the validity of such nomination shall not be challenged in any election petition.

(b) In case of serious illness or absolute physical inability of the candidate to be present in person and if the Returning Officer is satisfied with his signature he may dispense with the presence of the candidate and shall sign the nomination paper as provided in clause (a).”

**Dr. Deshmukh (Madhya Pradesh):** I have already made a suggestion of this nature. In fact I went further that the person who wants himself to be nominated as a candidate need not even be an elector himself. It would be sufficient if he can prove to the satisfaction of the Returning Officer that he possesses the qualifications and I support this amendment because it really cuts the gordian knot which has presented before us so much difficulty. The Select Committee was worried and the Law Minister is also worried as to what to do and where the nominations should be regarded as final. If we dispense with the nomination paper itself, we discourage all technical points which could be urged and we finalize the nomination at that very stage. If beyond the nominating process, there is any other defect, of course that can be taken up. As we know, we have not put any qualification on any candidate or elector. There are likely to be many people who have not got the assistance of clever lawyers at the moment. This is a very good procedure which obtains in many municipalities as somebody said. If this amendment is accepted and its consequential changes are also made in the subsequent clauses, it will be an improvement on the present clause.

**Shri R. K. Chaudhuri:** The proposal which has been made by my hon. friend Mr. Chaliha and supported by Dr. Deshmukh seems very attractive but I am afraid my hon. friends have overlooked certain points. A nomination paper can be filed many days before the last date of nomination and it is to be expected that the Returning Officer will always be there to find out whether the proposer and seconder produced by the candidate are identical persons or not. This filing of nomination papers will be obviously done in the absence of the rival candidate. How is the Returning Officer to know that the persons who are introduced before him are really the persons appearing in the electoral rolls and the opposite party will not have the opportunity to challenge. It will mean on each day after the Gazette Notification and before the last date of nomination all possible candidates would have to be present and actually the scrutiny has to be done as the paper is filed...

**Dr. Deshmukh:** Only on a particular day nomination takes place.

**Shri R. K. Chaudhuri:** The existing practice is that as soon as a constituency is called upon to file a nomination paper, before the last date of nomination, the nomination paper can be filed. There is a particular day which is the last date. I have been in elections for the last 30 years and I ought to know.

**Dr. Deshmukh:** I would draw his attention to clause 28.

**Shri R. K. Chaudhuri:** I would draw his attention to sub-clause 2. The Returning Officer should also be satisfied that the proposer and the seconder are not subject to any qualification. How can he decide that question in the absence of rival candidates? How can they do it if the papers are filed in different hours? All cannot be present at that time and some evidence will also be necessary to see whether there is any disqualification or not. So it is very impractical.

**Shri Sidhya (Madhya Pradesh):** I feel this is certainly giving a novel procedure to be adopted. It is unworkable. If four hours are allotted from say 11 to 3 and I am sure the Returning Officer will take at least 15 minutes for each paper—and if the proposer and seconder are not able to fulfil certain things, again he will have to sit down and discuss with them—and if there are 25 people, there will be no time for others. This proposal will go against the candidates. The Returning Officer will go minutely and

take at least 15 minutes and if there are say 30 candidates, some will not get time at all.

**Dr. Pattabhi (Madras):** If we impound them and take one after another?

**Shri Hussain Imam:** May I invite the attention of the House and that of the Law Minister to the fact that we are going to have two effective days for the work of nomination—one day for filing of the nominations and the other day for scrutiny of the same. If we combine both the days and for two days the Members will go to the nomination Officer with all the paraphernalia as required and the matter is scrutinized then and there and even if you give 20 minutes for each candidate, in 4 hours you can deal with 12 members and in two days you can deal with 24 candidates and in one Constituency can you imagine a bigger number? What is the material on which we are working? On the one hand the House took serious objection to the proposal to limit the candidature on the ground that it was a restriction on the choice of the electorate. It is our every day experience that under the influence of the Government in power for technical reasons nomination papers are rejected. It is to protect candidates, that the scrutiny of nomination papers should be a combined affair taking place simultaneously for two days. I am not moving any amendment but if the Law Minister agrees this may be held over and the clause may be redrafted to bring the points out. I am anxious to avoid any kind of underhand dealings and secondly to avoid technical mistakes. (Interruption). An example was cited by my venerable colleague Babu Ramnarayan Singh about elections to a local body in his district, in which the nomination papers of the contesting non-congress candidates were totally rejected on some technical ground or other. If one set of papers are not correct the candidate should have the opportunity of filing another set of papers. The candidate should not be debarred from the beginning, without any redress except to go to the election tribunal and ask for the whole process to be set aside on technical grounds, namely that some nomination papers were rejected on wrong premises. It is only to avoid litigation and give fairplay and favour to anyone that I suggest for the consideration of the Law Minister that he may draft himself an amendment suitably to bring out these two points. The nomination and the scrutiny should be combined and the decision should be final as far as the

validity of the nomination papers is concerned. For all the rest the election tribunal will be there. There must be some finality at least in regard to the nomination papers and there should be opportunity to correct mistakes, if any. That is the appeal that I make

**Prof. Ranga:** I wish to make one suggestion, that we had better keep the provision as we have now in the Bill and in addition to that also have an alternative procedure as suggested by my friend Mr. Chaliha. It would mean then that it would be open to candidates to submit their nomination papers after filling them on their own responsibility as is provided in the Bill. It would also be open to such of the candidates as wish to doubly ensure their own chance of being accepted as candidates to go to the returning officer on the last date fixed and take advantage of the facility sought to be provided by the amendment given notice of by Mr. Chaliha. As my friend Mr. Imam said it is quite possible that there might be some returning officers who may not be so scrupulous and honest in regard to the discharge of their duty, in which case it might be possible for them to reject the nomination papers of certain candidates. In order to safeguard oneself and the people as a whole against any such mischievous possibility we can with safety accept the amendment suggested by Mr. Chaliha. The objections raised by my hon. friend Mr. Sidhva are rather far-fetched. He seems to think that for every seat there will be 30 candidates. He also claims to have had experience of elections and electioneering for 20 years. I would like to know during what election and for what seat were there more than 15 candidates. Is it possible to have more than 15 candidates for any seat? If we were to adopt the two suggestions, the one contained in the Bill itself and the other contained in the other thing, even if there were to be 15 candidates, there might not be more than 5 candidates, who would go to the returning officer.....

**Shri Sidhva:** There is no comparison between past and future elections.

**Prof. Ranga:** Even in regard to future elections, after all we must have some guidance. There is the precedent in vogue in U.P. where we are told that this practice suggested by Mr. Chaliha is already obtaining. Secondly can my hon. friend Mr. Sidhva make enquiries as to what is happening either in France, Italy or England? Do we come across 15, 12 or even 10 candidates for one seat? No. There is plenty of time: there are four hours

and all that the returning officer has to do is to notify all the people to come up till the last minute. When they come in he can take it for granted that they are there and thereafter he can take as much time as he likes in filling up these forms, provided of course those people are there within that time. I do not think that the objections raised by Mr. Sidhva are really substantial.

As for the objection that the Law Minister might have in accepting the amendment—I do not propose to support this amendment in view of the provisions already made in the Bill—I would suggest that it is only in addition to the provisions and he would not be doing any violence at all to his sense of justice towards the candidates themselves or even the status of the returning officers by accepting this amendment.

**Shri Naziruddin Ahmad:** This amendment looks very attractive and simple but the difficulty is that it tries to over-simplify matters. There is a condition that every candidate must be present before the returning officer at the time of filling up the nomination papers. Only in case of serious illness and absolute physical inability on the part of candidates their presence is dispensed with. If Dr. Deshmukh wishes to stand in Mr. Chaliha's constituency he will have to be present and the only way in which he can avoid it is if he is paralysed or suffers from absolute physical inability. In that case no candidate can stand for a constituency which is far away from his home. It strikes at the root of the present state of affairs. Apart from that difficulty. I think it is also otherwise fatal to the purpose of the clause.

**Shri T. T. Krishnamachari:** I am rather intrigued by the inventive genius of my hon. friend Mr. Chaliha who wants to simplify a procedure which has been in vogue in all countries where democratic election has been the rule. The whole scheme of this chapter seems to be that formalism to a certain extent is maintained, except in so far as clause 34(4) is concerned, where the returning officer is enjoined not to refuse any nomination paper on the ground of a technical defect which is not of a substantial character. But all the time, even in the previous clauses the technical character of a nomination paper is emphasised, as for instance, the obligation on the part of a candidate to nominate himself as his agent

[Shri T. T. Krishnamachari]

or nominate somebody else. My hon. friend Mr. Chaliha who is not an ingenué so far as elections are concerned would realise that any amount of election and legal literature has sprung up on this question whether a candidate has nominated his election agent and whether a nomination paper in cases where there is this defect could be held valid.

Therefore, it seems the formal character of a nomination cannot altogether be divested by a simplified procedure such as the one suggested by Mr. Chaliha. If the obligation is laid on the Returning Officer to fill up the nomination paper and see that it is properly filled up, it may even mean that because he has filled it up it gives, more or less, a protection against any challenging of that nomination paper by any other candidate. I think it is laying an onus on the Returning Officer which is far beyond his capacity,—however intelligent or clever he may be in the imagination of my friend, Mr. Chaliha—for him to discharge. The scheme as it is does involve a certain amount of formality which has to be observed. If that is not so we may send a nomination paper by registered post and anything that is sent by registered post might be accepted and all this formality is not necessary. And then why should a person be present himself if he is going to send someone to present the nomination paper on his behalf. Suppose a Minister of the Central Government is standing for election in Madras or Bombay as the case may be, it is quite sufficient if his agent happens to be present there.

These ideas, original as they seem, are not only impractical but hinder the choice of proper candidates, and I therefore suggest to this hon. House that the proposal of my hon. friend, Mr. Chaliha should be summarily rejected.

**Mr. Chairman:** The hon. the Law Minister.

**Dr. Ambedkar:** I do not accept the amendment.

**Mr. Chairman:** Does the hon. Member want his amendment to be put to vote?

**Shri Chaliha:** No, Sir. I beg to withdraw it.

**Mr. Chairman:** Has the hon. Member leave of the House to withdraw his amendment?

**Shri Hussain Imam:** No, Sir. I object to leave being granted.

**Mr. Chairman:** Then I will have to put the amendment to vote.

**Shri Sidhva:** But, Sir, Mr. Chaliha wants to withdraw it.

**Mr. Chairman:** The hon. Member was not following the trend of the debate. Though the hon. Member, Mr. Chaliha, wants to withdraw his amendment objection has been raised by an hon. Member to leave being granted. The rule is that if any hon. Member objects to leave being granted to withdraw an amendment then withdrawal cannot be allowed and the amendment has to be put to vote. The question is:

For sub-clause (1) of clause 31, substitute the following:

“(1) (a) On the date appointed for making nomination the candidate shall appear in person with his proposer and seconder between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon before the Returning Officer at the place specified in this behalf in the notice issued and the Returning Officer shall duly fill the nomination forms himself and the candidate, the proposer and seconder shall sign it in his presence and the validity of such nomination shall not be challenged in any election petition.

(b) In case of serious illness or absolute physical inability of the candidate to be present in person and if the Returning Officer is satisfied with his signature he may dispense with the presence of the candidate and shall sign the nomination paper as provided in clause (a).”

The motion was negatived.

**Shri Meeran:** Clause 31(5) as it stands requires a person presenting the nomination paper to produce a copy of the electoral roll. Since the Returning Officer will have the electoral rolls himself, I submit that it is not necessary for the candidate or for anybody who presents the nomination paper to produce copies of the electoral rolls.

Amendment made:

In sub-clause (5) of clause 31, omit the following:

“may require the person presenting the same to produce copies of the electoral rolls in which the names of the candidate and his proposer and seconder are included or of the relevant entries in such rolls, and”.

—[Shri Meeran].

**Shri Meeran:** I now move amendment No. 328 standing in my name, in a slightly amended form which is acceptable to the hon. Law Minister. I beg to move:

After sub-clause (5) of clause 31, insert the following new sub-clause:

“(5a) If at the time of the presentation of the nomination paper the Returning Officer finds that the name of the candidate is not registered in the electoral roll of the constituency for which he is the Returning Officer, he shall for the purposes of sub-section (5) require the person presenting the nomination paper to produce either a copy of the electoral roll in which the name of the candidate is included or a certified copy of the relevant entries in such roll.”

I don't think I need say much on this because the hon. Minister has agreed to this amendment.

**Mr. Chairman:** Amendment moved:

After sub-clause (5) of clause 31, insert the following new sub-clause:

“(5a) If at the time of the presentation of the nomination paper the Returning Officer finds that the name of the candidate is not registered in the electoral roll of the constituency for which he is the Returning Officer, he shall for the purposes of sub-section (5) require the person presenting the nomination paper to produce either a copy of the electoral roll in which the name of the candidate is included or a certified copy of the relevant entries in such roll.”

**Dr. Ambedkar:** I have also given notice of an amendment to the same effect. So I agree to this amendment.

✓ **Shri Syamnandan Sahaya:** I also had an amendment to clause 5 in this connection. My feeling is, why should the huge cost of supplying copies of the electoral rolls which is going to be heavy, be borne by the candidate? Why should not a copy of the relevant entries of the electoral roll of the constituency only be produced?

**Dr. Ambedkar:** The word there is “or”.

✓ **Shri Syamnandan Sahaya:** Yes, I am trying to explain. The option in this case lies with the Returning Officer. The Returning Officer may call for either a copy of the electoral roll or only a certified copy of the relevant entry. If the option is left to the candidate to produce either of the two it is all right, but as the wording stands a Returning Officer may ask

the candidate to produce a copy of the electoral rolls. I would suggest that either the option of production of one or the other be left to the candidate himself, or the reference to the production of a copy of the electoral rolls be entirely omitted and only the provision as regards production of a certified copy of the relevant entry be retained.

