

PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

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**THE
PARLIAMENTARY DEBATES
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OFFICIAL REPORT**

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4538

PARLIAMENT OF INDIA

Wednesday, 23rd May, 1951

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

GOVERNMENT EMPLOYEE USED AS DOMESTIC SERVANT

*4407. **Shri Raj Kanwar:** (a) Will the Minister of Defence be pleased to state whether the attention of Government has been drawn to a note under the caption "Involuntary Saying" published on page 3 of the *Indian News Chronicle* dated the 21st March 1951 regarding the employment of a Government employee as a domestic servant by his officer?

(b) If so, what are the facts of the case?

(c) If the facts as reported in the newspaper referred to in part (a) above are substantially correct, what action have Government taken or propose to take against the officer concerned?

(d) What is the designation of the officer and how many years of service has he under Government?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) Yes, Sir.

(b) and (c). With your permission I will answer (b) and (c) together. The matter is the subject of a departmental enquiry which is proceeding at present. It is not possible to state at this stage whether the allegations made against the officer concerned are substantially correct or not, and what action Government will take against the officer concerned as it will depend on the result of the enquiry.

(d) The officer concerned is an Under Secretary and has about 32 years' service to his credit.

Shri Raj Kanwar: By what date is the present enquiry likely to be completed?

Major-General Himatsinhji: As most of the evidence has been taken, the delay is due to the necessity of getting the opinion of a handwriting expert as there is some signature in the pay bills which is somewhat doubtful. The opinion of the handwriting expert has been received three days ago. We hope the enquiry will finish shortly.

Shri Raj Kanwar: Will a copy of the final decision when taken be placed on the Table of the House?

Major-General Himatsinhji: I do not know the rules regarding this procedure. I would like the hon. Home Minister to advise me on this.

Mr. Speaker: I may inform hon. Members that it is not desirable that the findings in individual cases should find a place here, unless they are of substantial importance.

Shri Sidhva: Who is holding the enquiry?

Major-General Himatsinhji: The Defence Department, as it is a departmental enquiry at present.

ठाकुर कृष्ण सिंह : मैं माननीय मंत्री महोदय से यह जानना चाहता हूँ कि जो चपरासी सरकार की तरफ से अफसरों को मिलते हैं क्या उनकी इयूटी खाना बनाने की भी है ?

[**Thakur Krishna Singh:** May I know if the *Chaprasis* provided to the officers by the Government are also supposed to cook food for them?]

Mr. Speaker: Order, order.

CENSORING OF LETTERS BY C.I.D. OFFICIALS

*4408. **Shri S. N. Sinha:** (a) Will the Minister of Home Affairs be pleased to state whether Government have received any complaint or information that the postal authorities permit C.I.D. Officials to censor the letters of individuals including those of the Members of Parliament without any formal order of the States Governments?

(b) If so, what action has been taken against this practice?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Yes, one complaint came to notice. But the allegation made was found to be incorrect.

(b) Does not arise. Strict instructions have been issued to prevent any unauthorised interception.

Shri S. N. Sinha: Is it not a fact that this practice is widely prevalent and the attention of the Minister of Communications was drawn to this and a circular was issued countermanding such practice?

Shri Rajagopalachari: I do not admit that this is a widely prevalent practice. As I have said one oral complaint reached the Government and immediately Government sent round circulars through the department concerned. That is all that has happened. By way of abundant precaution a circular has been issued to prevent any error in this direction but that does not mean that the practice was widely prevalent.

Shri S. N. Sinha: This question was actually intended against the conduct of the postal authorities. May I know whether the circular referred to by the Home Minister was issued to the postal authorities not to permit such censoring of letters by the C.I.D. without proper authority or has it been issued only to their own officers in the C.I.D.?

The Minister of Communications (Shri Kidwai): We received several complaints and also from occasional visits to the post offices we discovered that the police were sometimes in the habit of taking away unauthorised letters. The matter was discussed with the Home Ministry and two circulars have been issued that only letters for which censorship has been authorised will be taken by the police and not other letters.

Shri A. C. Guha: May I know if the Communications Department has any authority to prevent the C.I.D. from coming into the post office and open letters?

Shri Kidwai: What is the necessity for prohibiting C. I. D. officials from entering the postal premises?

Shri A. C. Guha: rose—

Mr. Speaker: Order, order. That means further questions and further answers.

Shri A. C. Guha: May I know if the Central Government has got any authority over the provincial C.I.D. to prevent them from opening letters, which is done in Bengal and in my case too?

Shri Rajagopalachari: There are many ways of making allegations, both good and bad and it is not right, I submit, to include a presumption and an allegation in the form of a question. Apart from that the authority to deal with letters in the manner suggested is under an Act of 1898 and there is no reason or occasion for preventing somebody trespassing into the post offices.

Shri Sarangdhar Das: May I know from the Communications Minister what kind of materials are searched for in letters, whether authorised or unauthorised?

Mr. Speaker: By whom?

Shri Sarangdhar Das: By the C.I.D.

Mr. Speaker: How can he answer?

Shri Kidwai: It should be put to the Home Minister.

Mr. Speaker: Next question.

Shri Sarangdhar Das: This is a very important question, Sir.....

Mr. Speaker: Order, order. That may be. I shall go to the next question.

DIET SURVEYS IN STATES

*4409. **Shri S. N. Das:** Will the Minister of Health be pleased to state:

(a) whether the Diet Surveys which were being carried on in some of the States have been completed;

(b) if so, whether the results have been finalised; and

(c) what important features are discovered?

The Minister of Communications (Shri Kidwai): (a) The Diet Surveys are not completed as such but their results are examined from time to time.

(b) The Nutrition Advisory Committee of the Indian Council of Medical Research have made a review of the results of the Diet Surveys in India covering the period beginning from 1935 to 1948. Their report is under print and will be published shortly. The data contained in this report are being statistically analysed for nutrient contents. After the analysis has been completed, a supplement to the main Report will be published.

(c) General conclusions can be arrived at only after the statistical analysis mentioned above has been completed.

Shri S. N. Das: May I know whether the surveys made, form part of any comprehensive scheme or they are ad hoc surveys?

Shri Kidwai: There is a committee which is analysing the results of the surveys.

Shri S. N. Das: As a result of the information or knowledge obtained from these surveys have Government been able to formulate suitable policies to remedy any deficiencies if found from the surveys?

Shri Kidwai: The analysis has not yet been done.

Shri S. N. Das: Has any survey been made regarding the diet of students?

Shri Kidwai: Nothing can be said about the result unless the analysis has been completed.

Shri S. N. Das: May I know whether any surveys were made in the past also?

Shri Kidwai: The analysis is of the results of the surveys from 1935 to 1948.

Pandit Munishwar Datt Upadhyay: May I know whether there is any list of specified articles which are subjected to research to find out their dietetic value?

Shri Kidwai: Research is always possible on a specified articles.

बेतनों में कटौती

*४४१०. श्री जंगड़े : (ए) क्या वित्त मंत्री ऐसे उच्च पदाधिकारियों एवं अन्य सरकारी कर्मचारियों की संख्या बतलाने की कृपा करेंगे जिन्हें के बेतनों में कोई कटौती की गई है अथवा जो अपने बेतनों में मितव्ययता के हेतु कोई कटौती करवाने के लिए स्वेच्छापूर्वक सहमत हो गये हैं ?

(बी) बेतनों में उक्त कटौती किये जाने के परिणाम स्वरूप प्रत्येक मास में कितने धन की बचत हुआ करेगी ?

CUT IN SALARIES

[*4410. **Shri Jangde:** (a) Will the Minister of Finance be pleased to state the number of high officials and Government servants whose salaries have been cut or who have voluntarily agreed to get some sort of cut made in their salaries by way of economy?

(b) What amount of money will be saved every month as a result of this cut in salaries?]

The Minister of State for Finance (Shri Tyagi): (a) and (b). The exact information with regard to the number affected and the amount saved is being collected and will be laid on the Table of the House. I may add, however, for the information of

the House that the arrangement of voluntary cut applies to those officers whose salaries are regulated by Statute, e.g., the President, Speaker, Ministers, Ministers of State, Deputy Ministers, Judges, etc. and the rates of such voluntary cut vary from 10 to 15 per cent.

All Government servants whose salary is not regulated by Statute are subject to a compulsory cut at the following scales:

(i) Those whose pay exceeds Rs. 2,750/- but is below Rs. 3,000/-...An amount which brings their pay down to Rs. 2,750/-.

(ii) Those whose pay is Rs. 3,000....A cut of Rs. 250 p.m.

(iii) Those whose pay is above Rs. 3,000....A cut of Rs. 250 p.m. plus 1/4th of the pay in excess of Rs. 3,000.

श्री जंगड़े : क्या माननीय मंत्री महोदय बतलायेंगे कि क्या कोई ऐसे पदाधिकारी हैं कि जिन्होंने अपने वेतन की कटौती के लिए स्वेच्छापूर्वक अनुमति दे दी थी, पर उन्होंने अपनी कटौती फिर से वापस ले ली है या वापस लेने का विचार कर रहे हैं, और यदि कोई ऐसे हैं तो विभिन्न श्रेणियों में कितने कितने ऐसे पदाधिकारी हैं।

[**Shri Jangde:** Will the hon. Minister kindly state whether there are certain officers who though had voluntarily agreed to get some cut made in their salaries have withdrawn or propose to withdraw their offers, and if so, what is the number of such officers of each class?]

श्री त्यागी : जहाँ तक आनरेबल स्पीकर, मिनिस्टर्स, मिनिस्टर्स आफ स्टेट और डिप्टी मिनिस्टर्स का तात्लुक है इन में से किसी ने अपनी तरफ से पेश की हुई कटौती को वापस नहीं लिया है, और आनरेबल स्पीकर और मिनिस्टर्स की तनखाह में से १५ फीसदी के हिसाब से कटौती हो रही है, मिनिस्टर्स आफ स्टेट की तनखाह में से साढ़े बारह फीसदी के हिसाब से और डिप्टी मिनिस्टर्स की तनखाह में से १० फीसदी के हिसाब से कटौती हो रही है।

मुझे अभी होम मिनिस्ट्री से मालूम हुआ है कि सुप्रीम कोर्ट और कुछ हाई कोर्ट के जजेज ने अपनी तरफ से जो कटौती पेश की थी उस को वापस मांगा है। मुझे उन की तादाद अभी मालूम नहीं है।

[Shri Tyagi: So far as the hon. Speaker, Ministers, Ministers of State and Deputy Ministers are concerned, none of them has withdrawn such offer. Cuts at the rate of 15 per cent. in the case of the hon. Speaker and the Ministers and 12½ per cent. and 10 per cent. in the case of the Ministers of State and Deputy Ministers, respectively, are being effected. I have just been informed by the Home Ministry that certain judges of the Supreme Court and High Courts have sought to withdraw the offers of voluntary cut in their salaries which they had earlier made. I do not know at present the exact number of such persons.]

श्री जांगड़े : क्या माननीय मंत्री महोदय बतलायेंगे कि क्या यह सही है कि मंत्री महोदय ने अपनी तनख्वाहों की कटौती अपनी तरफ से मंजूर की थी और क्या कुछ ऐसे भी मंत्री महोदय हैं जिन्होंने अपने भत्ते को बिल्कुल न लेना भी मंजूर कर लिया है ?

[Shri Jangde: Will the hon. Minister please state whether it is a fact that the Ministers had voluntarily agreed to get some cut made in their salaries and whether some of them have agreed even not to draw their allowances at all?]

श्री त्यागी : यह सब बात सही है।

[Shri Tyagi: All these facts are correct.]

श्री जांगड़े : क्या माननीय मंत्री महोदय बतलायेंगे कि अगर यह बात ठीक है तो कितने ऐसे मंत्री महोदय हैं जो अपना भत्ता नहीं लेते हैं ?

[Shri Jangde: If these facts are correct, will the hon. Minister please state how many *mantris* (Ministers) do not draw their *bhatta* (allowances)?]

श्री त्यागी : अगर भत्ते के मानी सफरखर्च घोरह के हैं और मंत्रियों के मानी मिनिस्टर्स के हैं तो कुछ ऐसे

हैं जिन्होंने अक्सर यह भत्ता नहीं लिया है पर मैं उन की तादाद इस समय नहीं बतला सकता।

[Shri Tyagi: If *bhatta* refers to the travelling allowances etc. and *mantri* to the Ministers, there are some who have often not drawn their allowances; but I cannot readily give their exact number.]

श्री द्विवेदी : क्या यह स्वेच्छापूर्वक कटौती केन्द्रीय सरकार में ही प्रचलित है या केन्द्र द्वारा शासित दूसरे प्रदेशों में भी है ?

[Shri Dwivedi: Is the arrangement of voluntary cut confined to the Central Government alone, or does it also extend to other Centrally Administered Areas?]

श्री त्यागी : जहां तक मेरा सम्बन्ध है मैं तो केन्द्र के बारे में ही जानता हूँ।

[Shri Tyagi: So far as I am concerned, my knowledge is confined to Centre alone.]