**Shri T. T. Krishnamachari:** If the hon. Member would refer to clause 34(7) he will find that his point is answered because there is an obligation on the part of the Returning Officer to accept the certified copy of the relevant entry.

**Shri Hussain Imam:** Then why give this option?

**Shri T. T. Krishnamachari:** The option in this matter rests with the candidate himself who might choose to produce either the electoral roll itself or a certified copy of the relevant entry. So far as the Returning Officer is concerned he has got to accept it in terms of clause 34(7).

**Mr. Chairman:** The question is:

After sub-clause (5) of clause 31, insert the following new sub-clause:

“(5a) If at the time of the presentation of the nomination paper the Returning Officer finds that the name of the candidate is not registered in the electoral roll of the constituency for which he is the Returning Officer, he shall for the purposes of sub-section (5) require the person presenting the nomination paper to produce either a copy of the electoral roll in which the name of the candidate is included or a certified copy of the relevant entries in such roll.”

The motion was adopted.

✓ **Shri Syamnandan Sahaya:** I beg to move:

“Omit the Proviso to sub-clause (5) of clause 31”.

The proviso reads:

“Provided that the Returning Officer may:—

(a) permit any clerical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the electoral rolls; and

(b) where necessary, direct that any clerical or printing error in the said entries shall be overlooked.”

[Shri Syamnandan Sahaya]

The result of this proviso will be that the persons who have filed their nomination will be running to the Returning Officer, trying to find out if there are any clerical errors and making requests to him to correct them. In some cases the Returning Officer may correct them; in others he may not correct them. It is a sort of a quasi-judicial procedure which the Returning Officer is asked to adopt and to allow such a thing to happen between the filing of nomination papers and their scrutiny is not desirable. This strikes me as a matter of importance; of course it is for the House to accept it or reject it. Most of us are fully aware of what happens during elections and the House will pardon my saying that some of us are apprehensive that worse things may happen. Therefore, I would like matters to be placed as much above board as possible. The proviso as it is gives room for some kind of concessions being shown in favour of some; which may be denied to others.

**Mr. Chairman:** Amendment moved:

"Omit the Proviso to sub-clause (5) of clause 31."

**Prof Ranga:** I am as anxious as my hon. friend Shri Syamnandan Sahaya to prevent any mischief on the part of Returning Officers. But at the same time what we ought to do is to encourage Returning Officers to show as much concession as possible to candidates. It is not in the interest of the public as a whole that there should be as few candidates as possible and that the Returning Officers should be given an opportunity of dismissing as many nomination papers as possible. Surely it is not the intention either of the framers of the Bill or of this House or of my hon. friend. Supposing a number of candidates submit nomination papers which are entirely in order and they are accepted. This proviso need not be invoked at all. If on the other hand there are certain nomination papers which are submitted and to which the rival candidates can take objection only on technical grounds. Surely all that the proviso seeks to do is to give power to the Returning Officer to show this concession to some of the candidates. The fear of my hon. friend is that he may not show the concession to all the candidates. It does not matter. He shows the concessions at least to some. This is not likely to happen in the case of all, because they will be taking

sufficient care to see that their nomination papers are submitted properly. Therefore, this is all in favour of friends like Shri Syamnandan Sahaya. We are keen on helping as many candidates as possible. Therefore, we should support this proviso.

**श्री भट्ट :** जो चीज निकाल देना चाहते हैं आप, मेरी समझ में वह अनावश्यक है। ३४ ( ४ ) में देखेंगे कि यह लिखा हुआ है :

"(4) The Returning Officer shall not refuse any nomination paper on the ground of any technical defect which is not of a substantial character."

इस का मतलब ही यह है कि अगर एक आदमी ने गलती से अपना नाम शुद्ध नहीं लिखाया, या अपना नम्बर गलत लिखाया है या किसी कांस्टिट्यून्सी (constituency) का नाम गलत हो गया है और अगर वह इसे सुधारना चाहे तो ऐसा कर सकता है। सुधारने की इजाजत रिटर्निंग आफिसर (Returning Officer) दे सकता है, सिर्फ इतनी ही इस में गुंजायश है। मैं नहीं मानता हूँ कि इस में कोई ऐसी बेजा बात हो जायगी जिस से रिटर्निंग आफिसर किसी के साथ पक्षपात करेंगे और किसी के साथ अन्याय करेंगे।

(English translation of the above speech)

**Shri Bhatt:** In my opinion, it is unnecessary that the proviso should be omitted as desired by the hon. Member. It is written in 34(4) that:

"(4) The Returning Officer shall not refuse any nomination paper on the ground of any technical defect which is not of a substantial character."

It only means that if a candidate has, by mistake, written his name or number incorrectly or if the name of the constituency has been wrongly entered, he can correct it if he wants. It only provides that the Returning Officer can allow him to make the corrections. I do not agree that this

would give an opportunity to the Returning Officers to indulge in partiality and injustice.

**Shri R. K. Chaudhuri:** I strongly object to the amendment which has been moved by my hon. friend. But in order to bring about a uniformity of decisions of all the Returning Officers in different places, it would I think be better to substitute the word "shall" for the word "may".

**Shri Shiv Charan Lal (Uttar Pradesh):** I do not think that there is room for any fear, as expressed by my hon. friend Prof. Ranga and Shri Syamnandan Sahaya that the Returning Officer may not correct nomination papers, because it has been clearly laid down in section 34 that no nomination paper will be rejected on the ground of any technical mistake. Therefore, whether he corrects it or not, it is not in his power to reject a nomination paper on the ground of technical mistake. Section 34 clearly provides that no nomination papers will be rejected on the ground of any technical mistake. Therefore the fear that a Returning Officer will show favour to one candidate and deny it to another, is not warranted. Whether he corrects it or not that will not prejudicially affect any of the candidates and there is no need for an amendment like this.

**Shri Rudrappa (Mysore):** There seems to be a misapprehension in the minds of some hon. Members so far as this matter is concerned. Now we are dealing with a vast number of voters and all these voters are entitled to become candidates according to this Act. About ninety per cent. of the voters are illiterates. Therefore it should be taken for granted that the data in the applications will be filled by some third person. There may be so many cases in these nomination papers where the date of birth has to be filled and if the candidate is living in the village he cannot get the date of birth.

**Mr. Chairman:** Date of birth?

**Shri Rudrappa:** That will be one of the items. I am giving an instance. There will be the required age—above thirty or twenty years. How he may find out and put the correct date of birth, if necessary. There are also cases where nomination papers have been rejected because they have not put the required number in the electoral roll. That is a clerical mistake. Even on flimsy grounds nomination papers have been rejected

and candidates who have good influence in the locality and who can succeed have had their nominations rejected in this manner. Therefore there must be some scope for the Returning Officer to rectify these clerical errors and technical mistakes. If such a provision is not included I think it will result in very great injustice to many and it will also result in great litigation even after the election. Therefore this provision is quite necessary in the interests of the candidates as well as in the interest of the elections and the electors themselves.

**Dr. Ambedkar:** I do not accept the amendment.

**Shri Syamnandan Sahaya:** Then I would like to withdraw it.

The amendment was, by leave, withdrawn.

**Shri Syamnandan Sahaya:** There is another amendment in my name (No. 14 in Supplementary List No. 3). This also is an attempt to clarify the position. The amendment reads:

In the first Proviso to sub-clause (3) of clause 31, after the word "candidate" occurring in line 2, insert the words "for the reserved seats".

The proviso reads like this:

"Provided that in a constituency where any seat is reserved for the scheduled castes or for the scheduled tribes, no candidate shall be deemed to be qualified to be chosen to fill that seat unless his nomination paper is accompanied by a declaration verified in the prescribed manner that the candidate is a member of the scheduled castes or of the scheduled tribes for which the seat has been so reserved....."

Now, we have in our experience found that sometimes the Returning Officers take queer views. Otherwise many difficulties in the matter of these nominations would not have arisen and there might not have been so many election petitions and cases. I therefore desire to clarify the position by adding the words "for the reserved seats" after the word "candidate".

**Mr. Chairman:** Has the hon. Member seen the words "to fill that seat" in the proviso?

**Shri Syamnandan Sahaya:** Yes. Further on also it is said "for which the seat has been so reserved". I have seen all that. But I am suggesting

[Shri Syamnandan Sahaya]

the addition just to clarify the matter, because after all wherever there is a reservation there is one seat reserved and the other is a general seat. So if we add these words it appears to me to be a little clearer. It will then read:

"Provided that in a constituency where any seat is reserved for the scheduled castes or for the scheduled tribes, no candidate for the reserved seats shall be deemed... etc."

That is what I am saying. Of course, even as it is there is no very great ambiguity, but I wanted to make it a little clearer by adding the words "for the reserved seats" after "candidate".

**Dr. Ambedkar:** There is no ambiguity and no such clarification is necessary.

✓ **Shri Syamnandan Sahaya:** Then I will not press it.

**Pandit Munishwar Datt Upadhyay** (Uttar Pradesh): I do not wish to move my amendment No. 317 in the Consolidated List but I want to make a suggestion to the hon. Minister which he may accept. Sub-clause (2) of clause 31 says:

"Any person whose name is registered in the electoral roll of the constituency"—that is, who is an elector in the constituency—"and who is not subject to any disqualification mentioned in section 16 of the Representation of the People Act, 1950, (XLIII of 1950), may subscribe as proposer or seconder as many nomination papers as there are vacancies to be filled but no more".

My submission is that the phrase "and who is not subject to any disqualification mentioned in section 16 of the Representation of the People Act, 1950" is redundant and absolutely unnecessary. Because, for being an elector these qualifications are required. A person who is disqualified in this manner will not be an elector at all. If you say that he is an elector on the electoral roll, if his name is registered on the electoral roll, that is quite enough and this portion becomes absolutely redundant. Why should we have so many words and so many lines unnecessarily although they do not add anything to the meaning? That is what I would like to submit.

**Dr. Ambedkar:** It is an economy measure, I understand.

**Pandit Munishwar Datt Upadhyay:** As a matter of fact these words are absolutely unnecessary, because if he is an elector then he is not disqualified in that manner. Because that is the qualification of an elector given in the section to which it refers, that is section 16 of the Representation of the People Act, 1950. So I submit that it is absolutely redundant.

**Dr. Ambedkar:** It is better to be redundant than to be ambiguous.

**Pandit Munishwar Datt Upadhyay:** I do not think there would be any ambiguity.

**Mr. Chairman:** The hon. Minister does not accept it.

**श्री जांगड़े :** I beg to move:

After part (b) of the Proviso to sub-clause (5) of clause 31, insert the following new part:

"(c) where necessary, direct that any difference of age, arising out of the entries in the electoral rolls and entries in other records showing the age of a candidate, be overlooked if in all the records and in electoral rolls, the age of a candidate is over 25 years."

मेरे कहने का अभिप्राय यह है कि मान लीजिये कि किसी आदमी ने जो कि चुनाव के लिए खड़ा हुआ है अपना नामिनेशन पेपर (nomination paper) रिटर्निंग ऑफिसर (Returning Officer) के सामने पेश किया और उस पर यह ऐतराज होता है कि इस की उम्र सही नहीं है तो वह अपने सबूत में स्कूल का सर्टिफिकेट पेश करता है अपने गांव का डेथ्स एंड बर्थ्स (Deaths and Births) का रजिस्टर पेश करता है और अगर और भी कोई सर्टिफिकेट होता है तो उस को पेश करता है। हो सकता है कि उस की उम्र उन तीनों में २५ साल से अधिक दर्ज हो पर तीनों की उम्र में अन्तर हो। तो इस बात पर कि उस की उम्र

तीनों में भिन्न भिन्न है उस का नामि-  
नेशन पेपर रिजेक्ट (reject) नहीं होना  
चाहिये। कांस्टीट्यूशन में यह दिया गया  
है कि अगर कोई जादमी चुनाव के  
लिए खड़ा होना चाहे तो उस की उम्र  
२५ साल से अधिक होनी चाहिये। तो  
हो सकता है कि उस की उम्र  
किसी सर्टिफिकेट में २६ साल हो, किसी  
में २९ साल हो, किसी में ४० साल  
हो। तो मेरे कहने का मतलब यह है  
कि इस प्रकार उम्र जुदा जुदा दर्ज होने की  
वजह से उस का नामिनेशन पेपर रिजेक्ट  
नहीं होना चाहिये। इस आधार पर  
उस को रद्द नहीं करना चाहिये।

(English translation of the above  
speech)

Shri Jangde (Madhya Pradesh): I  
beg to move:

After part (b) of the Proviso to  
sub-clause (5) of clause 31, insert the  
following new part:

"(c) where necessary, direct that  
any difference of age, arising out  
of the entries in the electoral  
rolls and entries in other records  
showing the age of a candidate,  
be overlooked if in all the records  
and in electoral rolls, the age of  
a candidate is over 25 years."

What I mean to say is this. Let us  
suppose a man who stands for the  
election files his nomination paper  
before the Returning Officer, to which  
an objection is taken that his age as  
stated therein is not correct. Now,  
by way of proof, he produces his  
school certificate, or an extract from  
the Deaths and Births' Register of  
his village as also any other certificate  
that he might possess. Maybe the  
age shown in all the three exceeds 25  
years but then the three figures may  
not tally *inter se*. Now, his nomina-  
tion paper should not be rejected on  
the only ground that the age figures  
as shown therein are different one  
from the other. The Constitution pro-  
vides that if anybody wishes to stand  
for the election his age must be more  
than 25 years. Now, it may happen  
that according to one certificate his  
age comes to 26 years, according to  
another it comes to 29 years and  
according to yet another it comes to  
40 years. What I mean to say is this

that just for the reason of these  
discrepant birth entries his nomina-  
tion papers should not be rejected.  
They should not be rejected on just  
that ground.

Mr. Chairman: Amendment moved:

After part (b) of the Proviso to  
sub-clause (5) of clause 31, insert the  
following new part:

"(c) where necessary, direct that  
any difference of age, arising out  
of the entries in the electoral rolls  
and entries in other records show-  
ing the age of a candidate, be  
overlooked if in all the records and  
in electoral rolls, the age of a  
candidate is over 25 years."

Shri Shiv Charan Lal: I do not think  
that this amendment can be accepted  
because wherever there is a question  
of age or parentage or anything of that  
sort, that has to be corrected at the  
time of the preparation of the electo-  
ral rolls. It is not the time when the  
nomination paper is before the Return-  
ing Officer that such matters can be  
corrected. If a man has not taken the  
care and his age is short by a year or  
so, the Returning Officer has no option  
but to reject that nomination paper  
and he cannot correct it. The man  
ought to have taken care at the time  
when the electoral rolls were prepared.

श्री जांगड़े : मेरा मतलब यह है कि हर  
सर्टिफिकेट में उस की उम्र २५ साल से  
अधिक हो। अगर उम्र २५ साल से कम है  
तब तो यह प्रश्न ही नहीं उठता और रि-  
टर्निंग आफिसर रिजेक्ट कर ही देगा।  
लेकिन जब हर सर्टिफिकेट में २५ साल  
से अधिक उम्र दर्ज है पर तीनों में भिन्न  
भिन्न है तो नामिनेशन पेपर रद्द नहीं किया  
जाना चाहिये। २५ साल से जब कम उम्र  
होती है तब तो यह सब ल उठता ही नहीं  
है। लेकिन हो सकता है कि एक सर्टिफि-  
केट में २६ साल है, दूसरे में २९ साल है  
और तीसरे में ३२ साल है, ऐसी हालत में  
नामिनेशन पेपर रिजेक्ट नहीं होना चाहिये।

(English translation of the above)

Shri Jangde: I presume that his age  
as shown in either of these certifi-  
cates exceeds 25 years. If it is less  
than that the question does not arise  
at all, and of course the nomination

[Shri Jangde]

paper would be rejected by the Returning Officer. But when the age as shown in each of the certificates exceeds 25 years but the three entries are discrepant *inter se* the nomination paper should not be rejected. Of course, the question does not arise when the age is below 25 years. It may happen, however, that according to one certificate it is 26 years, according to another 29 years and according to yet another 32 years. In such a case the nomination paper should not be rejected.

**Dr. Deshmukh:** I do not think my hon. friend is correct. Perhaps his attention was not invited to proviso to sub-clause (5) of clause 31 which reads:

"Provided that the Returning Officer may—

(a) permit any clerical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the electoral rolls; and

(b) where necessary, direct that any clerical or printing error in the said entries shall be overlooked."

So, it is not correct to say that the Returning Officer has got no authority to make any corrections. The question which is agitating my hon. friend, Mr. Jangde is whether the correction of the age would fall under the category of corrections which the Returning Officer is authorized to make and if it is held that even corrections of age and various other entries could be done, then there is no difficulty. If the provision made here is not sought to cover these matters, then probably his amendment may be necessary. I feel that the proviso probably covers the slight variation in the age and probably there would be no difficulty because the Returning Officer has been given that authority.

**Shri Meeran:** I think the hon. Member seems to be under a misapprehension. He probably apprehends the rejection of a nomination paper on account of a difference of age. That question will come only if a candidate is below 25 or above 25. Supposing there is a difference in the age as between the nomination papers and other records, so long as it satisfies the rule that he is more than 25, I do not think his nomination paper will

be rejected on that ground. My hon. friend fears that because there is difference in age in different nomination papers the nomination paper will be rejected on that score. I do not think so. It is a question that must be decided on other grounds, not on the grounds of the difference between this age and that. I therefore do not think that this proviso is required.

**Shri Rudrappa:** The argument advanced by my hon. friend cannot be dismissed so lightly. Suppose the age is given in the electoral rolls as below 25.....

**Shri Jangde:** Suppose in all the cases the age of a candidate is over 25 but they differ in other things....

**Mr. Chairman:** The hon. Member need not elaborate the point. He has already understood it.

**Shri Rudrappa:** The electoral rolls are prepared by a third party and the age is on the opposite to the voter's name on the electoral roll. In so many cases I have seen that they differ from 8 to 10 years. Supposing there is an under age. There is a possibility of that age being taken into consideration by the Returning Officer while the application is scrutinised.

**Mr. Chairman:** This amendment does not relate to under age.

**Shri Rudrappa:** If age is considered as one of the reasons for rejecting the nomination paper, then it will cause hardship. That age mentioned in the electoral roll should not be taken into consideration at all. The age furnished by the candidate or the date of birth as given by him should be taken into consideration and not the age as put down in the electoral roll or the names in other lists.

**Pandit Munishwar Datt Upadhyay:** When a candidate is over 25 years, I do not think that a question arises for the rejection of the nomination papers. I submit this question cannot at all arise. I take it that he does not mean that any corrections in age should be made by the Returning Officer. So this amendment appears to be misconceived because as a matter of fact in every case where a candidate is above 25, the question of rejection of nomination does not at all arise. Why should he apprehend it?

बीषरी रनबीर सिंह : सभापति महो-

दय, इस संशोधन का समर्थन करते हुए मुझे कुछ तो शिक्षक भी होती है और

कुछ शक भी होता है क्योंकि मुमकिन हो सकता है कि कोई आदमी किसी का स्कूल लीवग सर्टिफिकेट (School Leaving Certificate) ले आवे और उस में जो उम्र दर्ज हो उस में और उस की उम्र में फर्क हो, मुमकिन है कि सर्टिफिकेट में उम्र २५ साल हो और इलेक्टोरल (electoral roll) में ३६ या ३९ हो। ऐसी हालत में यह सवाल पैदा हो सकता है कि उस का नामिनेशन पेपर (nomination paper) बहाल रखा जाय या रिजेक्ट (reject) कर दिया जाये। मैं समझता हूँ कि अच्छा होता कि अगर यह अमेंडमेंट (amendment) दूसरे ढंग से ड्राफ्ट (draft) किया गया होता और इसमें २५ साल का सवाल न रखा गया होता। मैं समझता हूँ कि यह रिडंडेंट (redundant) है अगर इस के बगैर यह अमेंडमेंट (amendment) आता तो ज्यादा बहतर होता। अगर २५ साल रखी जायेगी तो सवाल पैदा होगा कि जिस की उम्र २५ साल से कम लिख दी गई है उस का नामिनेशन पेपर रिजेक्ट किया जाय।

यह बात तो सही है लेकिन जब एक आदमी चुनाव में लड़ने के लिए जा रहा है तो वह चुनाव में चुना जाने के लिए ज्यादा उत्सुक होता है, बजाय इस के कि वह अपने आप को यह साबित करायें कि मैं नौजवान हूँ, बिल्कुल बच्चा हूँ। इसलिये मैं समझता हूँ कि जो अमेंडमेंट माननीय मंत्री महोदय ने किसी तरह स्वीकार करना है तो उस में से यह शब्द हटा कर फिर एक्सेप्ट (accept) करें कि उम्र में अगर कोई इराबी हो तो वह इस से कवर (cover) हो सके। अगर किसी की उम्र गलत लिख दी गई

है तो वह उस में ठीक हो सके। इसलिये यह शब्द इस में से हटा लीजिये।

(English translation of the above speech)

Ch. Ranbir Singh (Punjab): So far as this amendment is concerned I am partly hesitant and partly apprehensive in supporting it, because it is possible that a certain person may bring the School Leaving Certificate and the age recorded in the Certificate and that in the electoral roll may differ. Maybe that in the Certificate the age be 25 years and in the electoral roll 36 or 39 years. Under these circumstances, the question may arise as to whether his nomination paper should be held valid or should it be rejected. To my mind, the better course would have been that the amendment should have been drafted in a different way and no provision of 25 years as such may have been placed therein. To me it appears to be quite redundant. Had the amendment been brought forward without these words, it would have been better. If these words are inserted, a question is likely to arise as to whether the nomination paper of one whose age is recorded below 25 years should be rejected. This is correct, but when an individual contests an election, he is more interested to be elected than to prove himself to be a youth or a minor. I, therefore, want the hon. Minister to delete these words from the amendment if he is going to accept it at all and get it so re-drafted as to cover all difficulties arising out of the differences in age. This will enable the age of a person to be corrected in the case of its having been wrongly recorded. These words, therefore, should be deleted.

Dr. Ambedkar: I do not propose to accept the amendment.

Shri Jangde: I beg for leave to withdraw the amendment.

The amendment was, by leave, withdrawn.

Pandit Munishwar Datt Upadhyay: I want to make one submission with regard to amendment No. 319. I hope the hon. Minister will accept this amendment. It is not for economising. He thought that that may be redundant and that I only wanted to economise. I think that this point

[Pandit Munishwar Datt Upadhyay]  
is not covered by the provisions that have been made. The amendment is:

Before the existing proviso to sub-clause (2) of clause 31, insert the following new proviso:

"Provided that any person whose name is registered in the electoral roll of the Constituency can subscribe as proposer or seconder on more than one nomination paper for the same candidate."

That point has not been provided for. It may be that he has signed one nomination paper. There may be some doubt about the entries. The same person as proposer can file more than one nomination paper in respect of the same candidate. I think that that should be allowed, and has been allowed in all the Election laws wherever they have been made. I think the hon. Minister will have no objection to accept this.

Dr. Ambedkar: I cannot accept that.

Mr. Chairman: I am not going to put it to the House.

Shri A. C. Guha (West Bengal): I want a clarification on this point.

Mr. Chairman: This point has been disposed of. The amendment has not been moved.

Shri A. C. Guha: I want a clarification whether it is the intention of the Government that a person cannot sign more than one nomination paper for the same candidate.

Mr. Chairman: The amendment has not been moved and it is not put to the House.

Shri Sonavane (Bombay): I want some explanation as regards the first proviso to sub-clause (3) of clause 31, which says:

"...unless his nomination paper is accompanied by a declaration verified in the prescribed manner that the candidate is a member of the scheduled castes or of the scheduled tribes for which..."

Dr. Ambedkar: That was discussed.

Shri Sonavane: I want some explanation. As regards the nomination of a scheduled caste candidate, I would like to know what would be the procedure of this verification in the case of a reserved seat. It is stated here, "declaration verified in the prescribed

manner". The procedure may be laid down by the rules. As far as I know, the rules will not come before the House in spite of the wish expressed by me. Therefore, we would like to know what would be the procedure for the verification. Otherwise, it would be very difficult for us. Suppose, we were asked to go before a magistrate, and sign an affidavit. It will take a long time. If it is a simple procedure, say, obtaining a certificate from Dr. Ambedkar, who is a leading Member of the scheduled castes, that should be sufficient and acceptable. That should be a sufficient verification. We should not be asked to go to a court, wait there, and do all sorts of things. Suppose there is a local J.P. and if gives a certificate to the effect that a person belongs to the scheduled castes, such a certificate may be accepted. At the eleventh hour, a person may choose to send his nomination and contest the elections. If he has to go through all this procedure, it would be very hard for him. Therefore, in the interest of the simplification of the procedure, I would request the hon. Law Minister to see that such an ordinary procedure is followed. If a respectable person of the locality or a Justice of the Peace gives a certificate, that should be accepted.

Shri Ramaswamy Naidu (Madras): In the second proviso to sub-clause (3) of clause 31, the last portion reads as follows:

"...unless the nomination paper is accompanied by a declaration verified in the prescribed manner that the candidate is a member of any of the scheduled tribes of that district..."

I wish to know whether the wording "of that district" does not imply that he must be a resident of that district.

Dr. Ambedkar: Yes; that is so.

Shri Ramaswamy Naidu: I want to know whether any resident of another district, even though he belongs to one of the scheduled tribes of that district, would be excluded from seeking election in that constituency.

Dr. Ambedkar: Not at all; that is provided.

श्रीधरी रत्नबीर सिंह : समापति मनोदय  
मुझे इस एक शक है वह मैं साफ

कराना चाहता हूँ। इसमें यह प्रावीजन (provision) है :

"Provided also that where any person having held any office referred to in clause (f) of sub-section (1) of section 7 has been dismissed and the period of five years....."

इस के अन्दर मेरे हयाल में जो आजाद हिन्द फौज के जवान थे या अफसर थे वह इसमें तो नहीं आते होंगे यह मैं जानना चाहता हूँ। यह प्रावीजन कहीं उन को तो डिबार (debar) नहीं करता है। और अगर यह उन को डिबार करता है तो उन के लिए भी कोई प्रावीजन ऐसा होना चाहिए जिस से उन लोगों को भी चुनाव में हिस्सा लेने का हक हो।

(English translation of the above)

Ch. Ranbir Singh: Sir, I have a doubt regarding it and I want to get it clarified. There is a provision in it:

"Provided also that where any person having held any office referred to in clause (1) of sub-section (1) of section 7 has been dismissed and the period of five years....."

I think the soldiers and officers of the Azad Hind Fauj are not affected by it. I want to know this thing: Whether this provision debars them as well? And if this provision debars them then there should be some provision so that they may also acquire the right of participating in the elections.