SALARY OF GOVERNOR ON LEAVE OUT OF COUNTRY

*4411. Dr. Ram Subhag Singh: Will the Minister of Home Affairs be pleased to state whether the Governor of a State going on leave out of the country is entitled to a salary?

The Minister of Home Affairs (Shri Rajagopalachari): Yes. The rate of leave salary in or out of India is Rs. 2,750/- p.m.

Dr. Ram Subhag Singh: May I know whether the leave salary of a Governor is subject to income-tax when the leave is enjoyed out of India?

Shri Rajagopalachari: I think the question would be more accurately answered by my hon. colleague, the Finance Minister, but he tells me, "Yes".

Shri Kamath: What, Sir, are the rules governing the duration of the leave that a Governor is entitled to outside India?

Shri Rajagopalachari: There is no difference between in and out at present, but I may inform the hon. Member that the figure I have given is under an old rule which was a privilege which was continued under the present law, and therefore the salary is calculated on that basis. There is no difference now between salary in India or outside.

Mr. Speaker: He wants to know the duration of the leave.

Shri Rajagopalachari: I am sorry I would not be able to give a positive answer. I don't think there is any regulation; it will depend upon the emergency of each occasion.

Dr. Ram Subhag Singh: May I know the rules regarding the grant of sumptuary, entertainment and travelling allowances to a Governor while he is on leave?

Mr. Speaker: He wants to know whether these allowances are paid while a Governor is on leave.

Shri Rajagopalachari: No, Sir.

Shri Chaliha: May I know what was the practice in respect of leave allowances prevalent during the British regime when the Governors happened to be non-I.C.S. men, or did not belong to the I.C.S. cadre?

Shri Rajagopalachari: I don't think there was any difference in the old days between the one and the other—once the man was appointed he was treated alike.

ADULT EDUCATION AMONG LABOURERS

*4412. **Shri Sanjivayya:** Will the Minister of Education be pleased to state what steps Government have taken with regard to the "Adult Education" among the labourers?

The Minister of Communications (Shri Kidwai): The subject concerns State Governments.

Shri Sidhva: What about the Centrally Administered Areas?

Shri Kidwai: The Education Department of the Local Administration makes arrangements. In Delhi the scheme of adult education was introduced not specially for labourers. In Ajmer also they are going to start this year an adult education scheme.

सेठ गोविन्ददास : क्या सेंट्रली एड-मिनिस्टर्ड एरिया में जो शिक्षा व्यवस्था को दी जाती है उस के बावजूद, गवर्नमेंट के पास कोई रिपोर्ट आती है ?

[Seth Govind Das: Do the Government receive any report in regard to the adult education that is imparted in the Centrally Administered Areas?]

श्री किडवाई : जो रिपोर्ट आना चाहिए वह गवर्नमेंट के पास जरूर आती है ।

[Shri Kidwai: The Government do receive such report as ought to be received.]

Shri Kesava Rao: May I know whether any grant is given to private institutions giving adult education in Centrally Administered Areas?

Shri Kidwai: I don't think so.

SMUGGLING OF GOLD BY AIRLINER OFFICERS

*4413. **Dr. Ram Subhag Singh:** (a) Will the Minister of Finance be pleased to state whether any officers of any Indian airlines have been detected by custom officials on the charge of smuggling gold and other valuables into this country?

(b) If so, what is the number of such officers?

The Minister of State for Finance (Shri Tyagi): (a) and (b). Yes. The number of such cases detected since 1st April, 1950 in which employees of Indian Airlines were concerned is four. Two cases related to employees of one Airline and two to employees of two others. In one case gold was seized and in the others there was a variety of consumers goods.

Dr. Ram Subhag Singh: May I know the value of gold and other valuables which these officers attempted to smuggle into this country?

Shri Tyagi: A radio officer of an airline tried to smuggle gold to the extent of 50.15 tolas, worth Rs. 5,700. An air hostess of another airline tried to smuggle art silk, cotton fabric and a wrist watch. It was a small delinquency and no serious action was taken against her. A wireless operator of another airways tried to smuggle three pieces of gold bars and loose and stringed cultured pearls, the bars costing Rs. 12,000 and the pearls costing about Rs. 8,000. Then there was some other smuggled material apprehended from an airliner, but the offender could not be located. This material consisted of watches 20, fountain pens 119, steel wrist hand-bands 120, silk georgettes 801 yards.

Dr. Ram Subhag Singh: Is it a fact that no action has been taken against any of these officers?

Shri Tyagi: No, Sir. One of the Airways is reported to have taken action against one of the officers; the other cases are still under enquiry. Of course, as I have mentioned, the case of the air hostess involved smuggling of such small articles as women would have a liking for their personal requirements and no action, therefore, was taken.

Dr. Ram Subhag Singh: May I know whether any of these officers have been suspended or are they all still continuing in their posts?

Shri Tyagi: I have no information about it.

Shri T. N. Singh: The hon. Minister stated that a large number of articles have been smuggled in by some officials. May I know whether this smuggling has been done in one lot or whether it has been going on in stages?

Shri Tyagi: It was discovered in one lot. In two of the cases the goods have been confiscated and the owners have the option of paying fines. Where the offence could not be proved no action has been taken but the matter is being enquired into.

सेठ गोविन्द दास : यह जो सामान जब्त हुआ है, इस को सरकार ने क्या किया है, क्या वह सरकार के कब्जे में है, या नीलाम किया गया है, या बेचा गया है ?

[Seth Govind Das: How have the goods that were confiscated been disposed of by the Government? Are these goods still in possession of the Government or have the same been auctioned or sold?]

श्री त्यागी : मैं इस के बारे में यह तो नहीं कह सकता कि इस वस्तु क्या कैफियत है, लेकिन आम तौर से कानून यह है कि जब कोई सामान इस किस्म का पकड़ा जाता है तो वह जब्त कर लिया जाता है और जो शक्ल इस किस्म की कार्यवाही करते हैं अगर वह सीरियस किस्म की होती है, तो उन पर मुकदमा भी चलाया जाता है वरना उन पर पेनाल्टी लगाई जाती है और वह उन से बसूल की जाती है।

[Shri Tyagi: I cannot say as to what is the real position at present in this regard, but usual practice is that the goods so seized are confiscated and, if the nature of the case is serious, the persons involved therein are prosecuted; otherwise, some penalty is imposed and recovered.]

Shri Kamath: With reference to that part of the answer where the Minister stated that the first two instances were

small delinquencies, what are the criteria for judging the degree or magnitude of a delinquency—or is it purely discretionary?

Mr. Speaker: Order, order.

NUTRITIONAL RESEARCH

*4414. **Shri S. N. Das:** (a) Will the Minister of Health be pleased to state what were the important researches and discoveries made by the various institutes under Government of India engaged in nutritional research during the year 1950-51?

(b) Has any new article of diet been found out?

The Minister of Communications (Shri Kidwai): (a) The important researches in progress during the year 1950-51 cover the following subjects:

- (1) Vitamins.
- (2) Protein metabolism.
- (3) Nutritional disorders.
- (4) Influence of nutritional factors in liver diseases.
- (5) Nutritive value of Indian Dairy Products.
- (6) Nutritive aspects of different types of parboiled rice and standard process for parboiling of rice.
- (7) Nutritive value and utilisation of Mango seed kernel.
- (8) Nutritive values of new varieties of wheat.

No important discoveries have been made.

(b) The Central Food Technological Research Institute, Mysore, are manufacturing synthetic rice made of tapioca and groundnut cake flour fortified with calcium. The question of a demonstration of the synthetic grain is under consideration.

Shri S. N. Das: May I know, Sir, whether these institutes examine the food values of existing food articles, or whether they explore fresh fields also?

Shri Kidwai: They explore the food value of specified articles.

Shri S. N. Das: May I know the number of fruits, roots or tubers that grow wild in India and which have been examined by the institute?

Shri Kidwai: I have no information. If a fresh question is put, I shall be prepared to answer it.

Shri Rathnaswamy: Has any system of diet been evolved by the various research institutes in order that even the poorest man in this country can have a living which would not be very costly today?

Shri Kidwai: Not yet.

Shri Shiv Charan Lal: May I know whether the nutritional value of the milk produced from the cow plant has been found out?

Shri Kidwai: It is not on the list of articles I have read out. But I think it is well known.

Shri Shiva Rao: May I know, Sir, if the Nutritional Research Section of the Ministry of Health is so active as my hon. friend has just indicated, why there is a separate nutritional research section in the Ministry of Food and Agriculture and whether there is any co-ordination between these two sections?

Shri Kidwai: The reply contains the researches of all the sections, in one department or the other of the Government of India.

Shri S. N. Das: May I know whether nutritional research is being carried on under the auspices of the Central Government or any of the State Governments are also taking up this matter?

Shri Kidwai: I will require notice of that question.

Shri R. Velayudhan: May I know, Sir, whether Government is aware that tapioca which is the staple diet of the majority of people in Malabar and Travancore-Cochin is used for the manufacture of synthetic rice in Mysore?

Mr. Speaker: Order, order. He is giving information.

Shri Karunakara Menon: May I know, Sir, whether any of these research institutes has engaged itself in finding out a common diet for the whole of India so that in all public restaurants, hotels and other places, we may have food which is acceptable to all?

Mr. Speaker: He may ask for information and not supplement it by arguments.

Shri Kidwai: I have stated that they are all in a research stage and have not reached any conclusion. But I wonder if a common diet will be found out for the whole of the country which will be acceptable to all the people.

INDUSTRIAL FINANCE CORPORATION

*4415. **Shri A. C. Guha:** Will the Minister of Finance be pleased to state:

(a) the total amount of interest and other dues from industrial concerns to the Industrial Finance Corporation in the years 1949 and 1950;

(b) the total amount collected of such interests and other dues; and

(c) whether there has been any case when the Corporation has been entitled to take action under Section 28 of the Industrial Finance Corporation Act?

The Minister of Finance (Shri C. D. Deshmukh): (a) The figures for the calendar years 1949 and 1950 are not readily available as the accounting year of the Corporation ends on the 30th of June. Interest accrued for the year ending 30th June 1949, on loans advanced amounted to Rs. 99,656-1-6. Interest accrued on loans plus repayment of principal due for the year ending 30th June 1950 amounted to Rs. 13,50,245-11-8.

(b) All amount due has been collected.

(c) There had been one case where the Corporation was entitled to invoke Section 28 of the Act but it was decided to allow extension of time for payment, and the arrears have been recovered.

Shri A. C. Guha: Is any rebate allowed to any of the parties, if interest is paid in time?

Shri C. D. Deshmukh: No, I do not think any rebate is allowed.

Shri A. C. Guha: I think there is some mention in the report that 4 per cent. rebate is given. I want to know under what section of the Act this rebate is allowed.

Shri C. D. Deshmukh: The hon. Member can find it out. I cannot quote the section offhand. He probably knows better which section it is.

Shri A. C. Guha: While making investments have the Corporation imposed any conditions on any of the firms taking the money?

Shri C. D. Deshmukh: I think the hon. Member will find all the information in the annual reports. There are the usual conditions about supervision, calling for reports and inspection.

Shri A. C. Guha: It is not mentioned in the report that any condition is mentioned when loans are advanced.

Shri C. D. Deshmukh: The hon. Member asked whether it is usual for the Corporation to impose certain conditions.

Shri A. C. Guha: It is in the Act that they can impose such conditions. But have any conditions been imposed when loans are sanctioned?

Shri C. D. Deshmukh: I am afraid I must ask for notice.

SOCIAL TENSIONS

*4416. **Dr. Ram Subhag Singh:** (a) Will the Minister of Education be pleased to state the cost involved in working out the project of the Government of India for research on social tensions in the year 1950-51?

(b) What is the estimated expenditure for the year 1951-52?

The Minister of Communications (Shri Kidwai): (a) During 1950-51, a sum of Rs. 45,000 approximately has been spent on the project from the funds placed by UNESCO, at the disposal of Dr. Gardner Murphy.

(b) Rupees one lakh. This is proposed to be met by Government.

Dr. Ram Subhag Singh: May I know, Sir, whether any special research stations have been opened by Government to investigate into social tensions?

Shri Kidwai: Yes, Sir. There are several teams with a group of men who are working on different sections. There are 14 such teams working in different parts of the country.

Dr. Ram Subhag Singh: May I know what are the tensions which are investigated into by the Research sections?

Shri Kidwai: Those tensions, that are causing trouble—they are communal tensions, labour and capital relations, reactions of the policies of Government on the general public.

Dr. Ram Subhag Singh: May I know whether family relations are also regarded as part of social tension?

Shri Kidwai: That is a good suggestion.

Pandit Kunzru: What is the amount of work done by this institute? Where is this work being carried on?

Shri Kidwai: As I mentioned, Sir, there are 14 teams working. Last year Mr. Murphy was here and he organised the work. It has just been started. It is difficult to discover any results. The UNESCO had allotted certain funds last year and on the reports of the progress of the work they are expected to allot funds next year also. Government have provided rupees one lakh for the interim period.