Dr. Ambedkar: I did not quite follow what the last speaker said. I would like to make some observations with regard to the point raised in relation to the proviso to sub-clause (3) relating to the procedure that might be adopted for ascertaining whether a particular candidate was a scheduled caste candidate. The hon. Member who referred to this point, has had, of course, no experience as to how many people have been trying to pass themselves on as members of the scheduled castes in order to obtain some of the advantages that have been prescribed for them under the law.

Shri Syamaandan Sahaya: Larger numbers are likely to come in.

Dr. Ambedkar: And larger numbers are likely to come in. I as a Member of the Government have had some experience about this, as to how for instance, Hindus also would grow a beard for six months, present themselves as Sikhs and obtain a job reserved for the Sikhs, and subsequently shave themselves clean up and return to the Hindu fold. Consequently, a rule has been made by the Government of India that any person for whom any reservation has been made, shall produce a certificate from certain recognised authorities that he belongs to that particular class. Such a provision, undoubtedly and beyond question, would be in the interests of the scheduled castes themselves. I think I cannot say what exactly is the procedure that the Commissioner would think of himself in order to ensure that nobody other than the scheduled castes stands for these reserved seats. I should have thought that there could be no harm if a provision was made that every person who wants to put in his nomination paper for a reserved seat should obtain a certificate from a magistrate on the basis of an affidavit signed in his presence that to their knowledge this man belongs to the scheduled castes.

It might be a laborious or troublesome process; but I think it would be better to have it rather than leave loop-holes for any other person to come in a fight for the seat.

Mr. Chairman: The question is:

"That clause 31, as amended, stand part of the Bill".

The motion was adopted.

Clause 31, as amended, was added to the Bill.

Clause 32.—(Deposits)

Pandit M. B. Bhargava (Ajmer): The reason why I brought in this amendment is this. The existing rule makes it incumbent on the candidate himself depositing the money. It debars any of his helpers or friends to deposit it in his name. In all the Provincial and Central election rules, there is the provision whereby a candidate can cause the amount to be deposited in his name, some one else can do it for him and I think the same provision should be made here also.

Amendment made:

In sub-clause (1) of clause 32, after the words "unless he deposits" insert the words "or causes to be deposited".  
—[Pandit M. B. Bhargava.]

भी ऐस० ऐन० बास : I beg to move:

In sub-clause (1) of clause 32, for the words "five hundred" substitute the words "two hundred and fifty."

इस क्लॉज (clause) में यह प्रावीजन (provision) किया गया है कि हर उम्मीदवार को पांच सौ रुपये जमानत के तौर पर जमा करने होंगे। मेरे ख्याल में इस का उद्देश्य यह है कि इस तरह की रक्कावट रखने से बहुत से ऐसे उम्मीदवार चुनाव के लिए न खड़े होंगे जिन को जीतने का कोई चांस (chance) न हो। मेरा अपना ख्याल यह है कि यह सिद्धान्त गलत है क्योंकि रुपये का जमा करना सिर्फ गरीबों के लिए ही रक्कावट होती है। कानून जैसा बनाया जा रहा है उसमें जीतने गरीब उम्मीदवार होंगे उन के लिये जमानत का जमा करना तो रक्कावट होगी लेकिन जो धनी हैं उन के लिए कोई रक्कावट नहीं होगी। उम्मीदवारी के लिए जो नियम हम बनाने जा रहे हैं उन के अनुसार वैसे धनी उम्मीदवार के लिए कोई खास रक्कावट होने वाली नहीं है। उन के लिए पांच सौ रुपये की जमानत कोई खास रक्कावट नहीं होगी। परन्तु एक गरीब उम्मीदवार रुपये की कमी के कारण नहीं खड़ा हो सकेगा इसलिए मेरा ख्याल है कि अगर यह जमानत का रुपया जमा करना इस लिए जरूरी माना जाय ताकि ऐसे उम्मीदवार चुनाव के लिए खड़े न हो सकें जिन्हें अपने जीतने की कोई आशा न हो, तो मैं कहूंगा कि इस से तो सिर्फ गरीबों पर ही रोक लगती है, क्योंकि अमीर उम्मीदवार के लिए अगर पांच सौ रुपया चला भी जाय, तो कोई खास बात नहीं। हमारे माननीय मंत्री ने इस कानून में आगे बतलाया है कि

जिन लोगों को वोट (vote) का आठवां हिस्सा नहीं मिलेगा उन का रुपया जप्त हो जायगा। पर इससे नकली धनी उम्मीदवार नहीं रोके जा सकेंगे। यह तो एक बहुत दयनीय बात है कि जब हम ने देश के अन्दर एक प्रजातन्त्र स्थापित किया और एक अपना विधान बनाया जिस में हर एक आदमी को समान अधिकार देने की बात कही, तो यह जो कानून हम आज बना रहे हैं इसमें ज्यादातर रक्कावट गरीब आदमी के लिए है धनी आदमी के लिए कोई रक्कावट नहीं है, क्योंकि अगर उस के पक्ष में वोट्स का आठवां हिस्सा न भी आया और उस का पांच सौ रुपया जप्त भी हो गया तो उस से धनी का कुछ बिगड़ता नहीं। लेकिन गरीब उम्मीदवारों के लिए यह एक बड़ी रक्कावट होगी। मैं कहना चाहता हूँ कि जहां आप गरीब उम्मीदवारों पर यह पांच सौ रुपये का बंधन रखना चाहते हैं ताकि ऐसे उम्मीदवार खड़े न हों, जिन्हें अपने जीतने का कोई चांस न दिखाई दे वहां आप का यह पांच सौ रुपये का बंधन अमीर उम्मीदवारों पर रोक लगाने में असमर्थ साबित होता है। ऐसे उम्मीदवार जिन को अपने जीतने का कोई चांस न दिखाई दे, धनी भी हो सकते हैं और गरीब भी हो सकते हैं तो मैं कहूंगा कि अगर आप धनी उम्मीदवारों पर ऐसा कोई बंधन नहीं लगा सकते, जैसा आप ने गरीबों पर लगाया है, तो उचित यह है कि गरीबों के लिए भी पूरा मौका खोल देना चाहिये और अगर पूरा संभव न हो तो कम से कम पांच सौ रुपये की जगह ढाई सौ कर दिया जाय ताकि गरीब लोग हिम्मत कर सकें और खड़े हो सकें। मैंने इस के सम्बन्ध

में ज्यादा नहीं कहना है। आज का जैसा समाज बना हुआ है उस में गरीब आदमी को तरक्की करने में बड़ी बाधाएँ हैं। मैं ऐसा महसूस करता हूँ कि आज जो कानून हम बना रहे हैं जैसा निर्वाचन क्षेत्र बना रहे हैं और चुनाव का जो तरीका होने वाला है उस में योग्य पर गरीब उम्मीदवार का सफल होना कठिन है। इसलिये मैं माननीय मंत्री से अनुरोध करूँगा कि अगर वह मेरे इस सुझाव को मान लें, तो गरीबों को अगर पूरी नहीं, तो कुछ न कुछ सहूलियत तो हो जायगी। पूरी तौर पर सहूलियत न हो, थोड़ी भी सहूलियत हो जाय तो अच्छा है।

(English translation of the above speech)

Shri S. N. Das (Bihar): I beg to move:

In sub-clause (1) of clause 32, for the words "five hundred" substitute the words "two hundred and fifty".

A provision has been made in this clause to the effect that every candidate will have to deposit rupees five hundred as security. I think the object of this provision is that by this measure many such candidates will not contest elections, who may have no chance to win. I am of the opinion that this provision is basically wrong, as the depositing of a sum as security may prove to be an obstacle for the poor only. According to the law which is being enacted, the depositing of security would be an obstacle for all the poor candidates, while it would not be an obstacle to the rich ones. Under the rules which we are framing now, there will practically be no obstacle in the way of the rich. The security of Rs. 500 will not be an obstacle for the rich whereas a poor candidate would not be able to contest the election for want of money. Therefore, I think that if the depositing of security is made obligatory simply because of the fact that the candidates, who have no chance to win the election, may not contest, then my submission is that this provision imposes restriction only on the poor people, as for the rich it does not matter much even if

they lose this security of five hundred rupees. The hon. Minister, while explaining this law, stated that the security of those candidates, who would not get one-eighth of the total number of votes will be forfeited. But this measure cannot stop the rich from contesting election. It is a pity that when we have set up Democracy in our country and have framed our own Constitution, which provides equal rights to all, mostly the poor people are affected by the laws which we are enacting these days. The rich are not affected by this provision, because even if their security of rupees five hundred is forfeited as a result of their failure to poll one-eighth number of the total votes it would mean nothing to them. It will, however, be a great obstacle for the poor candidates. I want to submit that whereas you want to lay down the condition of depositing a security of rupees five hundred, which the poor candidates are unable to deposit, so that such candidates may not contest the elections as have no chance to win the same, this will not put any real obstacle in the way of the rich candidates. The candidates, who may have no chance of winning the elections may both be rich and poor. I would, therefore, submit that if you cannot lay down such a condition, as you have done in the case of the poor, it would be in the fitness of things, that the poor candidates should get equal chances for contesting the elections and if it be not possible to do so, then at least the security should be reduced from rupees five hundred to rupees two hundred and fifty, so that the poor may get encouragement and stand for elections. I do not want to say more about it. In the existing structure of the society the poor have to face great hindrances in the way of their progress.

I feel that the procedure concerning the delimitations of the constituencies, and the conduct of elections as outlined in the Bill under discussion, will make it very difficult for the poor but capable persons to be elected. I would, therefore, request the hon. Minister to accept my suggestion, as thereby the poor will be benefited to some extent if not fully. It would be better if at least some facilities if not all, are given to them.

Mr. Chairman: Amendment moved:

In sub-clause (1) of clause 32, for the words "five hundred" substitute the words "two hundred and fifty".

Shri Sidhva: I am certainly not in favour of prescribing an excessive amount as deposit money for the nomination papers. At the same time

[Shri Sidhva]

the sum should be such that it may not cause unnecessary hindrance or trouble to the candidates or to the administration and the conduct of the election work. To-day I do not exactly know what is meant by the words "poor man". To some even the sum of Rs. 250 suggested by my hon. friend may be big.

Shri A. C. Guha: But Rs. 500 is bigger still.

Shri Sidhva: True, it is bigger. But I say that even 250 may be too big for some candidates. And automatically if you reduce the sum to Rs. 250 it will be Rs. 125 in the case of the Provincial legislatures. We have already reduced the sum by 50 per cent. in the case of the Scheduled Caste candidates. That is to say, we have actually considered this question of the capacity of the candidates. But it may be that in some cases even these sums are too great. All the same, we have to keep some reasonable limit. Otherwise, why not reduce it to Rs. 50 in all cases or even to Rs. 10 as a nominal sum? But the point is that there should be some limit by which it could be seen whether it is a case of a bona fide candidate standing for election. It should not be possible for anyone just to create obstruction, to collect a sum of Rs. 250 and then stand as a rival. It may be that a candidate has no election to fight, being the only candidate standing; but then someone may stand up just for the sake of obstruction. Such a thing should be obviated. And everywhere, in all the countries, we have such reasonable monetary limits fixed and I feel that the original figure fixed in the Bill is quite reasonable and need not be altered.

Pandit Munishwar Datt Upadhyay: Mr. Das says that deposit amount should be reduced from Rs. 500 to Rs. 250 because he thinks that a number of poor people might stand and in the end if they are defeated and their securities are to be forfeited, they would lose Rs. 500. If the amount is reduced to Rs. 250, they would lose only Rs. 250.

Shri Sidhva: That was not his argument.

Pandit Munishwar Datt Upadhyay: If he does not obtain at least one-eighth of the entire number of votes cast, then he shall forfeit the security of Rs. 250 only. My submission is that in such cases it is better that on account of big security the candidate may not seek election at all if his

chances are so meagre. So that argument does not appeal to me. The principle that because there is now adult franchise and all are equal and the poor people should have a chance to contest elections—that is quite all right. In that case if the amount of deposit fixed is very small, there should be no objection to anybody. If you go to the extent to say that there should be no deposits, it will be better still but then what shall be the position in the elections. You will find a number of people because there is no stake, creating confusion. There can be, as my friend suggested, as many candidates as there would be voters in the constituency. So to avoid this confusion some sort of deposit is necessary and if that is necessary, then it should be such which might prevent a candidate from unnecessarily standing for elections. That is why I submit that this amendment cannot be accepted.

Shri Rathnaswamy (Madras): I would like to support the amendment of Mr. Das. The very fact that a deposit should be made by a candidate does not agree with the republican spirit of the Constitution. It looks to me that this is a relic of the capitalist rule and therefore it does not behove of us to have any such provision here in this Bill that a candidate should make a deposit. It would definitely go against the chances of a poor candidate but still he may be a very popular candidate and therefore it would close the doors to the chances of such a candidate to offer himself as a candidate. With regard to the scheduled castes, I need not labour this point that they would be very much inconvenienced. I find he has to pay Rs. 250 for the Centre and Rs. 125 for the State Legislature. The Scheduled castes are very much backward economically and even this amount—though it appears very little for this House—would be a great inconvenience for them, particularly for people who have been tried workers, who have real enthusiasm to serve the community and the country to pay even this small amount.

Another point is the scheduled castes in the rural parts would not be so enlightened as those living in the urban areas and the latter would come to the rural parts and usurp the chances of the local men. As you know, the scheduled castes of the urban parts are better and in a little more advanced condition economically than the people in rural parts. It would go very much against the chances of the local people belonging to scheduled castes in the rural parts. Therefore I would even submit that

in regard to scheduled castes, there need not be any deposit and the very fact that he is a *bona fide* member of the scheduled caste, that he fulfils the other conditions laid down for a candidate, should be sufficient. In the rural parts not only economically but even politically the scheduled castes are backward. It delighted me the other day when the learned Dr. Ambedkar told the House that in Bombay province alone the number of votes polled were very large and probably that was the highest number of votes polled by scheduled castes in Bombay. But that might be due to the great esteem and the popularity enjoyed by Dr. Ambedkar in that province. It might be due to the fact that Dr. Ambedkar is a towering personality not only in Bombay but also in the whole of India; it might be that they were enlightened and therefore it was possible for them to have the largest number of voters of scheduled castes. But as far as I am concerned, I may tell Dr. Ambedkar that it was possible under a limited franchise but now that we are having a very large franchise, I am afraid that is not going to be the case. It is very difficult to find out candidates of scheduled castes who would be in a position to offer themselves in the various States both for the States Legislatures and the Parliament. I would therefore like to submit that these conditions should not stand in any way of candidates who are very popular but poor and candidates who would be really useful and serviceable not only to the community but also to the country at large. I therefore would insist that this condition of depositing this amount, particularly in regard to scheduled castes, should be completely deleted from this Bill.

**Dr. Deshmukh:** There is an amendment in my name—No. 66 in the Supplementary List.

**चौधरी रनबीर सिंह :** सभापति महोदय, मैं संशोधन का समर्थन करने में कुछ रुकावट अनुभव करता हूँ। मुझे यह आपत्ति है कि क्लॉज (clause) के अन्तर जमानत के सिलसिले में एक डिस्क्रिमिनेशन (discrimination) किया गया है। उस में पार्लियामेंट (Parliament) के लिए पांच सौ है और स्टेट ऐसेम्बली (State Assembly) के लिए ड्राई सौ है। इस के लिए माननीय दास जी

ने जो अपना संशोधन रखा उसके अन्दर भी ड्राई सौ और सवा सौ रखकर इस डिस्क्रिमिनेशन को बहाल रखा है। यह जो भेदभाव जमानत के अन्दर रखा गया है वह मेरी समझ में नहीं आया। हो सकता है कि शायद माननीय मंत्री महोदय के या जिन्होंने क्लॉज को ड्राफ्ट (draft) किया है उन के क्लॉज में यह रहा हो कि पार्लियामेंट के लिए बहुत ज्यादा खर्च करना पड़ता है इस लिए उस की जमानत ज्यादा होनी चाहिये या शायद वह इसलिये भी हक में हो कि पार्लियामेंट या स्टेट ऐसेम्बली के अन्दर जो सदस्यों को एलाउंस (allowance) मिलता है उस के अन्दर भेदभाव होता है। इस भेदभाव की बिना पर जमानत में भेदभाव रखना ठीक है। मैं इन दोनों हालातों से अपने आप को सहमत नहीं पाता। वह इसलिये कि जहाँ तक खर्च का वास्ता है खर्च केवल दुगुना नहीं होगा। अगर खर्च की मद उसमें रखी जाती तो मेरे क्लॉज में जमानत का जो फर्क है वह बात गुना या आठ गुना होना चाहिये था। इस के अलावा एक और भी बात है, जहाँ तक खर्च का वास्ता है, शेड्यूलड कास्ट (Scheduled Caste) का जो उम्मीदवार होगा, चाहे स्टेट असेम्बली का या पार्लियामेंट का उस के लिये दुगुने बैलट बॉक्सों (Ballot box) की आवश्यकता होगी, और उस का खर्च जो है वह दुगुना होगा, इस के मुकाबले में उस की जमानत आधी रखी गई है। मेरी समझ में नहीं आता कि जो भेदभाव रखा गया है वह कोई खर्च की बिना पर है। इसलिये मैं तो यह चाहता हूँ कि इस भेद को दूर करने के लिए माननीय मंत्री जी ही कोई सजेस्शन (suggestion) रखें,

[बौधरी रत्नबीर सिंह ]

चूँकि हमारा संविधान ही डिस्क्रीमिनेशन नहीं मानता है इसलिए किसी चीज में भेदभाव रखना अच्छा नहीं है ।

(English translation of the above speech)

**Ch. Ranbir Singh:** Sir, I feel some hesitation in supporting the Amendment. My objection is that discrimination has been made in regard to depositing of security. In the case of Parliament it is Rs. 500 while for the State Assembly it is Rs. 250 only. Even the amendment introduced by Shri Das in this connection has maintained the discrimination by fixing the amount to Rs. 250 and Rs. 125. I am unable to understand as to why this discrimination has been made in regard to depositing of security. It might have been in the mind of the hon. Minister or whosoever has drafted this clause that as huge amount has to be spent in connection with the election to the Parliament, hence the security should also be more. Or, he might have thought that as there is difference between the allowances given to the Members of the Parliament and those of the State Assemblies, hence there should be discrimination in regard to security as well. But I do not find myself in a position to support in either of the circumstances. The reason is that the expenses will not be simply double. I think, if you take the expenses into consideration, then the difference in security should have been seven or eight times than the existing one. In addition to this there is one thing more as far as the expenses are concerned that the scheduled caste candidate will require double the number of ballot-boxes and thus double the expenses will have to be incurred and in comparison to this he shall have to deposit only half the amount of security. I fail to understand as to whether this discrimination has been made on the basis of expenses alone. Therefore, I would like that the hon. Minister should himself put forward some suggestion for removing this discrimination because our Constitution does not recognise any discrimination and it is better not to have any discrimination in any matter.

**Dr. Ambedkar:** I am not prepared to accept the amendment.

**Shri S. N. Das:** I beg leave of the House to withdraw my amendment.

Amendment was, by leave, withdrawn.

श्री रामराज जज्वारे : सप्लीमेन्टरी लिस्ट.  
(Supplementary List) २ में नम्बर ६७ का जो मेरा संशोधन है मेरा स्थल है कि वह ऐमेन्डमेन्ट (Amendment) ऐक्सेप्ट (accept) हो जायगा ।

My amendment No. 67 in supplementary list No. 2 is the same as Dr. Ambedkar's proposed amendment. Being an earlier amendment I submit that it should be accepted, since he has agreed to it, though I am not pressing for it.

[Shri Ramraj Jajware (Bihar): I hope that my amendment No. 67 in the supplementary list No. 2 will be accepted]

My amendment No. 67 in supplementary list No. 2 is the same as Dr. Ambedkar's proposed amendment. Being an earlier amendment I submit that it should be accepted, since he has agreed to it, though I am not pressing for it.]

Further amendment made:

In part (a) of the Proviso to sub-clause (1) of clause 32 after the word "him", insert the words "or on his behalf".

—[Shri Ramraj Jajware]

Further amendment made:

In sub-clause (2) of clause 32, after the words "has either deposited" occurring in lines 3 and 4 insert the words "or caused to be deposited".

—[Dr. Ambedkar]

Further amendment made:

In sub-clause (2) of clause 32, after the words "deposited by him" occurring in line 5, insert the words "or on his behalf".

—[Dr. Ambedkar]

**Dr. Deshmukh:** I beg to move:

In part (a) of the Proviso to sub-clause (1) of clause 32, after the words "scheduled tribes", insert the words "or backward classes"

The point as to what should be the deposit has been discussed at length. In addition to the scheduled castes and scheduled tribes I suggest the words "backward classes" should also be entered. I know objection would be taken to my suggestion because it may be said that the backward classes have yet to be determined under the Constitution. Sooner or later the Commission under article 340 would be appointed which would determine what are the weaker sections of the community as

required by the fundamental rights and the directive principles. And if those people are to have concessions on the ground of their being backward it is tantamount to their being qualified to have the same concessions as the scheduled castes and tribes. At the present moment it would not be possible for any candidate on this very ground to obtain the concessions, because under the Constitution the President has not yet specified what are the backward classes, although for other purposes they have been. For instance, in regard to scholarships there is a list of backward classes. Although at the present moment there may probably be some difficulty, I submit that there is no necessity to distinguish between other backward classes and the scheduled castes and tribes. Therefore the same concessions as are sought to be given to the scheduled castes and scheduled tribes candidates should also be available to the backward class candidates.

I have seen certain persons harbouring a considerable amount of prejudice against the backward classes getting any concessions. It is all very well to say that we want to forget castes and sub-castes but that is not being realistic. We know that for sometime it is bound to continue that a Hindu is more recognised by his caste than by anything else. That is the closest thing to his being described. It seems that there is even an inclination to find out individual or family backwardness. I do not know how on earth it is going to be possible to ascertain individual backwardness. So it will have to come. If you want to avoid it it will be doing injustice to a very large number of people, who are described by us as the teeming millions or the dumb millions and so on. When the dumb millions really awake it would not be a very happy omen or augury for the maintenance of peace and tranquillity in the country, much less for successful elections at the polls if we continue to manifest an attitude of hostility or indifference to their interests. I warn those who are inclined to suggest the ascertainment of individual or family backwardness that by such means they will make trouble inevitable. If you think that you should do it with respect to the scheduled castes and tribes, no sensible man will suggest that it is not possible in any of these cases. If you want to respect the Constitution, if you want to give relief and assistance to all those who are really backward, amongst whom there is hardly a graduate, although their population may be lakhs and they are more backward than even the scheduled castes, you should include them. But if you want to deny these facilities and

assistance to these people it will not be very just. Therefore I hope that although there may be some difficulty in giving this assistance immediately, the hon. Minister would be pleased to accept this amendment. He will see that the amendment gets at least his support. These people at present are being denied the facilities both of education and such other things which they are entitled to get under the Constitution. From that point of view also I hope this amendment would be accepted.

**Mr. Chairman:** Amendment moved:

In part (a) of the Proviso to sub-clause (1) of clause 32, after the words "scheduled tribes", insert the words "or backward classes".

**Dr. Ambedkar:** I cannot accept that amendment, Sir.

**चौधरी रनबीर सिंह :** मैं डाक्टर देशमुख के संशोधन का समर्थन करने के लिए खड़ा हुआ हूँ। सभापति महोदय, जैसा कि आप को पता ही है कि हम ने अपने विधान के अन्दर पिछड़ी हुई जातियों में से जिन को हम ने शिड्यूलड कास्ट (Scheduled Caste) या शिड्यूलड ट्राइब (Scheduled tribe) कहा है उन को कई एक संरक्षण दिये हैं। हम ने उन के लिए पार्लियामेंट में और असेम्बलियों में भी सीटें सुरक्षित की हैं। लेकिन उन के अलावा जो दूसरे पिछड़े हुए लोग हैं उन के लिए हम ने कुछ भी संरक्षण नहीं दिया है हालांकि वह राजनीतिक तौर पर, आर्थिक तौर पर और तालीमी तौर पर किसी भी तरह उन से आगे बढ़े हुए नहीं हैं। जितने वह लोग पिछड़े हुये हैं उतने ही यह भी पिछड़े हुए हैं, सिवा चन्दावतों के कि उन को अछूत नहीं माना जाता, लेकिन आर्थिक दुनिया में और राजनीतिक दुनिया में उन के साथ जो बर्ताव होता है वह अछूतों से कम नहीं है। तो मेरी माननीय मंत्री महोदय से यह प्रार्थना है कि जो अमान्यता का

[बीबीसी एनबीसी सिंह]

सवाल है कोई बहुत बड़ा सवाल नहीं है। अगर आप इस सवाल के अन्दर कुछ छोड़ी सी रियायत कर देंगे तो वह कोई बहुत बड़ी रियायत नहीं होगी बल्कि मेरा तो ह्याल यह है कि वह आप की मेंटेलिटी (mentality) का एक तरह से सबूत होगा और उन लोगों को भी यह ह्याल होगा कि हाउस में कोई हमारे लिए भी प्रेम रखता है या कोई हमारे ऊपर थोड़ा बहुत रहम करना चाहता है और उन की तरक्की के लिए ठीक दिशा में यह एक कदम आगे बढ़ाना होगा। इसलिए मैं डॉक्टर साहब के सलाह के समर्थन करता हूँ।

(English translation of the above)

**Ch. Ranbir Singh:** I rise to support the amendment moved by Dr. Deshmukh. Sir, you are aware that we have provided several safeguards or reservations in the Constitution for the benefit of backward classes whom we otherwise call as 'Scheduled Castes' or 'Scheduled Tribes'. We have reserved seats for them both in the State legislatures as also in the Parliament. We have, however, done nothing for the other unspecified backward classes who are politically, economically or educationally no more advanced than these Scheduled Castes or Tribes. These people are as backward as the scheduled castes or scheduled tribes except that they are not being recognised as untouchables, though the political and economic deal they are receiving is no better than the one given to the untouchables. I will, therefore, put it to the hon. Minister that this issue of security or deposit is not a major issue. A small concession on this issue will not count much. It will, on the other hand, give a convincing proof of your mental outlook which will make such people feel that they too have a friend in this House or there are some who have regard for them. It will serve as a step towards their progress in the right direction. I, therefore, support the hon. Doctor's amendment.

**Pandit Munishwar Datt Upadhyay:** The amendment which has been moved by Dr. Panjabrao is, I think, a very necessary amendment. The Mover was hesitant in saying that as the

classification of backward classes has not yet been made under the Constitution, his amendment may appear to be premature and some objection might be taken to it. But I would like to say that the fact that no such classification has so far been made is no point against the amendment. Whenever that classification is made this law will be applicable. The classification has not been made on account of certain reasons. The Constitution provides that within two years the President should take steps to do it, but that period is now proposed to be extended to three years.

**Mr. Chairman:** Which period is going to be extended?

**Pandit Munishwar Datt Upadhyay:** Period for the appointment of the Commission to enquire into the matter.

**Mr. Chairman:** No period is fixed in the Constitution for the appointment of the Commission.

**Pandit Munishwar Datt Upadhyay:** Very well. Then, if there is no period and if the classification is not made before the next elections, the backward classes can take advantage of it later on, but the right to which these people are entitled should not be denied. The backward classes are as poor as the Scheduled Castes or Scheduled Tribes.