Pandit Kunzru: Will it be within the scope of this institution to study the tensions in this House?

Mr. Speaker: Order, order.

Shri Kidwai: If the hon. Member takes it up.

Shri Kamath: Are the results of the research of social tensions being applied in practice and, if so, has there been any appreciable decrease in social tension in this country?

Shri Kidwai: But the results have not yet been discovered.

AMBARNATH PROTO-TYPE FACTORY

*4417. **Shri Amolakh Chand:** (a) Will the Minister of Defence be pleased to state the amount spent on Ambarnath Proto-type factory?

(b) Has the factory put in some production and if not, when is it expected to do so?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) Rs. 3 crores approximately.

(b) Production is expected to commence at the end of this year or in early 1952.

Shri Amolakh Chand: May I know when the work of this factory began?

Major-General Himatsinhji: The work of the construction of the factory began at the end of 1949.

Shri Amolakh Chand: May I know how much machinery has arrived?

Major-General Himatsinhji: About sixty per cent. of the machinery has arrived at the site of the factory already.

Shri Amolakh Chand: May I know whether a similar factory was working at Kanpur previously?

Major-General Himatsinhji: The factory at Kanpur was not intended for military type of machine tool production and prototype manufacture.

Shri Amolakh Chand: May I know what type of tools will be produced in this factory?

Major-General Himatsinhji: Machine tools required for the Army Ordnance. It is not intended for the civil requirements.

Shri Sidhva: May I know whether any articles of commercial utility are manufactured in this factory?

Major-General Himatsinhji: No. There is another factory of the same type under construction for the manufacture of articles of commercial and civil use, which is under the management of the Ministry of Commerce and Industry.

Shri Amolakh Chand: Is there any training school attached to this factory and, if so, when is it going to begin?

Major-General Himatsinghji: This factory is composed of a machine tool factory, a prototype factory and an artisan school. The artisan school has already started since last year. It has already got 100 students and has a capacity of 300 students.

CESS ON ARTICLES PRODUCED IN INDIA

*4418. **Shri A. C. Guha:** (a) Will the Minister of Finance be pleased to state the total amount collected as cess on different articles produced in India and handed over to some autonomous or statutory bodies e.g. coal Production Fund, Coal Mines Safety (stowing) Board, Central Tea Board, Indian Coffee Market Expansion Board, Mica Mines Labour Welfare Fund, Cotton Cess Fund, Coal Mines Labour Housing and General Welfare Fund etc. etc. in the last three financial years?

(b) What control have Government and the Parliament over the expenditure of these funds?

The Minister of Finance (Shri C. D. Deshmukh): (a) A statement is laid on the Table of the House. [See Appendix XXVI, annexure No. 1.]

(b) A statement is laid on the Table of the House. [See Appendix XXVI, annexure No. 2.]

Shri A. C. Guha: From the statement I find that the figures for 1950-51 are as yet tentative, but for 1949-50 the amount comes to about Rs. 3.20 lakhs. May I know when the figures for 1950-51 would be finalised?

Shri C. D. Deshmukh: I am sorry I cannot give any further information than what I have, as to the final figure.

Mr. Speaker: He wants to know when the hon. Minister expects the tentative figures to be finalised—what time it will take. That is his question.

Shri C. D. Deshmukh: When the final figures are received in respect of the particular items concerned.

Shri A. C. Guha: The Budget year is over, so the figures must have been available.

Shri C. D. Deshmukh: I have mentioned in the footnote to the statement that the Accountant-General has not received the figures from the organisation concerned.

Shri A. C. Guha: Is it true that some of these figures—collection and disbursement figures—are not even shown in the Budget papers and, if so, what are the figures that are not shown in the Budget papers?

Mr. Speaker: Can he say that?

Shri C. D. Deshmukh: I think some information is given in the second statement. When the amount is voted, then the figure is shown in the Budget figures—both the credits and the disbursements.

Shri A. C. Guha: That is shown only in three cases where Parliament exercises control by its vote on the expenditure. In respect of the other eight items Parliament does not exercise any control at all. Do Government consider the necessity of Parliament exercising control over these expenses of about Rs. 3 crores?

Mr. Speaker: There he is going to a different question.

Shri C. D. Deshmukh: I know the question has been raised time and again by the hon. Member. In regard to all these Funds the question of Government's financial control is under separate examination of the Ministry of Finance and the object is to see if any changes in the present system are called for.

Shri A. C. Guha: It has been stated in the footnote that some of these accounts are audited by the local audit officer. Are we to understand that these Funds are not audited by the Auditor-General?

Shri C. D. Deshmukh: That is the inference, Sir.

Shri Hussain Imam: May I know whether it is a fact that in respect of the Indian Coffee Board, the Indian Rubber Board and the Central Tea Board even the payment is not voted by the Parliament?

Shri C. D. Deshmukh: Well, authority has been given for the first time by a statute. Therefore it is not considered necessary that it should come again for a vote of the House.

Shri Chalhha: What is the amount collected and made over to the Central Tea Board?

Shri C. D. Deshmukh: Does the hon. Member mean any information outside the statement?

Mr. Speaker: Perhaps it is available inside the statement.

CHILDREN OF PRIMARY SCHOOL-GOING AGE

*4419. **Shri Kshudiram Mahata:** Will the Minister of Education be pleased to state:

(a) the number of children of primary school-going age in the Centrally Administered Areas;

(b) the number of children accommodated in primary schools (Government or non-Government) at present;

(c) the expenditure incurred by Government per child per year for primary education;

(d) the number of adults trained each year in the Centrally Administered Areas in the Social Education Centres; and

(e) the expenditure per adult-illiterate in social education centre?

The Minister of Communications (Shri Kidwai): The information is being collected and will be laid on the Table of the House in due course.

Shri Kshudiram Mahata: In view of the fact that all the school-going children are not given the facility of education and the number of illiterate adults increases year by year, is it the policy of the Government to have adult education instead of having the children educated?

Mr. Speaker: He is asking a question of general policy.

Shri Kidwai: It is the function of the different State Governments to arrange for the education of children. Simultaneously, side by side, in some of the States and in some of the Centrally Administered Areas adult education has also been undertaken.

Shri Kshudiram Mahata: I am speaking of the Centrally Administered Areas, not of the State Governments.

Shri Kidwai: About the Centrally Administered Areas I have already answered that in Delhi and Ajmer the administration has undertaken adult education also simultaneously with children's education.

Shri S. N. Das: May I know whether Government have considered the question of the introduction of free and compulsory education in all the Centrally Administered areas?

Shri Kidwai: I will require notice of that question.

Shri A. Joseph: With regard to primary education in Telugu, Tamil and Gujerati may I know the number of teachers working in the primary schools at Delhi?

Shri Kidwai: I will require notice of that question also.

फीलपाव

*४४२० **श्री जांगड़े :** (ए) क्या स्वास्थ्य मंत्री यह बतलाने की कृपा करेंगी कि सरकार ने फीलपाव अथवा फिलेरिया रोग के उपचार तथा रोग के हेतु क्या उपाय किए हैं ?

(बी) भारत के वे कौन से भाग अथवा प्रदेश हैं जहाँ इस स्पर्शज रोग का प्रकोप होता है ?

ELEPHANTIASIS

*4420. **Shri Jangde:** (a) Will the Minister of Health be pleased to state what steps have been taken by Government for the treatment and prevention of "elephantiasis" or 'filaria' disease?

(b) What are the different parts or regions of India where this contagious disease is prevalent?]

The Minister of Communications (Shri Kidwai): (a) A statement is laid on the Table of the House. [See Appendix XXVI, annexure No. 3.]

(b) This disease is prevalent mostly in the coastal regions of India extending from Saurashtra in the West to the Bay of Bengal in the East. Its incidence is heavy in Bengal, Bihar, Orissa, the coastal tracts of Malabar and South Kanara in Madras State and of the Travancore-Cochin Union. Areas of moderate incidence exist in certain other districts of Madras State.

श्री जांगड़े : क्या माननीय मंत्री यह बतलायेंगे कि फीलपाव अथवा फिलेरिया रोग के होने के क्या कारण हैं और इस रोग से कितने लोग पीड़ित हैं ?

[**Shri Jangde:** Will the hon. Minister please state the various causes that lead to elephantiasis or filaria disease and the number of persons suffering from it?]

श्री किडवाई : मेरे लिये इस सवाल का जवाब देना मुश्किल है।

[**Shri Kidwai:** It is difficult for me to answer this question.]

श्री जांगड़े : क्या मातृनीय मंत्री बतलवायेंगे कि ऐसा कोई चिकित्सालय है जहाँ पर इस रोग से पीड़ित होने वाले लोगों का इलाज किया जाता है ?

[Shri Jangde: Will the hon. Minister please state whether there is any hospital for the treatment of the patients suffering from this disease?]

श्री किडवाई : स्टेटमेंट में इस का जिक्र है ।

[Shri Kidwai: The statement contains a reference to this effect.]

श्री जांगड़े : नहीं, यह नहीं दिया गया है ।

[Shri Jangde: No, it is not there.]

श्री किडवाई : क्या नहीं दिया गया ?

[Shri Kidwai: What is not there?]

श्री जांगड़े : आपने ऐक्सपेरिमेंट और रिसर्च के लिये एक स्टेटमेंट (विवरण) दिया है, चिकित्सा के लिये नहीं दिया है, इलाज के लिये नहीं दिया है ।

[Shri Jangde: The statement laid by the hon. Minister simply relates to various experiments and research work; it does not deal with any treatment arrangements.]

Shri Kidwai: In the statement it is said the question of setting up a Central Filariasis Control Unit at the Malaria Institute of India, Delhi, to tackle the filariasis problem of the country as a whole, is under consideration by the Government of India.

Shri Hathl: May I know if the Government of Saurashtra has approached the Central Government for any technical assistance for taking anti-filariasis measures in certain parts of Saurashtra?

Shri Kidwai: I will require notice for this question.

Shri Karunakara Menon: I know what is the carrier of this disease—water, mosquito or what other thing?

Shri Kidwai: I am not competent to answer that question.

EDUCATION IN ANDAMANS

*4421. Shri Krishnanand Rai: (a) Will the Minister of Education be pleased to state what amount is spent on education in Andamans annually?

(b) How many Primary and Higher Schools are there at present?

(c) How many trained teachers knowing Hindustani are employed in these schools?

(d) Is any scholarship awarded to local students for getting higher education in India or abroad?

The Minister of Communications (Shri Kidwai): (a) 1949-50—Rs. 1,14,049 (Actuals)

1950-51—Rs. 1,33,000 (Revised Estimate)

1951-52—Rs. 1,69,000 (Budget Estimate)

(b) Primary Schools—21
Middle School—1
High School—1

(c) The information has been called for and will be laid on the Table of the House, in due course.

(d) Yes. Twelve Scholarships (including eight for Scheduled Caste and Backward Class students) were awarded for study in India during 1950-51.

Shri Krishnanand Rai: May I know whether the educational system of these islands are affiliated with any University of India? If not, may I know whether Government have got any scheme to do so?

Shri Kidwai: In the statement, the hon. Member will find that there are no colleges there.

Shri Sohan Lal: May I know what is the medium of instruction in these schools?

Shri Kidwai: I hope the different languages used in these islands are catered for.

शेठ गोविन्द दास : अंडामन्स में जो आबादी है उस में से कितनी ऐसी आबादी है जो अभी संख्या अशिक्षित है ?

[Sheth Govind Das: Out of the total population of Andamans how many persons are absolutely illiterate?]

श्री किडवाई : मेरे लिए इस सवाल का जवाब देना मुश्किल है जब तक इस के लिये नोटिस न मिले ।

[Shri Kidwai: I am afraid I cannot give an answer to this question, unless I get notice of it.]

Dr. Ram Subhag Singh: May I know the amount of monthly scholarship given to a student of Andamans for higher study in India?

Shri Kidwai: Rs. 65 a month plus fees.

Pandit Munishwar Datt Upadhyay: Are there any arrangements for the training of teachers in the Andamans?

Shri Kidwai: I have no information. But I think that some arrangement is being made for training teachers there and some students are sent here to be trained as teachers.

श्री द्विवेदी : अंडामन में जो हाई स्कूल है उस का किस यूनीवर्सिटी या हाई स्कूल एंड इंटरमीडिएट बोर्ड से ताल्लुक है ?

[**Shri Dwivedi:** May I know with which University or High School and Intermediate Board is the High School in Andamans affiliated?]

श्री किडवाई : मुझे इस की कोई इतिला नहीं है ।

[**Shri Kidwai:** I have no information in this regard.]

Shri B. K. Das: May I know whether there is any primary school or any High School in the area which has recently been allotted to displaced persons.

Shri Kidwai: There is one High School but whether the displaced persons have settled around that school or not, I do not know.

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

COMPENSATION FOR LOSSES DURING LAST WAR

*4422. **Shri Krishnanand Rai:** (a) Will the Minister of Home Affairs be pleased to state:

(a) whether Government have granted compensation to the people of Andamans and Nicobar Islands and the Tribes of Naga in Assam for the losses suffered by them during the last war; and

(b) if so, the amount granted to each?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Yes, Sir. I place on the Table of the House a statement showing the compensation granted to the people of Andamans and the Naga tribes in Assam. [See Appendix XXVI, annexure No. 4.]

(b) The collection of information regarding individual cases would in-

volve considerable time and labour. The total figures are, however, being collected and will be laid on the Table of the House in due course.

Shri Krishnanand Rai: May I know whether any detailed inquiry of the losses of property and life in these regions during war time had been made by the Government, and if so, whether the report is available.

Shri Rajagopalachari: These are matters which took place a long time ago and to find out now what were the losses incurred during the occupation by the Japanese would take, as I said, too much time and labour at this stage. I shall place whatever total figures are available.

Shri Kamath: Is it not a fact that the loss of life and property in the Andamans and in Assam occurred not as a result of the liberation of these tracts by the I.N.A. under the leadership of Netaji Subhas Chandra Bose, but during the earlier period of the war, during British occupation and during the subsequent period of reoccupation?

Mr. Speaker: What information does he want? He is arguing.

Shri Kamath: My point is when exactly did the loss of life and property occur?

Mr. Speaker: Order, order. That is a matter of argument. The loss was incurred as a result of war conditions and war operations. They are chiefly responsible.

Shri Kamath: The hon. Minister in reply to the previous question stated that the damages occurred during the Japanese occupation. Firstly was it occupation by the Japanese or liberation by the I.N.A. and secondly...

Mr. Speaker: Whatever it may be, I do not think that question arises.

Shri R. Velayudhan: May I know whether as a part of the development plan any schools were opened for the aborigines in recent times?

Mr. Speaker: What question is he putting?

Shri R. Velayudhan: I am putting this as a part of the development.

Mr. Speaker: I do not see how it is covered in this question.

Shri Rajagopalachari: There is a question immediately following and Mr. Velayudhan might ask the question then.

Mr. Speaker: That is what I wanted to point out to the hon. Member.

He seems to be too anxious to put questions, but does not appear to follow the discussion.

Shri J. N. Hazarika: May I know whether the hon. Minister has any reason to disbelieve that the Government's failure hitherto to pay the war-time compensation to the Nagas as claimed by them is one of the reasons for their discontent?

Mr. Speaker: Order, order. He is going into something else.

Shri Hussain Imam: May I know whether any demand has been made on H.M.G. for the damages caused during the war to the people in those areas?

Shri Rajagopalachari: The compensation that is granted in both the cases is an award on account of the trouble which our citizens have suffered and the losses which they have suffered. Whether it be on the one side or the other, no distinctions are made on that ground. We took the losses suffered and the damages that were incurred and we tried to compensate them as far as possible. But whether it is due to one cause or other, makes no difference.

Mr. Speaker: His point is whether any claim is made on H.M.G.

Shri Rajagopalachari: There has been correspondence on the subject and the thing was finalized long ago. These papers relate to the years 1945, 1946 and 1947. I have studied the papers as far as I could for purposes of this question. The whole matter has been gone into; scales have been laid down as to how much they should pay and how much we should pay and the thing has been finalized.

Mr. Speaker: Next question.

DEVELOPMENT OF ANDAMAN AND NICOBAR ISLANDS

*4423. **Dr. M. M. Das:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that a scheme for the development of the Andaman and Nicobar Islands is under the active consideration of Government; and

(b) if so, the different features of this development scheme?

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

(b) As the scheme is still under consideration, and has not received Cabinet sanction. I do not think it would be appropriate to discuss details at this stage.

Dr. M. M. Das: May I know whether the strengthening of the defence of these islands is also included in the scheme?

Shri Rajagopalachari: This is a question about development and it is well that we do not mix up development with strategic matters.

Dr. M. M. Das: May I know what communication arrangement such as telephone, telegraph or wireless exist between the Andaman Island and the mainland and whether any addition or improvement of these arrangements are also included?

Shri Rajagopalachari: We shall keep this suggestion in mind.

Mr. Speaker: I think he has already said that the plan is under consideration. So it is no use going into these details.

Seth Govind Das: Is it a fact that some years ago Raizada Hansraj stated that there is sufficient land which can accommodate a large population there and the same opinion was expressed recently by Sardar Datar Singh who had been to the Andamans? I also want to know whether in this scheme the transfer of our population to that land is also being considered.

Mr. Speaker: Order, order. He is making a suggestion. All suggestions will be taken into consideration. I am going to the next question.

SCHOOL OF FOREIGN LANGUAGES

*4424. **Dr. M. M. Das:** Will the Minister of Defence be pleased to state the capital expenditure incurred for the establishment of the school of foreign Languages and the annual recurring expenditure for running the institution?

The Deputy Minister of Defence (Major-General Himatsinghji): The initial expenditure was approximately Rs. 10,000/-. The estimated gross annual recurring expenditure is approximately Rs. 77,000/-.

Dr. M. M. Das: May I know when was the school established and what are the languages taught there?

Major-General Himatsinghji: The School was first established in January 1949. Six languages are at present taught. Hindi also will be taught there. The languages are French, German, Russian, Chinese, Persian and Arabic.

Dr. M. M. Das: May I know the reasons why the necessity of teaching foreign languages to our defence forces has arisen after independence?

Major-General Himatsinhji: In the past, most of the language experts in the Defence Department were British officers. It is essential that we should have language experts to know about the Defence matters of other countries; hence the necessity for this Foreign Languages School.

Dr. M. M. Das: May I know the total number of teachers and students at present?

Major-General Himatsinhji: The students on roll are 388 at present. As to teachers, there is one Indian Director and eight foreign language teachers.

WOMEN SAVED FROM IMMORAL TRAFFIC

*4425. **Shri Rathnaswamy:** (a) Will the Minister of Home Affairs be pleased to state whether there are any State-aided institutions in Delhi and other Centrally Administered Areas to look after women saved from immoral traffic?

(b) What is the total grant given to such institutions during the last two years?

(c) Is any administrative check being kept over these institutions by the Government of India and if so, how?

The Minister of Home Affairs (Shri Rajagopalachari): (a) to (c). There is a private institution called the Nari Raksha Samiti in Delhi to look after women saved from immoral traffic. No government grant has been given as yet to this Samiti. Otherwise the answer to the question is 'NIL' except as regards Coorg from where we have not yet obtained information.

Shri Rathnaswamy: Have the Government taken steps to explore the causes that have led these unfortunate women to resort to immoral traffic?

Shri Rajagopalachari: The exploration into the cases of immoral traffic would mostly be "self-regarding" if I may say so.

Shri Rathnaswamy: Is the Government in possession of the figures of the women who have been indulging in immoral traffic?

Shri Rajagopalachari: Men are as responsible as women.

Shri Rathnaswamy: I want to put another question.

Mr. Speaker: What is the information that he wants?

Shri Rathnaswamy: I want to know how many women so far rescued from immoral traffic have been enabled to lead a healthy life?

Shri Rajagopalachari: If we take figures with reference to institutions all over India, I would be able to give a very satisfactory figure. But, as I have said, here in Delhi, we have not yet made much headway. There is one very good institution and I have some figures. But, it is a private institution.

Shri Rathnaswamy: What are the effective steps taken.....

Mr. Speaker: I think it is better to go to the next question.

CONFERENCE ON DANCE, DRAMA AND MUSIC

*4426. **Dr. Deshmukh:** (a) Will the Minister of Education be pleased to state whether a Conference on dance, drama and music was held in Delhi recently?

(b) How many States sent their representatives?

(c) What were the resolutions passed at the Conference?

(d) 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) Yes; on the 17th March 1951, in New Delhi.

(b) Twelve States.

(c) A copy of the proceedings is placed on the Table of the House. [See Appendix XXVI, annexure No. 5.]

(d) The proceedings have been circulated for comments to the delegates. The resolutions will then be finalized and examined by Government, and necessary action will be taken as and when possible.

Dr. Deshmukh: Has any expenditure been incurred during the last year on these various subjects by the Government of India?

Shri Kidwai: I require notice of the question.

Dr. Deshmukh: When could one expect the results of the consideration of the resolutions and definite action on them?

Shri Kidwai: When the final resolutions are received, Government will consider them and also what action can be taken or what action should be taken.

DEVELOPMENT SCHEMES OF SCHEDULED TRIBES

*4427. **Shri J. N. Hazarika:** (a) Will the Minister of Home Affairs be pleased to state what amounts have been

allotted to different States during the last year and are proposed to be allotted this year for the purpose of development schemes of the Scheduled Tribes under Article 275 of the Constitution?

(b) Do Government examine the schemes before budgeting or making payments for the schemes, and also examine the works after completion by the State Governments?

(c) How many schemes have already been implemented and at what cost?

(d) What are the different items of the schemes for which grants have been made?

(e) In examining the schemes before grants-in-aid are made is the population of the Scheduled Tribes of the State concerned also taken into consideration?

The Minister of Home Affairs (Shri Rajagopalachari): (a) I invite attention to the reply given by me on the 16th May to question No. 4212 by Shri M. Naik. The position is the same today.

(b) Schemes are examined before grants-in-aid are sanctioned not before budget provision is made. The works are the responsibility of the State Governments. They are not examined by us after completion. The State Governments are, however, asked to furnish details of work carried out and the expenditure incurred on each item in order to see that the grants-in-aid have been properly spent.

(c) and (d). Nil.

(e) Yes, along with other factors.

Shri J. N. Hazarika: In the Budget for 1950-51, an allotment of 75 lakhs was made for the development of the scheduled tribes in East Punjab. May I know how that amount has been spent? If it has been so far spent for the development of scheduled tribes, whose number is only 18,000, is it meant also for residential houses?

Shri Rajagopalachari: These grants were made under the constitutional provisions. Under article 275 there are two or three heads: one is with respect to Assam and the other is with respect to the other States. In accordance with this, grants were made. If questions of detail as to how it was spent and how it was calculated have to be answered, I would like to have specific notice of the question.

Shri R. Velayudhan: May I know whether the Government have received any complaints that most of the grants were given to grant-aided

schools belonging to Christian Missionaries and requests of several schools run by the Ramakrishna Mission were rejected by the State Governments?

Shri Rajagopalachari: I take notice of the allegation now made and will enquire.

COST OF ADVERTISING

*4428. **Prof. K. T. Shah:** (a) Will the Minister of Finance be pleased to state what was the total cost of advertising incurred by his Ministry in the years 1948-49, 1949-50 and 1950-51 for which Government had to make payments inter-departmentally and also state the cost of Government Gazettes, in connection with Finance Ministry's notifications?

(b) What was the total cost of periodical publications issued by his Ministry during the same period?

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

The Minister of State for Finance (Shri Tyagi): (a) to (c). The information required by the hon. Member is in the process of being collected and will be laid on the table of the House in due course. I may, however, mention for the information of the hon. Member that the cost of advertising is normally paid for direct to Newspapers etc., and no inter-departmental payments have been made. In regard to the cost of Government Gazettes in connection with Finance Ministry's Notifications and periodical publications issued by this Ministry, no payment is required to be made by the Ministry. The expenditure is borne by the Stationery and Printing Department itself.

Prof. K. T. Shah: In the receipt of this detailed information, may I enquire whether there is any rule or system for selecting the newspapers to which these advertisements are given, and whether there are, for instance, any standards about their circulation or are they just selected *ad hoc*?

Shri Tyagi: It is another Ministry which does this work of selection. In fact, the Finance Ministry about which this question was put, does not deal with this subject. We only control our own advertisements. If we issue any advertisement to any newspapers, we make direct payments to them. In our case, there are very few advertisements issued. The Economic Affairs Ministry has of late been issuing some advertisements with regard to National Savings. I

have asked the officer concerned to supply me detailed information; but he was taken by surprise. The Commissioner could not yet submit his report to me.

Prof. K. T. Shah: The hon. Minister has not understood my question. I am only wanting to know whether the newspapers in which this Ministry only gives out its advertisements are selected by that Ministry and if so by what rule and whether there is a standard list of newspapers in which all advertisements are published.

Shri Tyagi: The Home Ministry has approved certain papers for advertisement. Generally they apply some criteria. Government advertisements are given in the approved newspapers.

Shri Deshbandhu Gupta: May I know whether it is a fact that the approved list of newspapers is practically the same which was in force before the Partition or before we attained Independence? The same papers which were on the approved list continue to be on the approved list and very few additions have been made to the list.

Shri Tyagi: I am sorry; it is not the Home Ministry; it is my hon. friend Mr. Diwakar who does this. The question may better be directed to him.

Shri Deshbandhu Gupta: Is it a fact that language papers do not figure in the list so far as the Public Service Commission advertisements and other advertisements are concerned, that the All India Newspaper Editors Conference made reference to this and the language papers conference made reference to this; but nothing has been done on it?

Shri Tyagi: May I advise my hon. friend to direct these questions to the Ministry of Information and Broadcasting? They are in a position to give detailed information to my hon. friend.

Mr. Speaker: The Question-hour is over.