**Dr. Deshmukh:** Poorer even.

**Pandit Munishwar Datt Upadhyay:** In certain cases they may even be poorer as my friend points out. My submission is that in these circumstances this amendment should be accepted.

**Prof. Ranga:** I agree with what my hon. friends have so far said in support of this amendment. One of my friends wonders whether the backward classes are not as poor as the Scheduled Tribes or Scheduled Castes. So far as I know, from the knowledge I have of the economic condition of the backward classes in my State, they are even poorer than many of the Scheduled Caste people—at least they are as poor as the Scheduled Castes. What is more, whereas in the case of Scheduled Tribes and Scheduled Castes the State, as my hon. friend the Prime Minister stated yesterday, has come to recognise their troubles and difficulties and has come to realise its responsibilities, so far as backward classes are concerned the State has just now begun to think of them; even till today the President himself has not been able to discharge his own duty to specify which of them are to be categorised as backward classes so that the educational and other facilities that the State is expected to provide for them could be provided.

Then again, these backward classes in most parts of the country are not so very numerous in any one area and socially they have been just as "depressed". Therefore, it would be very difficult indeed for them to find as much deposit money as others could.

This amendment if accepted will also give them a sort of an assurance that the State is cognizant of their needs and its own responsibilities towards them, socially and economically. One small point which I may mention is that if you leave this classification to the States it is quite possible they may make mistakes. For example, there is one community in South India popularly known as Koya community members of which actually style themselves as Valmikis. This particular community in all other parts of the country has been treated as a Scheduled Caste whereas in the South although the community has been pressing for such classification the State Government would not do it merely because its numbers are rather numerous. Similar anomalies are likely to take place elsewhere. If, however, we were to accept this amendment in this manner it would mean that the President as well as the Central Government and the State Governments would have to take steps to give these people their due share of privileges. I was taken a bit back yesterday when my hon. friend the Prime Minister gave me the impression that there might be a possibility of diluting the concession that is sought to be given by the Constitution amending Bill introduced by him. He said that the expression 'backward classes' might have to be changed and the 'scheduled tribes' might have to be brought in. I would have no objection to the 'scheduled tribes' being brought in. But I do not like the expression 'backward classes' to be dropped out of the Bill. Keeping all these facts in mind, I think it would be advisable for my hon. friend the Law Minister himself to accept the suggestion made by Dr. Deshmukh and include the words 'backward classes' here. I wish to assure him that by including 'backward classes' for the benefit of these concessions, he would be doing no harm either to the scheduled tribes or to the scheduled castes.

ठाकुर कृष्ण सिंह : सभापति महोदय, मुझे आश्चर्य होता है कि इस क्लॉज (clause) में बैकवर्ड क्लासेज (Backward classes) को नहीं रखा गया

है। शिद्यूल्ड कास्ट्स (Scheduled Castes) से जमानत कम लेने का मसाला यह है कि वह लोग गरीब हैं इसलिये वह इतनी जमानत नहीं दे सकते हैं। जितनी कि और लोग दे सकते हैं। शायद डाक्टर अम्बेडकर जानते होंगे कि यह बैकवर्ड क्लासेज भी इतनी ही गरीब हैं बल्कि उन से भी ब्यादा गरीब हैं। यह लोग हमारी तरफ अक्सर रिकशा खींचने और कुली का काम करते हैं और जो मजदूरी में वह पाते हैं वह उस से कम होता है जो शिद्यूल्ड कास्ट वाले कमाते हैं। इस से उस का पूरा भी नहीं पड़ता। तो इन से यह आशा करना कि वह उतना ही डिपॉजिट (deposit) करें जितना कि और लोग करते हैं न्याययुक्त नहीं होगा। इसलिये मेरा निवेदन यही है कि जो अमेंडमेंट (amendment) डाक्टर देशमुख ने पेश किया है उस को मंत्री महोदय स्वीकार कर लें।

(English translation of the above)

Thakur Krishna Singh (Uttar Pradesh): Sir, I am surprised to note that the backward classes have not been included in this clause. Perhaps the idea of taking less securities from the scheduled castes' people is that they are poor and as such are unable to furnish as big securities as others may possibly furnish. Dr. Ambedkar perhaps knows that these backward classes are equally poor, in fact they are poorer. People from these classes pull rickshaws and do coolie work in our own side and whatever they receive by way of wages, it is less than what the scheduled castes people usually get. It does not help them even to make their both ends meet. As such it would not be fair to expect these people to deposit as much security as the others would do. And so my submission is that the hon. Minister should accept the amendment which has been introduced by Dr. Deshmukh.

भीमलाल दीक्षित : डाक्टर देशमुख ने जो संशोधन आप लोगों के सामने रखा है

[श्रीमती दीक्षित]

उस में उन्होंने ने डिड्यूल्ड ट्राइब्स (Scheduled tribes) और बैकवर्ड क्लासेज़ (Backward classes) की जो हालत है वह आपके सामने रखी है। मैं निवेदन करना चाहती हूँ कि बिल्कुल वही हालत स्त्रियों की भी है क्योंकि स्त्रियाँ भी तो पुरुषों के अधीन हैं और उन की अपनी माली हालत अच्छी नहीं है और न उन के पास इतना पैसा है कि जो ज़मानत मांगी जाती है उस को वह जमा कर सकें। इसलिए मैं माननीय मंत्री जी से निवेदन करूँगी कि जब वह डाक्टर देशमुख के संशोधन पर विचार करेंगे तो स्त्रियों के सम्बन्ध में भी थोड़ा बहुत विचार करेंगे। क्योंकि उनकी भी हालत ऐसी नहीं है कि वह पुरुषों के अलावा अपनी जीविका पैदा करती हों या उन को कुछ अपनी निजी सम्पत्ति हो। तो उन के ऊपर भी ध्यान देना बहुत जरूरी है।

(English translation of the above)

**Shrimati Dixit (Madhya Pradesh):** Sir, in his amendment Dr. Deshmukh has placed before you a picture of the conditions of the scheduled tribes and the backward classes. I beg to submit that the condition of women too is no better, because they are dependent on men and their own financial position is also no good. They do not possess so much money so that they may be able to deposit the security which is demanded from them. Therefore I would request the hon. Minister to give some thought to their case as well when he comes to consider the amendment moved by Dr. Deshmukh. They are neither in a position to earn some livelihood apart from what their male members of the family earn, nor have they got any other personal property. So it is essential that due attention should be paid to their case as well.

**Dr. Ambedkar:** It is not possible for me to accept this amendment for two reasons. One is this: that we have not got any statutory definition of the backward classes, as we have in the case of scheduled tribes and the

scheduled castes. From that we know who is the scheduled caste and who is the scheduled tribe. So far as the backward classes are concerned, that matter is left to be determined by each State Government so far as its own province is concerned. From that point of view, it would introduce a certain amount of indefiniteness in the law to make provision for the backward classes.

Secondly, this is the first time that I hear that such a concession should be extended to the backward classes. Hitherto the concessions that have been spoken of as being necessary for the upliftment of the backward classes are educational concessions and concessions in the services of the country. I have not heard of any such proposition and so far as those Members representing the backward classes in this House are concerned, I know they are capable of paying not only their own election deposits, but also the election deposits of many others.

**Dr. Deshmukh:** I essentially wanted to voice the demands of the backward classes. I beg leave of the House to withdraw it.

The amendment was, by leave, withdrawn.

**Shri P. Y. Deshpande (Madhya Pradesh):** On a point of order, Sir. While we are discussing clause 32, we are making it compulsory for candidates to deposit a certain amount. In Part 2 we have described the qualifications and disqualifications for membership. Now, if we make it compulsory for any candidate to deposit a certain amount before he can be a candidate, it amounts to another disqualification.

**Mr. Chairman:** Is the hon. Member moving any amendment?

**Shri P. Y. Deshpande:** I am raising a point of order.

**Mr. Chairman:** There is no point of order in it.

**Shri V. B. Valdia (Bombay):** I beg to move.

In sub-clause (1) of clause 32, omit the words "and in the case of a primary election, a sum of fifty rupees".

The formation of an electoral college is only for one day to elect a member for the Council of States. No sooner a member is elected the electoral college ceases to exist. Why should a member of an electoral college be made to pay Rs. 50? That is all what I want to submit.

**Dr. Ambedkar:** I do not accept the amendment.

**Shri V. B. Valdia:** Then I do not press it.

**चौधरी रनबीर सिंह** I beg to move:

In part (a) of the Proviso to sub-clause (1) of clause 32, add the words "if he stands for reserved seat only" at the end.

सभापति महोदय, इस संशोधन देने के पीछे जो भावना है वह यह है कि अगर आप क्लॉज ६२ सब-सेक्शन २ को पढ़ेंगे तो आप यह महसूस करेंगे कि इस की आवश्यकता है। क्लॉज ६२(२) के अन्दर ऐसा लिखा है:

"If an elector gives more than one vote to any one candidate in contravention of the provisions of sub-section (1), then, at the time of counting of votes not more than one of the votes given by him to such candidate shall be taken into account and all the other votes given by him to such candidate shall be rejected as void."

इस की वजह से मैं इतना कहना चाहता हूँ कि आप मिसाल के तौर पर एक हलके को लें, जिस हलके के अन्दर एक जनरल सीट है और एक रिजर्व्ड सीट (Reserved seat) है अब फर्ज कीजिये उस रिजर्व्ड सीट के लिए.....

**The Minister of State for Transport and Railways (Shri Santhanam):** I think this amendment is out of order. Nobody can stand only for a reserved seat. He will be entitled to stand for a seat in a constituency where a seat is reserved for Scheduled Castes.

**चौधरी रनबीर सिंह :** That is a matter for the Chair to decide.

अगर मेरे संशोधन को नहीं माना गया तो इस से हम समाज के अन्दर इलेक्शन

(election) के द्वारा एक और ज़हर को दाखिल करेंगे। अगर आप इस को बिल्कुल ध्यान से देखेंगे तो मालूम होगा कि इलेक्शन के वक़्त जहाँ रिजर्व्ड सीट्स (Reserved seats) हैं वहाँ चुनाव क्या असली सूरत अख्तियार करना तो आप को पता लगेगा कि कोई नान-हरिजन (non-Harijan) हरिजन को राय देना पसन्द नहीं करेंगे, क्योंकि वह दोनों सीटों से कामयाब हो सकता है तो वैसे मुझे उस में कोई आपत्ति नहीं है। भारत की पार्लियामेंट (Parliament) में, या स्टेट्स असेम्बलीज (State Assemblies) में केवल हरिजनों को ही भेजना चाहते हैं तो भेज दें, मुझे इस में कोई आपत्ति नहीं है लेकिन अगर समाज के अन्दर फूट के ज़हर को दाखिल करके कुछ सज्जन आते हैं तो इस में मुझे आपत्ति मालूम होती है और अगर मेरा संशोधन मंजूर नहीं किया गया तो इसका नतीजा यह होगा कि जो जनरल वोटर्स (general voters) हैं उन के दिमाग के अन्दर यह डर दाखिल हो जायेगा कि अगर उन्होंने अपना वोट हरिजन उम्मीदवार को दिया तो हो सकता है कि दोनों हरिजन उम्मीदवार ही कामयाब हों और वह यह चाहेंगे कि उन का कोई नान-हरिजन उम्मीदवार भी कामयाब हो सके और इसलिए वह हरिजन उम्मीदवार के हक में वोट देना नहीं चाहेंगे। मैं समझता हूँ कि अगर ऐसा हुआ, तो जिन्होंने ने कांस्टीट्यूशन (Constitution) बनाया है और विधान बनाने वालों की जो उन को संरक्षण देने की भावना थी, यह उस के विरुद्ध होगा लेकिन अगर मेरा संशोधन मान लिया गया तो फिर उन के दिमाग में ऐसा कोई शक नहीं रहेगा और

## [बीरबीर सिंह]

जैसा कि विधान में उन्हें हक दिया गया है वह जनरल सीट्स (general seats) के लिए भी कंटेस्ट (contest) कर सकते हैं, तो हर एक वोटर जो होगा वह समझकर अपनी राय देगा। अगर वोटर चाहता है कि वह दोनों उम्मीदवार जो पिछड़ी हुई जातियों से आते हैं या सिड्यूल्ड कास्ट (scheduled caste) के हों कामयाब हों तो वह इन दोनों को वोट देगा। लेकिन अगर मेरा यह संशोधन नहीं माना जाता है तो यह मुमकिन हो सकता है कि वह गलत फहमी से शायद वह आदमी जो पापुलर (popular) भी न हो, इस वजह से कामयाब हो जाय और इस भय से मुझे डर है कि कोई गैर हरिजन हरिजन उम्मीदवार को वोट देना पसन्द नहीं करेगा। इसलिए मैं अपने माननीय मंत्री महोदय से निवेदन करना चाहता हूँ कि देश के अन्दर जातपात का जहर और ज्यादा दालिख न हो। इसलिए यह बहुर है कि रिजर्व्ड सीट्स के अलावा जो हरिजन भाई जनरल सीट्स से खड़ा होना चाहें वह पूरी जमानत देकर आर्डिनरी वे (ordinary way) में दूसरे जनरल उम्मीदवार की तरह खड़े हों और वोटर्स अगर चाहेंगे तो उन को वहाँ भी कामयाब बना देंगे और अगर वह वहाँ से कामयाब होते हैं तो मुझे इस में कोई आपत्ति नहीं है।

(English translation of the above speech)

Ch. Ranbir Singh: I beg to move:

"In part (a) of the Proviso to sub-clause (1) of clause 32, add the words

"if he stands for reserved seat only" at the end."

Sir, if you will read the sub-section (2) of clause 62, you will appreciate the spirit behind it and realize the need of this amendment. Clause 62(2) says:

"If an elector gives more than one vote to any one candidate in contravention of the provisions of sub-section (1), then, at the time of counting of votes not more than one of the votes given by him to such candidate shall be taken into account and all the other votes given by him to such candidate shall be rejected as void."

In elucidation of it I would submit to you to take the example of a constituency having one general seat and one reserved seat. Now assume that for the reserved seat.....

The Minister of State for Transport and Railways (Shri Santhanam): I think this amendment is out of order. Nobody can stand only for a reserved seat. He will be entitled to stand for a seat in a constituency where a seat is reserved for Scheduled Castes.

Ch. Ranbir Singh: That is a matter for the Chair to decide. If my amendment is not accepted we would be administering another poison into the society through election. If you will only consider carefully as to what shape election would really assume where there are reserved seats, you will find that no non-Harijans would like to vote for a Harijan candidate because he can be returned from both the seats. Indeed I have no objection in that. If it is intended to send only the Harijans in Parliament of India or in States' Assemblies, they may be sent there, I have no objection. But I object where people enter there by impregnating the society with the poison of rivalry. If my amendment is not accepted, the result will be that a fear will enter into the minds of the general voters that if they would vote for the Harijan candidate there could be the possibility of both the Harijan candidates being elected. So they would like that their non-Harijan candidate may also succeed and therefore they would not like to vote in favour of the Harijan candidate. If that happens, I think it would go against the intent of the framers of the Constitution and their purpose of giving protection to them. But if my amendment is accepted, there would linger no such doubts in their minds and they will also be able to contest the general seats for which they have been empowered by the

Constitution and every voter will exercise his opinion thoughtfully. If any voter wishes that both the candidates of the backward class or scheduled caste should be elected, then he will vote for both of them. But if this amendment of mine is rejected, it could be possible that even an unpopular person may be returned for that reason and, therefore, I apprehend that nobody would like to vote for the Harijan candidate. Hence I want to request the hon. Minister that no more poison of caste distinction should be allowed to enter in the society. Thus it is in the fitness of things that those Harijan friends who want to stand from the general seats should stand in the ordinary way like other general candidates after furnishing full security. If the voters would like, they would elect them there also; and if they are returned from there, I have no objection at all.

Mr. Chairman: Amendment moved:

In part (a) of the Proviso to sub-clause (1) of clause 32, add the words "if he stands for reserved seat only" at the end.

श्री भट्ट : माननीय सभापति महोदय, श्री रनवीर सिंह की दलील समझ में नहीं आई कि आया वह हरिजन भाइयों को और पिछड़ी हुई जातियों के लोगों को प्रोत्साहन देना चाहते हैं या नहीं देना चाहते हैं और किस तरह से उन को मदद देना चाहते हैं या नहीं देना चाहते हैं। वह कहते हैं कि जितनी हरिजनों और पिछड़ी हुई जातियों और अदिवासियों के लिए जगहें रखी गई हैं वहाँ उन को इस कम डिपॉजिट (deposit) का फायदा मिले और कहीं न मिले, यह उन के कहने का मतलब है लेकिन यहां जो सारांश है, वह तो यह है कि देश में किसी भी जगह हरिजन भाई किसी भी जगह के लिए खड़ा हो, उस को डिपॉजिट देने में सहूलियत हो जाय क्योंकि उस के पास इतना रुपया नहीं होता है कि वह भारी डिपॉजिट जमा कर सके। अगर आगे चल कर हमारे हरिजन भाई

इस काबिल हो जायेंगे कि वह खुद डिपॉजिट कर सकें, तो इस में तबदीली कर देंगे और आप धकीन जानिये जब वह इस योग्य हो जाएंगे, तो वह खुद इस में हमारी बराबरी करना चाहेंगे और यह रियायत स्वीकार नहीं करेंगे, जैसे हमारी बहनों ने कहा कि हम कोई रिजर्व्ड सीट्स (reserved seats) नहीं चाहते उसी तरह हमारे हरिजन भाई कहेंगे कि अजी हम भी पांच सौ रुपया डिपॉजिट कर सकते हैं और अब हमें यह सहूलियत भविष्य में न दी जाय और तब उचित होगा कि उन को वह सहूलियत न दी जाय। जब ऐसा जमाना आ जायगा, तब वह बात होगी, लेकिन इस समय यह दलील देना ठीक नहीं है कि हरिजनों के वास्ते जितनी जगहें मुकर्रर की गई हैं और अलहिदा रखी गई हैं, वहीं उन को यह फायदा दिया जाय और दूसरी जगह न दिया जाय। इसमें हमारी निगाह बहुत छोटी सी बन जाती है। इसलिये मैं कहना चाहता हूं कि वह अपना संशोधन न रखें और आबहुवा को न बिगाड़ें। बस मेरा इतना ही निवेदन है।

(English translation of the above speech)

Shri Bhatt (Bombay): Sir, I did not quite follow what Shri Ranbir Singh meant. I do not understand whether he wants the uplift of the Harijans and backward classes or not and whether and how he wants to help them. He says that Harijans and other backward classes should be given this benefit of less deposit only for seats reserved for them and not for any other seats. That is what he means but the proposition here is that Harijan candidates standing for any seat anywhere in the country should have this concession of less deposit because they are not able to deposit huge amounts. If in future our Harijan brethren were to be in a position to deposit the money themselves, then we can make necessary alteration therein and you should rest assured that the day they are able to do this, they would themselves like to

[Shri Bhatt]

be on a equal footing with us and they would not accept this concession from us. As our sisters have declared that they do not want any reserved seats, in the same way, the Harijans would say that they can deposit five hundred rupees and they do not want any such concession in future. At that time, it would be proper to stop this concession to them. But it is not fair to put forward the suggestion at this time that the concession should only be extended for seats that have been reserved for the Harijans and for no other seats. I submit that such a step only makes our outlook narrow. Therefore I wish to suggest that he should not put forward his amendment and create unhealthy conditions thereby. That is all I have to submit.

**Mr. Chairman:** Does the hon. Member wish that I should put his amendment to the House?

**Ch. Ranbir Singh:** I want to know the reaction of the hon. Minister.

**Dr. Ambedkar:** I do not accept it.

**Ch. Ranbir Singh:** Then I would like have the leave to withdraw it.

The amendment was, by leave withdrawn.

**Mr. Chairman:** Now I shall put clause 32, as amended.

**Shri P. Y. Deshpande:** Sir, my point is this. Since we have provided qualifications and disqualifications for candidates it is not open to us to have any provision so as to add to the disqualifications of a candidate. This deposit clause really works out as a disqualification and therefore it is out of order.

**Mr. Chairman:** The question is:

"That clause 32, as amended, stand part of the Bill."

The motion was adopted.

Clause 32, as amended, was added to the Bill.

Clause 33 was added to the Bill.

✓ **Clause 34.—(Scrutiny of nominations)**

**Shri Syamnandan Sahaya:** I have an amendment to this clause. It is No. 22 of Supplementary List No. 3. I beg to move:

In sub-clause (2) of clause 34, for the word "refuse" substitute the word "reject".

This is a simple amendment. It will be seen that in sub-clause (2) of clause 34 the language is:

"The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds".

I submit that the word used should be 'rejected'. In this very clause later on the word 'reject' has been used. If we refer to sub-clause (6) of this clause it is said that "the Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection." I submit it would not be proper to use two words, two different terminologies.

**Mr. Chairman:** Amendment moved:

In sub-clause (2) of clause 34, for the word "refuse" substitute the word "reject".

**Dr. Ambedkar:** I have no idea. It is a draftsman's point. My hon. friend will see that the draftsman seems to be using 'refusal' in respect of nomination and 'rejection' in respect of nomination paper.

He is making a distinction and I think that a distinction is consistently made by him throughout the clauses. I therefore think it is better to retain that now.

**Mr. Chairman:** Does the hon. Member want me to put his amendment to vote?

✓ **Shri Syamnandan Sahaya:** There may be others who may want to speak. I beg for leave to withdraw the amendment.

The amendment was, by leave withdrawn.

✓ **Shri Syamnandan Sahaya:** Then, again coming to sub-clause (4) here it does not refer to nomination but to nomination papers. I hope the hon. Minister will accept it here. The Returning Officer shall not refuse any nomination.

**Mr. Chairman:** May I just point out that this has been finished and the hon. Member has been allowed to withdraw. Therefore this amendment is not before the House.

**Shri Syamnandan Sahaya:** I have another amendment to sub-clause (4).

**Mr. Chairman:** We shall see to it subsequently. He can move it at the proper time.

**Pandit Kunzru (Uttar Pradesh):** I beg to move:

To sub-clause (5) of clause 34, add the following Proviso:

"Provided that in case an objection is made the candidate concerned may be allowed to rebut it not later than the next day but one following the date fixed for scrutiny, and the Returning Officer must record his decision on the date to which the proceedings have been adjourned."

**Shri Sonavane:** On a point of order the hon. Member has given no notice to the Members of this House and it was held by the Speaker previously and that no surprise should be sprung upon the House. May I know whether this amendment moved at this juncture is admissible?

**Mr. Chairman:** I expect that the hon. Member knows the rules of the House. He has been in the House for a sufficiently long time. When amendments of this kind are handed over to the Chairman, the rule is that if the hon. Minister in charge of the Bill is agreeable to the amendment, then this is allowed. This is the practice. It is for the Chair to waive the period of the notice of amendment or not. Unless the hon. Minister in charge of the Bill accepts it, I am not going to put it to the House.

**Pandit Munishwar Datt Upadhyay:** I have a point of order. There is already another amendment No. 348. I think the substance of that amendment is also the same.

**Mr. Chairman:** The subject matter is the same. Since this is being moved, if it is accepted, that will be ruled out.

**Pandit Munishwar Datt Upadhyay:** My submission is that that amendment has priority over this.

**Mr. Chairman:** I called the Members who had sent amendments. None stood up. Then Pandit Kunzru stood up. What does it matter? The subject matter is the same. If that is moved or accepted, what difference does it make?

**Pandit Kunzru:** Sub-clause (5) requires that.....

**\*Dr. Ambedkar:** To shorten the proceedings, I would say that I am accepting the amendment.

**Mr. Chairman:** The hon. Minister in charge is going to accept the amendment.

**Pandit Kunzru:** I shall therefore be very brief in explaining the purpose of my amendment. Sub-clause (5) as it stands requires the Returning Officer not to adjourn the proceedings on the scrutiny day unless they are interrupted or obstructed by riot or open violence or by causes beyond his control. What I want is that a candidate whose nomination is challenged should be given a reasonable time to be able to disprove the charge against him. He cannot do so on the spur of the moment. This is recognised in England where the Returning Officer is required to complete the scrutiny as early as practicable. In the United Provinces, under the Indian Legislative Assembly Electoral Regulations, the Returning Officer is given the power to allow an adjournment when a candidate's election is challenged and the purpose of it is to enable the candidate either to call witnesses or to produce documents disproving the charge against him. I hope the House will regard this as a reasonable amendment and will accept it.

**Mr. Chairman:** Amendment moved:

To sub-clause (5) of clause 34, add the following Proviso:

"Provided that in case an objection is made the candidate concerned may be allowed to rebut it not later than the next day but one following the date fixed for scrutiny, and the Returning Officer must record his decision on the date to which the proceedings have been adjourned."

**Shri T. T. Krishnamachari:** I would like to know something more about this. I understand that there is a provision of this nature in the Election rules in regard to the U.P. Legislative Assembly. But, to the best of my knowledge, there is no such provision either in the Rules that obtained in respect of the House that was the predecessor of the present House or in the Rules for the Legislative Assembly or the Legislative Council in my province. The point really seems to be that some time is to be given and in a matter like this, the time factor cannot always be to the advantage of fair-play. It gives some time for influence to be brought to bear upon the parties concerned. If there is something wrong in a nomination paper and that has been discovered after scrutiny, the

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Returning Officer would have to give his decision promptly, then and there, without giving any time for lobbying or logrolling. The mere fact that a provision of this nature exists in the Election rules of one State in India and also the fact that it is not found in other States Rules, I think, should make us pause before we accept this particular amendment. Notwithstanding the fact that there are weighty reasons behind the decision of the hon. Mover of the Bill for accepting this amendment, I think the House will do well to pause and consider all the aspects of the question, before accepting the motion. If this is incorporated in this Bill, it might change the procedure that is obtaining in parts of India other than the Uttar Pradesh.

**Pandit Kunzru rose.—**

✓ **Shri Syamnandan Sahaya:** Sir, I would like to...

**Pandit Kunzru:** Sir, on a point of explanation,...

/ **Shri Syamnandan Sahaya:** Perhaps after I have finished my...

**Pandit Kunzru:** Sir, I say on a point of explanation. When my hon. friend Shri T. T. Krishnamachari was speaking I thought he said that the language of my amendment applied in the U.P. for election of Members to the U.P. Legislature. But that is not so. This was the regulation for the election of Members to the Legislative Assembly from the U.P.

**Mr. Chairman:** Was the rule different in the U.P. from the rules in other provinces?

**Pandit Kunzru:** It might have been so. But if you ask the authorities, they will never say that these rules lead to any trouble or lobbying. These things have never happened. My friend Mr. Krishnamachari seems to be very imaginative to-day.

**Mr. Chairman:** On a question of fact, I would like to ask the hon. Member whether this rule was prevalent in the U.P. as opposed to any other rules in the other provinces? I thought rules for the election of Members to the Central Assembly were the same in all the Provinces.