WRITTEN ANSWERS TO QUESTIONS

INCOME-TAX CASES IN MADRAS

*4429. **Dr. M. V. Gangadhara Siva:** Will the Minister of Finance be pleased to state:

(a) how many lower and upper income tax cases were taken in appeal with the appellate Assistant Commissioner in Madras during the last two years and with what result;

(b) the aggregate amount of the Lower and Upper cases separately;

(c) how many cases were decided by the Commissioner of Income Tax with the consent of the assessee in revision and with what results;

(d) how many cases went in appeal to tribunal and with what results;

(e) whether the tribunal is under the control of the Legislative Department; and

(f) whether their appointment, promotion, leave etc. are also under the control of the Legislative Department?

The Minister of Finance (Shri C. D. Deshmukh): (a) The number of income-tax appeals filed before the appellate Assistant Commissioners of Income-tax in Madras City during the last two years, the number of cases disposed of by them and the result thereof are:

	1949-50	1950-51
No. of appeals filed	2,269	2,992
No. disposed of	1,721	2,182
Result :		
No. partly or wholly successful	769	1,012
No. rejected as time barred	59	65
No. unsuccessful	893	1,104
Percentage of unsuccessful appeals	51.9 per cent.	50.7 per cent.

Details of lower and upper income-tax appeals are not available.

(b) This information is not available.

(c) The number of revision applications disposed of by the Commissioner of Income-tax, Madras in the last two years and the result thereof are:

	1949-50 (from June 1949 to March 1950)	1950-51
No. filed	227	336
No. disposed of	120	277
No. partly or wholly successful	66	145
No. Unsuccessful	54	132
Percentage of unsuccessful applications	45 per cent.	47.8 per cent.

I have no information whether any of these cases were disposed of with the consent of the assessees.

(d) 1887 appeals were filed before the Madras Bench of the Appellate Tribunal during the period 1st April 1949 to 31st March 1951. As regards the result of the appeals, disposed of by the Madras Bench of the Tribunal a statement will be laid on the Table of the House later.

(e) Yes. The Tribunal is under the Ministry of law.

(f) Yes. The appointment, promotion and leave of the members of the Appellate Tribunal is under the control of Law Ministry.

INDIAN CAPITAL IN EAST PAKISTAN

*4430. **Shri Mudgal:** (a) Will the Minister of Finance be pleased to state whether Indian capital has been transferred to East Pakistan and is financing the Pakistani jute trade?

(b) If so, what is the extent of this capital?

(c) What steps will Government take to have this capital returned to India?

The Minister of Finance (Shri C. D. Deshmukh): (a) to (c). Prior to the 27th of February, 1951 there was no control on the movement of funds between India and Pakistan, and it is not possible to say whether and, if so, to what extent capital funds were transferred to East Pakistan before that date for financing the jute trade. From the 27th of February, 1951, Exchange Control* has been imposed on transactions with Pakistan and capital transfers, whether for financing jute or otherwise, have not been allowed.

MOBILE HOSPITALS

*4431. **Shri Dwivedi:** Will the Minister of Health be pleased to state:

(a) whether Government have any proposal to experiment on the advisability of introducing mobile hospitals for the benefit of the rural population;

(b) whether there is any State in India where the scheme might have been put into operation; and

(c) if the answer to part (b) above be in the affirmative, what is the number of such hospitals in Part C States in existence and whether the scheme is proposed to be extended to other Part C States?

106 PSD

The Minister of Communications (Shri Kidwai): (a) The Health Survey and Development Committee had recommended the provision of travelling dispensaries in sparsely populated areas including, of course, rural areas and had suggested that it should be left to the State Governments to work out the details in the light of the local conditions. Most of the State Governments have already acted on the recommendation.

(b) Yes.

(c) The number of mobile dispensaries in existence in part 'C' States is seven. As regards the latter part of the question, the matter is one for the Chief Commissioners to consider in the light of local knowledge and of available rural communications.

FORGED CURRENCY NOTES

*4432. **Shri J. N. Hazarika:** Will the Minister of Finance be pleased to state:

(a) how many different kinds of forged currency notes have been detected since 1947 upto-date in the Indian Union:

(b) what is the face value thereof:

(c) what number and amount of such forged notes are apprehended to be still in circulation; and

(d) how many forgers have been arrested, tried and/or prosecuted during this period?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). A statement is laid on the Table showing details of total numbers of forged notes in each denomination and value thereof, detected during the period 1st April 1947 to 31st March 1951.

(c) Government have no information on the point.

(d) 154 fresh prosecutions were initiated during the period 1947—51. Inclusive of 161 cases pending at the commencement of the period, there were in all 315 prosecutions, out of which convictions were secured in 70 cases. In 86 cases, the accused were discharged and 159 cases were pending at the end of the period.

STATEMENT

Statement of forgeries showing details of total numbers of notes in each denomination and value of notes detected during the period 1947-51.

Year	Rs. 1 old note	Rs. 1 Govt. of India note	Rs. 2/-	Rs. 5/-
1947-48	Nil	1,574	159	1,667
1948-49	1	2,468	175	1,884
1949-50	Nil	4,464	117	1,703
1950-51	62	2,338	84	1,676

Year	Rs. 10/-	Rs. 100/-	Total	
			No.	Value
			Rs.	
1947-48	10,238	19	13,657	1,14,507
948-49	6,499	15	11,042	78,729
1949-50	4,726	35	11,045	63,973
1950-51	2,784	182	7,126	56,988

DELHI IMPROVEMENT TRUST

*4433. **Sardar Hukam Singh:** (a) Will the Minister of Health be pleased to state whether a new condition restricting the use of the land and of the buildings thereon for residential purposes only has been imposed on the lessees of the plots of the Delhi Improvement Trust lands in the localities of Naiwala Beadenpura and Ragharpura (Karol Bagh) Delhi at the time of the renewal of the leases of such land on the expiry of the first term of their leases?

(b) Has any representation of the lessees requesting for the deletion of the above and other new conditions imposed in the renewed lease been made; and if so, with what result?

(c) Have any notices prohibiting lessees from using their premises for other than residential purposes been served in the above localities?

(d) Was any legal opinion sought before imposing the above condition in the renewed lease at the time of issuing notices?

The Minister of Communications (Shri Kidwai): (a) The restriction regarding the use of land and buildings for residential purposes has been implicit in the original leases of the plots in question. This has been made explicit in the new lease deeds at the time of renewal.

(b) Yes. Representations objecting to the new clauses have been received. Many lessees have, however,

accepted these clauses and in other cases the Delhi Improvement Trust propose to explain to the lessees the real purpose of the changes made in the lease deeds, with a view to obtaining their acceptance.

(c) Yes.

(d) Yes.

SECRETARIAT TRAINING SCHOOL

*4434. **Ch. Ranbir Singh:** (a) Will the Minister of Home Affairs be pleased to state when the Secretariat Training School was established?

(b) How many Assistants have got training in this school up till now?

The Minister of Home Affairs (Shri Rajagopalachari): (a) May, 1948.

(b) 1642. (This includes some Upper Division Clerks).

क्षय रोग

*४४३५. **श्री खापर्डे :** (ए) स्वास्थ्य मंत्री यह बतलाने की कृपा करेंगी कि क्या कोई अन्तराष्ट्रीय समिति क्षय रोग को शीघ्रता से फैलने से रोकने के सम्बन्ध में कार्य कर रही है ?

(बी) यदि कर रही है, तो उस न अब तक कितनी प्रगति की है तथा कितने राष्ट्रों के प्रतिनिधि इस कार्य में संलग्न हैं ?

TUBERCULOSIS

[*4435. **Shri Khaparde:** (a) Will Minister of Health be pleased to state whether any international committee is making efforts to check the rapid spread of tuberculosis?

(b) If so, what progress has it so far made and representatives of how many countries are engaged in this work?]

The Minister of Communications (Shri Kidwai): (a) and (b). International Health Organisations such as the World Health Organisation, United Nations International Children's Emergency Fund and Scandinavian voluntary organisations, have at the request of national Governments, extended valuable assistance to various countries in the control of tuberculosis as a part of programme of their activities. Their assistance consists of provision of expert personnel, equipment and supplies required for tuberculosis control projects. The Government of India, in collaboration with the W.H.O., on which are represented most countries of the World, UNICEF and Scandinavian voluntary organisa-

tions composed of Danish Red Cross, Norwegian Relief for Europe and Swedish Red Cross, have launched a countrywide programme of B.C.G. vaccination against tuberculosis and till March, 1951 over 3 million persons have been tested and 1 million vaccinated. Three Tuberculosis Demonstration and Training Centres are being established in New Delhi, Trivandrum and Patna, in order to demonstrate the modern methods of control, train Indian personnel and to promote research in the various problems connected with the disease. The World Health Organisation Tuberculosis Research Office have also assisted in the establishment of a Research Centre at Madanapalle to apply tuberculosis control measures to a typically rural and controlled population and to study the effects on morbidity and mortality. Apart from these, the World Health Organisation Expert Panel on Tuberculosis, consisting of experts from all over the world, makes recommendations for the guidance of various Governments in their fight against the disease.

LAWRENCE SCHOOLS

*4436. **Shri P. Basi Reddi:** Will the Minister of Education be pleased to state:

(a) the actual expenditure incurred, and the income received by Government in respect of the two Lawrence Schools at Sanawar and Lovedele during 1950-51;

(b) whether Government propose to give financial aid during the year 1951-52 to any other Public Schools; and

(c) if the answer to part (b) above be in the affirmative, the schools which will receive such aid?

The Minister of Communications (Shri Kidwai): (a) A statement is laid on the Table of the House. [See Appendix XXVI, annexure No. 6.]

(b) and (c). The question is at present under consideration of Government.

PURCHASE OF PAINTINGS

*4437. **Shri Sanjivayya:** Will the Minister of Education be pleased to state:

(a) the prices at which the paintings of Shri Asit Kumar Haldar and of Shri M. A. R. Chughtai were purchased by Government; and

(b) the purpose for which those paintings were purchased and the place where they are kept now?

The Minister of Communications (Shri Kidwai): (a) 3 paintings of Mr. Asit Kumar Haldar were purchased for Rs. 1,750/- and ten paintings of Mr. M. A. R. Chughtai for Rs. 5,000/-.

(b) To preserve them in the proposed National Art Gallery. They are at present in Parliament House.

TRANSFER OF POSTAL ACCOUNTS FROM WEST PAKISTAN

*4438. **Giani G. S. Musafir:** (a) Will the Minister of Finance be pleased to state whether the Government of Pakistan have verified or transferred any postal account of any displaced person in India from West Pakistan after September 1949 when India devalued her currency?

(b) If not, what steps do Government propose to take in the matter?

The Minister of Finance (Shri C. D. Deshmukh): (a) No Sir.

(b) The matter is under correspondence with the Pakistan Government.

CUT IN BROADCASTING PROGRAMME

*4439. **Saikh Mohiuddin:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether any cut has been made in the Broadcasting Programme since the beginning of the financial year 1951-52 and if so, what;

(b) whether any retrenchment has been made in the staff of the Broadcasting Department (A.I.R.); and

(c) the total strength of employees in the Broadcasting Department with the monthly average expenditure incurred?

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

(a) As a measure of economy, certain changes have been introduced in the planning of programmes at a number of stations making them more interdependent for their programmes. This will result in saving in programme expenditure without diminishing the actual transmission hours of any station and, in fact, increasing them in certain cases.

(b) and (c). A statement is laid on the Table of the House.

STATEMENT

	Sanctioned strength on 1-5-51	Proposed strength	Average monthly expenditure on staff.	
				Re.
Gazetted posts	323	241	238	} 7,89,600
Non-Gazetted posts	3,717	3,065	3,074	
Total	4,040	3,306	3,307	

PATNA RADIO STATION

*4440. **Shri S. N. Sinha:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether it is a fact that the Patna Radio Station will now merely relay the programme broadcast from Lucknow Radio Station; and

(b) if so, the reasons therefor?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) No. Lucknow, Allahabad and Patna will, to a certain extent, produce a joint programme, each producing some items which the other two will relay.

(b) The arrangement has been adopted primarily in the interests of economy.

VISIT OF DIRECTOR OF INTERNATIONAL ACADEMY OF INDIAN CULTURE

*4441. **Shri Ram Dhani Das:** (a) Will the Minister of Education be pleased to state whether it is a fact that the Director of the International Academy of Indian Culture is to visit some countries shortly?

(b) If so, which countries and with what purpose?

(c) What is the estimated expenditure for this visit?

The Minister of Communications (Shri Kidwai): Government have no information about any such Academy.

RE-ORGANISATION OF HINDUSTAN AIRCRAFT FACTORY

*4442. **Shri Shankaraiya:** Will the Minister of Defence be pleased to state:

(a) whether there is any proposal under consideration for the re-organisation of the Hindustan Aircraft Factory;

(b) if so, on what lines and what is the estimated cost; and

(c) if not, when it is likely to be taken up?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) No, Sir.

(b) Does not arise.

(c) This cannot be anticipated at present.