**Pandit Kunzru:** This rule was prevalent in the U.P. I will read it. It is

Clause 2 of Regulation No. XX and it was in force in the U.P.:

"The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11 and no adjournment of the proceedings shall be allowed unless objection is taken to the nomination. In case an objection is made, the candidate concerned may be allowed time to rebut it not later than the next day but one following the one fixed for scrutiny; and the Returning Officer must record his decision on the date to which the scrutiny has been adjourned."

**Shri Santhanam:** There is one particular difficulty which should be considered by the hon. Law Minister. If out of the ten or twelve candidates one of them raises an objection, then all of them with their agents will be held up at the place of scrutiny for three days and that will lead to lot of unnecessary expenditure and inconvenience.

✓ **Shri Syamnandan Sahaya:** There is another difficulty and that is of a rather technical nature. If we accept this amendment, as a result of it, we will find that the date of scrutiny has to be different from the date originally fixed. In that case this will conflict with the other clauses. We have already accepted sub-clause (c) of clause 28 and we cannot go back on it. And according to that we find that the Commission shall appoint—

"the last date for the withdrawal of candidatures which shall be the third day after the date for the scrutiny of nominations;"

Now, a date for the scrutiny of nomination is published and on that date the candidates with their agents come. If on that day scrutiny does not take place, then there will be difficulty as to what will be the date construed as the proper date for withdrawal. That is my apprehension and I am voicing it because certain difficulties and doubts have arisen in my mind. The clause itself contemplates of cases where the scrutiny may have to be stopped and it says "when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control." I do not know whether any provision has been made—I may have missed it—in this law as to what will happen when for reasons noted here the scrutiny is not held and the Returning Officer postpones the process of scrutiny. If there is a provision already here, I would like to be referred to it.

**Dr. Ambedkar:** It means he shall postpone it.

**Shri Syamnandan Sahaya:** Does he fix another date?

**Dr. Ambedkar:** The election has not started.

✓ **Shri Syamnandan Sahaya:** These are the two difficulties which I thought might be clarified—one with regard to the date of withdrawal and secondly whether there are any provisions that in case the scrutiny is postponed, what will happen next.

**Shri Hussain Imam (Bihar):** May I ask for a clarification? The name 'Legislative Assembly' was common both for the Provincial Assembly as well as for the Central Assembly. Did the rule referred by Pandit Kunzru refer to the Central Assembly or the Provincial Assembly? Secondly, I wanted to point out that in clause 5 itself the provision is not for any particular day to which the adjournment will apply. A lacuna has been left and it has to be filled in by saying that proceedings will be adjourned otherwise his discretion is absolutely unfettered. Then as my friend Mr. Sahaya pointed out there is the question of withdrawal. There must be fixed date to which adjournment of proceedings can take place and the place in which it can take place. These should be clarified.

**Shri Ramaswamy Naidu:** Sir, I have tabled an amendment, and in view of the points raised by my friend Mr. Krishnamachari. I feel it should be accepted. Mr. Krishnamachari has objected that the lobbying will still be there when there is time. When the nominations are published and when there is time for withdrawal and scrutiny, everything will be done at that time. As far as the objection of Shri Sahaya is concerned, the date on which the scrutiny is finalized will be the date from which the date for withdrawal will be counted. Therefore no question can arise about that. In view of the fact that if any mistake is found as to the signature of the proposer or seconder not being genuine or having been obtained by fraud and in view of the fact that on this ground the election may become totally void, there must be some time to go into it. Because on the last date some person might forge some signatures and objections may be taken to it that the signature of the person is fraud. Some time must be given to find out the truth by the Returning Officer. I would have had a much longer time given or discretion given to the Returning Officer to finalize the proposals. As the election will become wholly void if it is found afterwards by a court that the signature was not genuine or has been

obtained by fraud, I think some adjournment must be given, some discretion must be given to the Returning Officer and I would request the Law Minister not to give only one or two days but to give him discretion so that he may satisfy himself that the signature is genuine.

**Pandit Munishwar Datt Upadhyay:** I will not repeat the objections taken by some hon. Members. In view of the difficulties that arise on account of the acceptance of this amendment I would suggest the acceptance of amendment No. 348 in the printed list, namely the insertion of the words "beyond second day" after the words "adjournment of the proceedings." That will solve all the difficulties. The sub-clause will read:

"The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 28 and shall not allow any adjournment of the proceedings beyond second day except....."

I do not think any such difficulty would arise in accepting that amendment.

**Dr. Ambedkar:** Apart from the question whether the existing rules in U.P. and other provinces contain such a rule as is stated in the amendment, I think it is possible for the House to consider this matter independently on its own merits. What is the Returning Officer's job? His job is set out in sub-clause (2) of clause 34 that he shall decide upon the points stated there from (a) to (e). Those are the possible objections that a candidate may raise against another. It does seem to me that if one candidate is confronted with an objection falling, for instance, under (b), namely "that the candidate is disqualified for being chosen to fill the seat under the Constitution or this Act" or if he is confronted with the objection falling under (e) that the signature of the candidate or any proposer or seconder is not genuine or has been obtained by fraud, it seems to me somewhat difficult that he should be required to meet those charges immediately then and there. Therefore sheer equity would require that some time may be given to him in order that the candidate may either produce some documentary evidence or the oral evidence of some witnesses to disprove the allegation and it is on that ground that I felt inclined to accept that amendment, because otherwise it would be permitting one candidate to take another

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by complete surprise by not giving any time to disprove the allegation. I think that this is an amendment which certainly appeals to me and ought to appeal to everybody.....

**Shri Santhanam:** Will it be possible for the returning officer to accept those nominations for which no objections had been raised. He has to decide all the nominations at the same time.

**Dr. Ambedkar:** Where is the hurry for the man accepting some nominations. After all he has to accept the nominations on the final date after the adjournment. There is no harm. This will be done on the final day and that is what the amendment says. The amendment is very clear. The returning officer must record his decision on the date to which the proceedings have been adjourned. There is no discretion given to the returning officer to postpone decision.

**Shri Santhanam:** Cannot objection be taken on the postponed day also? It must be made clear. Supposing on the other day some objection is raised.

**Dr. Ambedkar:** Objection must be raised on the day on which the scrutiny begins—there can be no objection on any other day except the date of scrutiny.

**Mr. Chairman:** The question raised by Mr. Syamnandan Sahaya and Mr. Hussain Imam is: is there any provision for such a contingency?

**Dr. Ambedkar:** There is no provision. Can anybody make any provision? Can anybody know how long the riot will last? In Bombay the riot lasted sometimes for twenty-nine days. Therefore it must be left to the Returning Officer to be convinced that matters are peaceful and he can hold the scrutiny. How can anybody say in a law that if the Returning Officer adjourns the scrutiny on the first day because there is a riot he should hold the scrutiny on the second day or the third day? The riot may continue.

**Mr. Chairman:** That is so far as the time is concerned. But there should be some provision that the Returning Officer should make his scrutiny...

**Dr. Ambedkar:** It seems to me that it is quite implicit in the clause. Our dramatists have a habit, if I may say so. If somebody is dead they must carry the corpse on the stage, otherwise the audience does not understand it. As I said, most of these things are implicit in the clause.

**Mr. Chairman:** I will now put Pandit Kunzru's amendment to vote. The question is:

To sub-clause (5) of clause 34, add the following Proviso:

"Provided that in case an objection is made the candidate concerned may be allowed to rebut it not later than the next day but one following the date fixed for scrutiny, and the Returning Officer must record his decision on the date to which the proceedings have been adjourned."

The motion was adopted.

✓ **Shri Syamnandan Sahaya:** I have an amendment to move, No. 24 in supplementary list No. 3. I beg to move:

In sub-clause (4) of clause 34, for the word "refuse" substitute the word "reject".

The hon. Minister pointed out that the word "refuse" has been used in reference to nominations and the word "reject" has been used in relation to nomination papers. I would like to draw his attention to sub-clause (4) of clause 34 where the word "refuse" has been used with reference to nomination papers. Perhaps "reject" may be accepted here.

**Mr. Chairman:** Amendment moved:

In sub-clause (4) of clause 34, for the word "refuse" substitute the word "reject".

**Dr. Ambedkar:** If my friend's aesthetic sense is affected I am quite happy to give him satisfaction.

**Shri Syamnandan Sahaya:** As a matter of fact, in this House we have to care for the aesthetic sense of people sitting opposite—nobody cares for our aesthetic sense.

**Dr. Ambedkar:** In this case I will accept my hon. friend's amendment.

**Shri T. T. Krishnamachari:** As regards scrutiny of nominations, may I point out, Sir, that direction may be given that clause 28(c) which has been passed by this House may be suitably amended in the third reading?

**Dr. Ambedkar:** Yes, I have another amendment also to move at that stage.

**Mr. Chairman:** I will now put Mr. Sahaya's amendment to vote. The question is:

In sub-clause (4) of clause 34, for the word "refuse" substitute the word "reject".

The motion was adopted.

**Shri Shiv Charan Lal:** I will move my amendment which is No. 95 in supplementary list No. 1. Clause 34(5) says—

"The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 28 and shall not allow any adjournment..."

**Mr. Chairman:** I cannot possibly allow this amendment to be moved now after the House has taken the decision that the last date will be the one after the date of the scrutiny. The amendment of the hon. Member says, "subsequent days" if the scrutiny is not finished on the first day.

**Shri Shiv Charan Lal:** Suppose the scrutiny is not finished on the first day and there are no objections and nobody wants to take time, then the Returning Officer shall finish the scrutiny on that day. For reasons other than those given in this paragraph if he is unable to finish that scrutiny what shall he do? He cannot adjourn because the reasons given for adjournment are very few. As it is, he cannot finish the scrutiny; he cannot take it up the next day either. Therefore, I have provided, Sir, that the Returning Officer shall hold the scrutiny on the day appointed in this behalf under clause (3) of section 28—then my words are "and subsequent dates, if the scrutiny is not finished on the first day."

1 P.M.

**Mr. Chairman:** The amendment just carried provides for it. This, therefore, becomes out of order.

**Dr. Deshmukh:** I beg to move:

In sub-clause (4) of clause 34, after the word "substantial" insert the words "and vital".

Sir, the reason why I wish that the words "or vital" should be added is, the meaning of the word substantial is not very definite. I referred to the dictionary and found a variety of meanings attached to the word substantial. It can mean having substance, material, stout, strong, bulky, real, solid, conforming to what is essential, involving essential etc.

**Dr. Ambedkar:** What is the meaning of vital?

**Dr. Deshmukh:** That which will affect the candidature in a very direct and a vital manner. \*

I have also an alternative to suggest which I hope the hon. Minister will accept. If we omit the words "which is not of a substantial character" that will serve the purpose—that is, if we merely say that the Returning Officer shall not refuse any nomination paper on the ground of any technical defect. By the addition of the words "which is not of a substantial character" we make it still more ambiguous and give scope for interpretation in different ways. Hence I suggest that either the words "and vital" be added, or the words "which is not of a substantial character" be omitted. A technical defect is understandable.

I now come to my second amendment. I beg to move:

In sub-clause (5) of clause 34, omit the words "or obstructed by riot or open violence".

Why should we limit the obstruction of the proceedings to only riot and open violence? I think it is very tantalising, Sir, to refer to only two causes. There might be a variety of causes by which the proceedings may be interrupted. Hence I suggest the deletion of these words. In fact this is in my view an invitation to riot and open violence, if some candidate chooses to do it.

**Shri Sidhva:** What about a cyclone?

**Dr. Ambedkar:** That would be covered under "causes beyond his control".

**Dr. Deshmukh:** If you omit the words "or obstructed by riot or open violence or" I do not think any harm would be done. I therefore hope that both of my amendments will be accepted.

**Mr. Chairman:** Amendments moved:

In sub-clause (4) of clause 34, after the word "substantial" insert the words "and vital".

In sub-clause (5) of clause 34, omit the words "or obstructed by riot or open violence or".

**Dr. Ambedkar:** I do not accept them.

**Shri Hussain Imam:** The doubt of the Doctor is that the word "substantial" will not convey the intention.

**Shri T. T. Krishnamachari:** If we are going into the merits, Sir, we might as well adjourn now.

**Shri Hussain Imam:** No. It is just one minute's question. I was only suggesting that the word "trivial" might be added before the words "technical defect". Then it will cover Dr. Deshmukh's point.

**Mr. Chairman:** I will put both the amendments. The question is:

In sub-clause (4) of clause 34, after the word "substantial" insert the words "and vital".

The motion was negatived.

**Mr. Chairman:** The question is:

In sub-clause (5) of clause 34, omit the words "or obstructed by riot or open violence or".

The motion was negatived.

**Mr. Chairman:** I will now put the clause.

**Shri Meeran:** I have two amendments to this clause—Nos. 343 and 349 in the Consolidated List.

**Mr. Chairman:** May I know whether the hon. Minister is prepared to accept any of them?

**Dr. Ambedkar:** I am not accepting any amendment.

**Shri Shiv Charan Lal:** I have an amendment—No. 99 of Supplementary List No. 1.

**Dr. Ambedkar:** I am not accepting it.

**Shri Shiv Charan Lal:** That is about the appeal—that the appeal should be finally decided about the nomination paper and it should not be a subject of an election petition later on.

**Dr. Ambedkar:** That matter is still under consideration. We will come back to it.

**Mr. Chairman:** The question is:

"That clause 34, as amended, stand part of the Bill."

The motion was adopted.

Clause 34, as amended, was added to the Bill.

*The House then adjourned till Half Past Eight of the Clock on Monday, the 21st May, 1951.*