MINERAL PRODUCTION

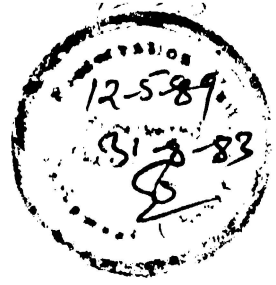
323. **Shri A. C. Guha:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the total value of mineral production of India for each of the last ten years; and

(b) the Indian annual export during those ten years?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) and (b). A statement giving the available information is laid on the Table of the House. [See Appendix XXVI, annexure No. 7.]

Wednesday, 23rd May, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

Third Session

of the

PARLIAMENT OF INDIA

1950-51

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PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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PARLIAMENT OF INDIA

Wednesday, 23rd 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.

ELECTION TO COMMITTEES

STANDING COMMITTEES FOR THE MINISTRIES OF DEFENCE, EDUCATION AND NATURAL RESOURCES AND SCIENTIFIC RESEARCH

Mr. Speaker: I have to inform the House that upto the time fixed for receiving nominations for the Standing Committees for the Ministries of Defence, Education and Natural Resources and Scientific Research, one nomination in the case of each of these Committee was received. As there is only one vacancy in each of these Committees, I declare the following Members to be duly elected:

I. *Standing Committee for the Ministry of Defence.*—Shri Kailash Patl Sinha.

II. *Standing Committee for the Ministry of Education.*—Shri R. Velayudhan.

III. *Standing Committee for the Ministry of Natural Resources and Scientific Research.*—Shri Manikyalal Varma.

CONSTITUTION (FIRST AMENDMENT) BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Sir, the House was pleased to give till today time for the presentation of the report of the Select Committee on the Bill to amend the Constitution of India. I beg to move:

“That the time appointed for the presentation of the Report of the Select Committee on the Bill to amend the Constitution of India, be extended upto Friday, the 25th May, 1951.”

Mr. Speaker: Motion moved:

“That the time appointed for the presentation of the Report of the Select Committee on the Bill to amend the Constitution of India, be extended upto Friday, the 25th May, 1951.”

Shri Kamath (Madhya Pradesh): I myself suggested the 25th the other day and I am happy that it has come about. Sir, may I ask the Prime Minister how many hours the Committee has sat so far, how many Members attended these committee meetings, how many Members of the House were present by special invitation, and at what stage the proceedings are today?

Mr. Speaker: I think all this information is available in the office. The hon. Member can get it from the Parliament Secretariat.

Shri Kamath: May not the Prime Minister tell us now?

Mr. Speaker: It is not necessary that he should go into these details and take up the time of the House. The question is:

“That the time appointed for the presentation of the Report of the

[Mr. Speaker]

Select Committee on the Bill to amend the Constitution of India, be extended upto Friday, the 25th May, 1951."

The motion was adopted.

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

Mr. Speaker: The House will now proceed with the further consideration of 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.

Clause 62.—(Method of voting)—contd.

Mr. Speaker: Clause 62 was under discussion and I understand Mr. Kapoor had moved his amendment No. 124 in Supplementary List No. 1. I should like to know what has been the result of the informal conference among the Members.

The Minister of Law (Dr. Ambedkar): It is possible now to go up to clause 94.

Shri Sarangdhar Das (Orissa): Sir, I have an amendment to move.

Mr. Speaker: I am coming to that. I am just looking through the list of amendments. Now, amendment No. 124 has been moved by Mr. Kapoor. Amendment moved:

For sub-clause (2) of clause 62, substitute the following:

"(2) If an elector gives more than one vote to any one candidate in contravention of the provisions of sub-section (1), both the votes will be rejected."

Shri J. R. Kapoor (Punjab): Sir, I do not propose to proceed with it now.

Mr. Speaker: Then does he wish to withdraw his amendment?

Shri J. R. Kapoor: Yes, if the House will permit me.

The amendment was, by leave, withdrawn.

Mr. Speaker: Now there is Mr. Sarangdhar Das's amendment No. 92 in Supplementary List No. 2 relating to cumulative voting.

Shri Sidhva (Madhya Pradesh): Sir, are we to understand.....

Mr. Speaker: Order, order. Let us now be clear as to what was agreed to yesterday and what was not. If it was agreed to that this amendment should be dropped, then, of course, it need not be moved. Otherwise he has the right to move it. Was this not considered yesterday?

Dr. Ambedkar: The informal discussion applied only to the Members of the Party.

Mr. Speaker: It was open to the whole House.

Shri Sidhva: The hon. Member was not present perhaps.

Mr. Speaker: I do not know. Was not the hon. Member present yesterday?

Shri Sarangdhar Das: By the time I came it was all over.

Mr. Speaker: Whatever it may be, I had specifically stated here in the House that the meeting was informal and for all Members of Parliament. Anyway, if he is keen on moving it, though I am told it was informally agreed to drop it, the hon. Member can exercise his right and move it, if he is keen.

Shri Sarangdhar Das: I beg to move:

(i) In sub-clause (1) of clause 62, for the words "but no elector shall give more than one vote to any one candidate", substitute the following:

"and may give all those votes to one candidate or distribute between such candidates and in such a manner as he thinks fit".

(ii) Omit sub-clause (2) of clause 62.

Sir, the constituencies should be one-member constituencies; but since it has been decided in the delimitation of constituencies that there will be double-member constituencies, in order to safeguard the representation of minorities—and I do not mean minorities in the communal or any such sense, but political minorities—the cumulative vote is necessary. I have also asked in my amendment that the elector should be given the choice of either giving his two votes to one candidate or of distributing them as he likes or thinks fit.

[Shri Sarangdhar Das]

Unless this is conceded, it would be a great injustice to political minorities. In modern democracy, it is always conceded that minorities should have proportionate representation.

In the clause it says that if he gives two votes to one person, only one vote will be taken and the other cancelled. If distributive vote is to be conceded it should be compulsory so that voters could give two votes for the two seats. Besides this point, I wish to say that these double-member constituencies have become necessary because of the reserved seats for the scheduled castes and scheduled tribes. The reservation has been conceded in the Constitution because these two categories of citizens are in a very backward condition, politically as well as economically.

Pandit Munishwar Datt Upadhyay (Uttar Pradesh): The speech is not audible, Sir. The hon. Member may kindly speak on the mike.

Shri Sarangdhar Das: Under these circumstances, I thoroughly object to the idea of making a double-member constituency. As I understood in the Select Committee the objection to having single-member constituency is this that the scheduled caste member cannot be considered.....

Mr. Speaker: The hon. Member need not go into what happened in the Committee. He may independently advance his arguments.

Shri Sarangdhar Das: My argument is that a scheduled caste or scheduled tribe representative is entitled to represent the non-scheduled people in that constituency just as a non-scheduled representative.....

Dr. Ambedkar: This question was discussed on the general debate on my motion to take the Report of the Select Committee into consideration and I believe, adequately replied to the points raised by Mr. Das and his friend in the Minute of Dissent on this very question. I wonder whether it is necessary now to make the elaborate speech which he is trying to make. It is for him but I am trying to point out to him that the matter may be treated as concluded.

Shri Sarangdhar Das: No doubt Dr. Ambedkar had replied.....

Mr Speaker: The only point is that the hon. Member need not try to cover the whole ground *de novo*. When the question comes before the House, he can make his point and then move his amendment.

Shri Sarangdhar Das: My principal idea is that if we are planning to weld all the communities into a Nation, it is nullifying that idea if we do not take the scheduled caste candidate as one who represents the non-scheduled people also and *vice versa*. It is a vicious thing that is being introduced here by making double-member constituency in order to appease the non-scheduled electors among whom I am one but I do not agree with it. I think a scheduled caste representative is as much able to represent the interest of the non-scheduled electors or citizens as a non-scheduled man takes unto himself to represent the scheduled caste and scheduled tribe people. But in conceding to this obscurantist idea that a backward man, no matter what community he belongs to, will not be able to represent us, we are frustrating the plan of welding the whole country into a nation. This is a very important point and I appeal to the House to consider it dispassionately although there is a prejudice that these people cannot represent us. Then when you give the right to the voters to put two votes in one ballot box and say one of them will be taken and the other will be cancelled, that will also give an idea to the non-scheduled voter to go for a non-scheduled candidate and not for the other who is tacked on in the double-member constituency so that one may say that 'I voted for my own caste man and I did not vote for the Harijan or the scheduled tribe candidate' or *vice versa*. The scheduled tribe men also will feel that they will vote for their own candidate and not for the non-scheduled candidate. So it is a grave blunder to combine the two constituencies into one and give the right to electors to vote for one and not for the other. This is the principal ground on which I submit my amendment and there are other things that I have said in my Note of Dissent and I hope everyone in the House has read my Note of Dissent but I would just mention that by creating double-member constituencies for the House of the People you are doing a harm. When two districts are combined, it is a very unwieldy area and no candidate, whether scheduled or non-scheduled can reach every nook and corner of the constituency. If that is the case, then by simply having a candidate elected for the State Assembly and having no contact with his constituency is of no value. He should be in constant contact with his constituents all over the constituency and that is impossible with this huge area for a constituency. I have measured on maps some constituencies and those come to about 100 miles each way—north to south and east to west—and in that area there are

[Shri Sarangdhar Das]

mountains and rivers which are impossible to cross over at the time of the election campaign. That again makes it doubly difficult for scheduled caste candidates as they are very poor, backward and cannot afford the modern means of conveyance that is at the disposal of most of the other people and therefore instead of having the scheduled caste people come up to the standard of the caste people and mix with them and take part in all the activities, they will be left where they are today. When the period of reservation is over and their reservation is withdrawn the scheduled caste or scheduled tribe candidates will stand no chance of success, because the non-scheduled or higher caste people, the so-called Hindus, will have no respect for such candidates other than their own and they will vote for their own candidates, with the result that the backward people, whether they are of the scheduled caste or the scheduled tribe, will remain where they are today.

I therefore commend both my amendments to the House.

Mr. Speaker: Amendments moved:

(i) In sub-clause (1) of clause 62, for the words "but no elector shall give more than one vote to any one candidate", substitute the following:

"and may give all those votes to one candidate or distribute between such candidates and in such a manner as he thinks fit".

(ii) Omit sub-clause (2) of clause 62.

Shri R. Velayudhan (Travancore-Cochin): May I speak for a few points?

Mr. Speaker: There was an informal conference yesterday and the hon. Member I believe was present. I agree that he has the right to speak, but I do not know what right morally he has to take up the time of the House after having taken up three hours of the House yesterday in an informal conference. I do not want to come in the way of his right to speak as long as he likes.....

Shri R. Velayudhan: But the other hon. Member spoke just now.

Mr. Speaker: He was not present at the meeting as he did not belong to the Congress Party, to which the hon. Member belongs and that makes a lot of difference.

Dr. Ambedkar: In view of what I stated in the remarks which I made

on my motion I do not think I can accept this amendment.

Mr. Speaker: The question is:

In sub-clause (1) of clause 62, for the words "but no elector shall give more than one vote to any one candidate", substitute the following:

"and may give all those votes to one candidate or distribute between such candidates and in such a manner as he thinks fit".

The motion was negatived.

Mr. Speaker: The question is:

"Omit sub-clause (2) of clause 62."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 62 stand part of the Bill."

The motion was adopted.

Clause 62 was added to the Bill.

Mr. Speaker: I shall go on reading the numbers of the clauses and hon. Members will invite my attention to such amendments as they wish to move on any clauses. In view of the informal conference, I do not propose to look into the list of amendments to see which amendments are there and how they are to be disposed of. So I am placing the clauses before the House and it will be for hon. Members to invite my attention in case there is any amendment which is sought to be moved.

Clause 63 was added to the Bill.

Clauses 64 to 68 were added to the Bill.

Clause 69.—(Election to more than one seat)

Pandit Thakur Das Bhargava (Punjab): The last words of the clause are that all the seats shall become vacant in respect of a person who has been elected from more than one constituency. He is so popular that a very large number of people voted for him but his fate is that he has to lose all his seats in a certain contingency. According to the clause some time is prescribed in which he has to choose which seat he wants to represent and in case he fails within the prescribed time the penalty is very great: he loses all the seats. This rule is very hard and I would respectfully ask the hon. Minister to include in the rules a provision that the Election Commissioner

shall ask the candidate to elect which constituency he wants to represent. In case of no reply, even he may be allowed to retain at least one seat. It may so happen that the letter did not reach the candidate, or he was indifferent or due to illness or other causes it was not possible for him to indicate within the prescribed time which constituency he preferred to represent. In that event it will be too hard on him to forfeit all his seats. So this rule requires a sort of review by the Minister so that in that contingency the candidate may be allowed to retain one seat.

Mr. Speaker: Is he suggesting that the Election Commissioner should be given the power of making rules like that?

Pandit Thakur Das Bhargava: He can ask the candidate to choose one seat. Under the rules he can himself say that he wants to retain such and such a seat. In case of illness or other contingency he should be asked by the Election Commissioner which seat he wants to retain. In case of gross recusancy the penalty may come in if at all.

Dr. Ambedkar: What the hon. Member is suggesting is really unnecessary, because this is entirely left to the candidate. All that is necessary is that he should exercise his choice within the prescribed time. He has been given power under this very clause to say whether he wants to retain constituency No. A, B or C. Therefore there is no occasion or necessity for the Election Commissioner either to enquire from him or to make a decision on his behalf that he should be allowed to retain one seat. The choice is entirely in the hands of the candidate and I do not know whether such a provision is at all necessary.

Mr. Speaker: His point seems to me to be that, it is possible that this contingency may be out of sight of the candidate who is elected and therefore the Election Commissioner would do better, if he sent something by way of a reminder informing the candidate that he stands to lose all the seats.

Dr. Ambedkar: I do not think that such a contingency could be contemplated for the simple reason that every candidate elected will certainly arm himself with a copy of the rules. And he may be presumed to have read the rules. Another difficulty which I see is this, that even if an obligation was imposed upon the Election Commissioner to make an enquiry then he

must fulfil that obligation with regard to every such candidate.....

10 A.M.

Pandit Thakur Das Bhargava: There will be very few who will be returned from more than one constituency—he must be a very popular man who is elected from more than one constituency.

Mr. Speaker: The contingency is more academic.

Pandit Thakur Das Bhargava: In clause 67 only ten days are allowed for communicating his choice and I consider that is a very small period.

श्री भट्ट : मुझे इस विषय में कुछ कहना है। मैं अपना संशोधन पेश नहीं कर रहा हूँ पर मैं आप से इस विषय में यह प्रार्थना करता हूँ कि इस विषय पर आप आज राय न लिवावें और इस पर और विचार किया जाय क्योंकि इस में बात यह है कि हम लोग जो अलग अलग हाऊस में जब चुने जाते हैं तो उन को एक खास अधिकार देते हैं, अगर उस ने अपनी पसन्दगी नहीं दी है तो भी वह एक हाऊस में तो ज़रूर रहता है चाहे वह काऊंसिल आफ़ स्टेट (Council of State) हो या असेम्बली (Assembly) हो। लेकिन एक आदमी जो एक से ज्यादा चुनाव क्षेत्रों से चुना जाता है उस को बिल्कुल निकाल देने का क़ानून बिल्कुल बेजा होगा। माननीय मंत्री जी ने कहा था कि वह दस दिन की मियाद में अपनी पसन्दगी कर ले। अब यह दस दिन ऐसे हो सकते हैं कि जिन में वह किसी कारण से अपने चुनाव क्षेत्र में या अपनी जगह पर न हो या अगर हो भी तो बीमार हो या ऐसी हालत में हो कि वह अपनी पसन्दगी न भेज सके। तो मैं कहता हूँ कि क्या हमें अधिकार है कि हम एक ऐसे आदमी की सीट को जो कि एक से ज्यादा चुनाव क्षेत्रों से चुना गया है वेकैट (vacate)

[श्री भट्ट]

कर सकते हैं जब कि हम दूसरे आदमी को यह अधिकार देते हैं कि वह या तो काउंसिल आफ स्टेट में या दूसरे हाउस में कहीं न कहीं रह सकता है। इस आदमी ने ऐसा कौन सा गुनाह किया है कि अगर वह अपनी पसन्दगी नहीं कर पाता है तो उस की सीट आप खाली कर देते हैं? यह अन्याय होगा।

दूसरी बात जो कि मैं ने कल भी कही थी वह यह है कि इलेक्शन कमिश्नर (Election Commissioner) यह भी आसानी से कर सकता है, अगर उस ने अपनी पसन्दगी नहीं भेजी है, कि या तो लॉट (lot) से उस को एक जगह दे दे या जिस चुनाव क्षेत्र से उस को ज्यादा से ज्यादा मत मिले हैं वह कांस्टीट्यूएन्सी उस को इनायत कर दे। कोई कहेंगे कि यह तो पुराना कानून चला आता है। हम ने पहले के कई कानून बदले हैं और अगर कोई बेजा कानून है तो उस को हमें बदलना चाहिये। आप कहेंगे कि यह तो एक मामूली सिद्धान्त की बात आप कह रहे हो, लेकिन यह सिद्धान्त की ही बात नहीं है। कभी कभी हम को सिद्धान्त की बात का व्यवहार और उपयोग भी करना पड़ता है और यह व्यवहार में आने जैसी चीज़ है। हो सकता है कि किसी कारण से कोई आदमी चुनाव के बाद अपनी पसन्दगी न भेज सके। तो उस की सब जगह खाली नहीं करार देनी चाहिये, एक जगह उस के लिए ज़रूर रखनी चाहिये, यह मेरे कहने का मतलब है। मैं कहता हूँ कि न्याय मंत्री जो इस पर गौर करेंगे तो वह कोई न कोई एसी तरकीब ज़रूर निकालेंगे जिससे जो आदमी एक से ज्यादा चुनाव क्षेत्रों से चुना गया है उस की सब की सब जगहें खाली न की जायं।

(English translation of the above speech)

Shri Bhatt (Bombay): Sir, I have to speak something in this connection. I am not moving my amendment but my submission is that this clause should not be put to vote today, as against this more thought should be given to it. The reason why I submit this suggestion is that we are giving a special privilege to the persons who are elected as members to both the Houses by keeping their membership reserved at least in one of the Houses—either in the Council of State or in the Assembly—even if they do not make their choice known. But on the other hand if a law is made to the effect that the person who is elected from more than one constituency should be deprived of all the seats, it would be quite unfair. The hon. Minister had said that the persons under question would have to make their choice within a period of ten days after the elections were over. But the possibility is there that during those ten days the person or persons concerned may not be in their constituencies or at their own places, or even if they happen to be there they might be ill and as such might not be able to make their choice known within the time limit. Under these conditions are we authorized to ask such a person or persons to vacate all the seats on which he or they may have been declared elected, when at the same time we entitle another person who is elected to both the Houses to retain his seat either in the Council of State or in the other House as he may like? What sin has this man committed, so much so that you are going to declare his seats vacant in case he is not in a position to give his choice within the time-limit? I say it would be sheer injustice.

The second thing that I suggested here yesterday is that even if he does not send his choice, he should be given a seat either by lots, or if it is not done he should be allowed to represent the constituency from which he would have secured the maximum number of votes. This can very easily be done by the Election Commissioner. Some persons would say that this is an old law which has come down to us. But I say that we have changed so many laws, and we should, no doubt, change them if they are not good and fair. You may say that I am stating a matter of principle, but this is not exclusively a matter of principle. Sometimes we have to work up to a principle and have to use it in practice as well. Here is a thing which can be put into practice. It is possible that a person may not be in a position to send his

choice immediately after the elections are over due to several reasons. In that case all of his seats should not be declared vacant but one seat at least should be reserved for him. This is all what I mean to say. I submit that if the hon. Minister of Law would give thought to it he would certainly find out some way by which all the seats of the person or persons who would be elected from more than one constituency would not be declared vacant.

Shri Sidhva: I am rather surprised at the arguments advanced by the previous two speakers. Surely a person who is elected from more than one constituency will be alert, he will know from where he has been elected and will know that it is his duty to select one particular constituency which he wants to represent. It is rather extraordinary to say that he would be indifferent, or that he may fall ill or be out of station. A candidate who is returned from more than one constituency will be more anxious about making his choice. Such instances have previously occurred—it is not a new thing—and such member immediately communicates his choice to the authorities saying, "I select such-and-such a constituency. Therefore, my seat should be considered vacant from the other constituencies." The arguments that have been advanced do not really appeal to me. The position is so very clear and the candidate must be so very intelligent, so very alert and so very clever that he would not like to lose his seat when he is elected from more than one constituency. He would not be indifferent to report to the authorities choosing one seat and tendering his resignation as regards the others. Therefore, I think the original clause as it stands is quite sufficient. We should not make the candidate more indifferent by passing such an amendment saying, "You should remain indifferent; the officer will come and communicate to you...".

Mr. Speaker: There is no amendment before the House.

Shri Sidhva: But the suggestion was there and I oppose it.

Shri Biswanath Das (Orissa): This is a very hard provision. I personally know the difficulties of a candidate; delay may be due to negligence or due to conditions beyond his control. I know of one case of a bye-election wherein the candidate, due to his stay in the Agency areas, got ill and had to be carried away unconscious; he remained unconscious for some days. In such a case you cannot expect him to convey his intention to the authorities.

It may be one case in a hundred but even then it will be a very hard case and unfair. Because you penalise not the candidate who may be ill or who may be indifferent but you are also penalising the electorate and the Government—Government, because it has to spend afresh to conduct a bye-election, electorate, because they are called upon to go and vote again. You may penalise the candidate, I have no objection; you may impose any penalty you please, but if you say that after the prescribed time all the seats become vacant, that means you put the Government to fresh expenditure and the electorate to fresh voting activity. Under these circumstances, I think the present provision is unfair. I suggest that the Election Commissioner may be authorised to select the constituency for the candidate, as has been suggested, from which the candidate has polled the largest number of votes from among his other constituencies, or you may follow some such criterion. But I do not think so great a penalty as is proposed in the clause is called for.

चौधरी रनबीर सिंह : अध्यक्ष महोदय, मैं भट्ट साहब और बाबू ठाकुर दास साहब ने जो ब्याल जाहिर किया है उस से सहमत हूँ। जैसे मेरे लायक दोस्त श्री सिधवा ने कहा, मैं यह मानता हूँ कि यह जरूरत दो केंसों में ही पैदा होगी, एक तो उस वक्त जब कि एक उम्मीदवार लोगों में इतना पापुलर (popular) हो कि वह हिन्दुस्तान से बाहर हो और किसी दूसरी जगह बैठा हो तो भी एक से ज्यादा सीटों पर कामयाब हो जाय। उस हालत में यह मुमकिन हो सकता है कि दस दिन में उस तक शायद यह खबर न पहुंच सके या वक्त रहते वह अपनी चिट्ठी इलेक्शन कमिश्नर के पास न भेज सके। दूसरा केस वह हो सकता है कि कोई आदमी बहुत उत्सुक हो और बहुत लड़ाकू हो और अपनी होशियारी से एक से ज्यादा हलकों में कामयाब हो जाय। उस हालत में, जैसा कि सिधवा साहब ने कहा है, वह आदमी जो कि इतना उत्सुक है उस को जरूर मालूम होना चाहिये कि वह किस

[चौधरो रनबीर सिंह]

किस हलके में कामयाब हुआ है। लेकिन कभी कभी ऐसा होता है कि एक आदमी का दिमाग जिस ने कि बहुत ज्यादा मेहनत की है बहुत ज्यादा खुशी या रंज की वजह से दुस्त नहीं रहता। और आजकल के हालात में अगर कोई आदमी एक से ज्यादा हलकों में कामयाब हो तो इस में शक नहीं कि यह उस के लिए बहुत बड़ी खुशी का मुकाम होगा और यह मुमकिन हो सकता है कि कुछ दिन के लिए उस का दिमाग दुस्त न रहे। अगर ऐसा हो और भगवान की उस पर नाराजगी हो जाय तो हो सकता है कि वह किसी भी हलके से न आ पाये।

तीसरा और एक केस हो सकता है। मैं समझता हूँ कि आयन्दा इलेक्शन्स में यह प्रश्न बहुत होंगे। इसलिये भी कि चूकि पार्लियामेंट का जब इलेक्शन होगा उन्हीं दिनों, उन्हीं तारीखों में स्टेट असेम्बली का इलेक्शन भी होगा तो हो सकता है कि हाउस के कई दोस्त ऐसे हों जो पार्लियामेंट के लिये भी खड़े हों और स्टेट असेम्बली के लिये भी खड़े हों। और उन को लोग भी यह समझ कर राय दें कि यह आया स्टेट असेम्बली में रह कर अपने इलेक्टोरेट की ज्यादा सेवा कर सकता है या ज्यादा फायदेमन्द हो सकता है, और पार्लियामेंट में न कर भी। अगर आप ने इस के लिये दस दिन की मियाद रखी तो वह न तो यह फ़सला कर सकता है कि वह स्टेट असेम्बली में रह कर ज्यादा फायदेमन्द हो सकता है, न यह तय कर सकता है कि पार्लियामेंट में रह कर इलेक्टोरेट की ज्यादा सेवा कर सकता है। क्योंकि पहले हाउस में बँठन की इजाजत दे दी जाय तो हो सकता है कि वहाँ वह चीफ़ मिनिस्टर बन सके या मिनिस्टर बन सके। इसलिये वह संसद्

का सदस्य बनने के वजाय चीफ़ मिनिस्टर या मिनिस्टर बन कर ज्यादा सेवा कर सकता है। दूसरे यह भी हो सकता है कि शायद उसे वहाँ पर चान्स (chance) न दिखाई दे और संसद में सीट रखे तो डिप्टी मिनिस्टर या मिनिस्टर आफ़ स्टेट या कैबिनेट मिनिस्टर बन सके। बहरहाल यह इलेक्टोरेट के साथ भी न्याय नहीं होगा।

(English translation of the above speech)

Ch. Ranbir Singh (Punjab): Sir, I agree with the views expressed by Shri Bhatt and Shri Thakur Das Bhargava. As my able friend Shri Sidhva has stated, I believe that this kind of necessity would arise only in two cases. In the first instance when the candidate would be so popular as may be elected from more than one seat being outside the country or may be away from there. In that case, it may be possible that the information may not reach him within the ten days' time or he may not be able to send his reply to the Election Commissioner, within the prescribed time limit. The second case may be where one is too eager and trouble monger and may get elected from more than one constituencies. In that case, the person concerned must know, as Shri Sidhva has stated, as to from which constituency he has been elected. But sometimes it so happens that one who has done over-exertion, loses the equilibrium of his mind due to excessive happiness or grief and in the present day conditions to be elected from more than one constituency is, of course, a very rejoicing news for a candidate and it is quite possible that his mind may not work properly for a few days. If some such thing happens and God does not bless him with His favours, it is just possible that he may not be returned from any constituency.

There can be a third case as well. I think in future elections such things would take place time and again. Because the elections of Parliament would be held in those very days when the elections of the State Assemblies are also to take place. At that time probably some of our friends may simultaneously seek election to Parliament and the State Assemblies as well, and the people may also give votes to him thinking he can serve

the electorates and prove more helpful to them both as a Member of the State Assembly as also of Parliament. So if the time limit of ten days is fixed for such persons then within this short period they would not be able to decide as to whether they would be able to serve the electorates better as a Member of the State Assembly or as a Member of Parliament. Because if he is given permission to sit in the State Assembly probably he may get a chance of becoming the Chief Minister or a Minister. In that case he can certainly serve the cause of his electorates better as a Chief Minister or a Minister than as a Member of Parliament. On the other hand, he may see that there being no chance for him to become Chief Minister or Minister then if he has a seat in Parliament, he may perhaps get a chance of becoming Deputy Minister or Minister of State or a Cabinet Minister even. Anyhow it would not be fair for electorates as well.

Mr. Speaker: I think the hon. Member is going into the same arguments.

Ch. Ranbir Singh: I do not think anybody has pointed out these points.

Mr. Speaker: Not in the words in which he is expressing.

Ch. Ranbir Singh: But the words are more effective.

Mr. Speaker: Order, order. Is the hon. Minister accepting this?

Dr. Ambedkar: No, Sir, I cannot accept this.

Mr. Speaker: The question is:

"That clause 69 stand part of the Bill."

The motion was adopted.

Clause 69 was added to the Bill.

Clauses 70 to 74 were added to the Bill.

Clause 75.—*Return of election expenses)*

Shri Ghule (Madhya Bharat): In this clause, Sir, provision has been made for lodging return of election expenses with the Returning Officer. My point is that provision has been made in this clause that the return should be signed by the candidate as well as the election agent. Rather, what I want to say is that it has been made compulsory in this clause that the return should be signed by both the persons. In sub-clause (1) it is

stated that the return should be signed by the candidate himself and the election agent. Sub-clause (2) gives the way in which the return is to be filed and lodged. In sub-clause (3) a position is visualised when the candidate will be outside India. He may come back and after fourteen days he may lodge the return. But no provision has been made in sub-clause (3) when the election agent is out of India. There is every possibility of the election agent going out of India as the possibility of the candidate going out of India is visualised and provision made to that effect. I suggest provision should be made for this also.

Shri R. K. Chaudhuri (Assam): There is one aspect of the matter to which I would like to draw the attention of the hon. Minister. Many a time it so happens that the election agent may turn hostile to the candidate for some reason or another. Supposing he refuses to sign the election return—what will happen then?

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

Pandit Munishwar Datt Upadhyay: My submission on this point is that as the wording stands, both the election agent and the candidate should sign the election return. I think if the candidate has signed it, that should be more than enough. It is unnecessary to require the signature of the agent also. It may be that there might be difficulty on account of the absence, or indifference or sudden opposition of the election agent. Why should there be such a trouble? If the candidate signs it, I think that should be enough.

Mr. Deputy-Speaker: It is not obligatory upon the candidate to appoint an election agent. He may appoint himself as the election agent, in which case there is no necessity for the signature of an election agent.

Pandit Munishwar Datt Upadhyay: The other point that I want to submit in this connection is that it is necessary for a person who has withdrawn his candidature within time to submit a return. If he fails to submit his account of expenses, then he can be debarred. That is a very hard case. A number of dummy candidates are set up who withdraw afterwards. They might incur a small expenditure. If such candidates, due to indifference, do not submit a return, they will be debarred. I would suggest to the hon. Minister to consider whether he can exempt such persons.

Shri Sidhva: My friend Mr. Rohini Kumar Chaudhuri said that an election agent may turn hostile. He is

[Shri Sidhva]

right. It is just possible. In fact, it has happened. In that case the candidate should select the best election agent in whom he can have full confidence. I would like to point out that in my case I have always myself remained the election agent. A candidate should not appoint an election agent if he cannot trust another man to be quite a reliable person up to the end. Those other agents will help him in the election as in the past. But you cannot have it both ways. If you have confidence in a person you must have absolute confidence till the end. I am giving a tip to Members that they must never give an election agent's name; they must constitute themselves as the election agents, to avoid any kind of difficulty. If you trust then it is all right. I am saying this because my hon. friend said that they become hostile.

My hon. friend Pandit Munishwar Datt Upadhyay said that if a candidate withdraws before the withdrawal date he should not be asked to submit a return of election expenses. That is not proper. Everybody who has submitted a nomination paper must conform to the rules as regards filing the return of expenses. He says that dummy candidates will create trouble. On the contrary, if this duty and responsibility is not laid upon him there will be many dummy candidates set up on the assumption that they have not got to submit any return of expenses. Therefore, any person who has put in a nomination paper must submit a return of his expenses so that we may know that he was a *bona fide* candidate, though subsequently for reasons best known to him he may withdraw and not contest the election. From all these points of view I think the original clause as it stands is perfectly all right.

Shri Rathnaswamy (Madras): I personally feel that a statutory limit should be laid down in regard to the expenses incurred by a candidate during the election.

Mr. Deputy-Speaker: That is clause 76. We are now discussing clause 75. The hon. Member may reserve his remarks when we come to clause 76.

Shri Rathnaswamy: Then I should like to say just a word with regard to the agents who may cook up the expenses incurred in connection with an election. It is not possible for the Election Commission to see the amount

of expenditure incurred by the agents of the candidate. It is quite possible for the agents to cook up the expenses and they may not submit the actual expenses incurred. Instead of entrusting this work of scrutinising the amount of expenditure incurred by the agent to the Election Commission, I personally feel it would be much better if a Committee is appointed by Parliament to scrutinise the expenditure incurred by the various agents of the candidates. I feel this body would be more competent and abler to go into these questions and to check up corruption and the possibility of expenditure being incurred beyond a maximum limit which is desirable.

One point I should like to stress on this occasion is that in order that a fair and free election may be ensured during the coming election time, we must take all possible steps to see that no candidate, however poor he may be, is handicapped by the mere fact that he is not in a position to incur as much expenditure as the agent of a richer candidate. Therefore I should like to stress the point that all possible and effective steps should be taken to see that cooked up expenses are not shown. And the only body that will be more competent to go into those expenses, in my opinion, is a Committee appointed by Parliament.

Shri Ghule: If the election agent goes out what is to be done?

Mr. Deputy-Speaker: He may be removed. The provision is that if a candidate goes out, power is given to an agent to sign on his behalf. But if an election agent goes out, under clause 40 the election agent can be removed and the candidate may constitute himself the election agent and sign. (*Interruption*). The provision applies before, during and after the election. Please read clause 40(2) which says "In the event of such a revocation or of the death of an election agent, whether that event occurs before or during the election, or after the election but before a return of the candidate's election expenses has been lodged . . ." Thus, in all stages an election agent can be removed. There is no difficulty. The difficulty is that hon. Members are forgetting the clauses that we have already passed.

Shri Sidhva: It is very clear.

Mr. Deputy-Speaker: I shall put the clause to vote unless the hon. Minister wants to say something in reply. I think I have answered the point raised by Mr. Ghule.

Dr. Ambedkar: No, I do not wish to say anything.

Mr. Deputy-Speaker: The question is:

"That clause 75 stand part of the Bill."

The motion was adopted.

Clause 75 was added to the Bill.

Clause 76.—(Maximum election expenses)

Shri Sarangdhar Das: I beg to move:

In clause 76, after the word "elections", occurring in line 2, insert the following:

"shall not exceed the sum of rupees seven thousand for a candidate to the House of the People and rupees three thousand for a candidate to the Legislative Assembly of a State".

In moving this amendment I need not impress on the House that ours is a very poor country. Everyone knows it and I do not have to repeat all the time that we are poor. We want the best representatives to come into the House of the People or to the State Assemblies. Consequently the maximum expenses that could be allowed for election purposes should be such that very poor classes of people, among whom there are certainly very meritorious and energetic men and women who can represent them, should be in a position to contest the elections and get elected and come to the House of the People or to the State Assemblies.

The clause as it stands keeps the fixation of the election expenses to the rule-making authority—I suppose the Election Commissioner. But I feel that it should be specified in the Act itself so that there would be a sanctity attached to the maximum limit of the expenses. Otherwise, if it is left indefinite, it will be only the rich people spending twenty or fifty thousands or more of rupees, who will come and fill these Houses as representatives. While the poorer people who could afford to spend hardly three or seven thousand rupees, for either purpose, will be left out. Even three or seven thousand rupees, as I have stated, is a very large amount for many of the poorer people who will stand as candidates or who wish to stand as candidates. Inasmuch as the Government has not acceded to the request of some public bodies that at least once an election manifesto of a candidate should be allowed to be posted free of any postage

to the electors in the constituency, as is done in England, and inasmuch as the posting of one handbill to every elector alone will cost about Rs. 3,000, not to speak of any other expense, I commend this amendment of mine to the House. As most of the Members in this House belong to the poorer stratum of society I believe everyone will agree with me that this maximum limit of Rs. 3,000 and Rs. 7,000 for a seat in the Legislative Assembly of a State and the House of the People should be specified in the Act itself. Sir, I commend my motion.

Mr. Deputy-Speaker: Amendment moved:

In clause 76, after the word "elections", occurring in line 2, insert the following:

"shall not exceed the sum of rupees seven thousand for a candidate to the House of the People and rupees three thousand for a candidate to the Legislative Assembly of a State."

श्री भट्ट : माननीय उपाध्यक्ष महोदय, खर्च के बारे में इसमें यह गुंजायश रखी है कि इलेक्शन रूलस (election rules) जब बनेंगे, तब यह खर्च का सवाल तय हो जायगा। आज हम बालिंग मतधिकार के आधार पर चुनाव करने जा रहे हैं, और हमें मालूम नहीं है कि उस पर कम से कम या ज्यादा से ज्यादा कितना खर्चा होना चाहिये, इस का सारा हिसाब लगाना बहुत मुश्किल है और मेरी समझ में यह हिसाब लगाने का काम आज करना वाजिब न होगा। उस के लिये कितने दिन और कितने महीने चाहिये और दूसरे देशों का उसके बारे में क्या तजर्बा है, उस को भी हमें देखना चाहिये। अपने देश में हम एक ही तरह का चुनाव नहीं कर रहे हैं, कहीं पर सिंगल-मेम्बर कांस्टीट्यूंसी (single-member constituency) है, कहीं पर प्लूरल-मेम्बर कांस्टीट्यूंसी (plural-member constituency) है, कहीं पर पार्लियामेंट की कांस्टीट्यूंसी है, कहीं पर धारा सभा की कांस्टीट्यूंसी है और

[श्री भट्ट]

कहीं पर उपचुनाव होने वाले हैं, इन सब चीजों को ध्यान में रखते हुए, अगर हम एक उस की मर्यादा बांध देते हैं, तो वह हमारे लिये ठीक न होगा। भाई सारंगधर दास जो सात हजार रुपये की बात कर रहे हैं, या तो वे पांच हजार रुपये की बात करें, यह मालूम नहीं है कि चुनाव की सूचियां, मतदाताओं की सूचियां लेने में हम को कितना खर्चा करना पड़ेगा। अगर पोस्ट आफिसेज के जरिये घोषणा पत्र भेजने की सहूलियत मिल जाती है तो उस का खर्च कम हो जायेगा, लेकिन अगर यह सहूलियत नहीं मिलती है तो उस पर कितना ज्यादा खर्च करना पड़ेगा। वाहन अगर रखने की इजाजत होती है, तो कितना खर्च होगा और अपना व्यक्तिगत खर्चा भी उस में शामिल किया जायगा, तो इन सब बातों को भी हमें ध्यान में रखना होगा। इसलिये आज अभी उस में यह कह दें और कोई एक मर्यादा बांध दें, मुश्किल है। इसलिये मैं श्री सारंगधरदास जो वास्तववाद को मानने वाले हैं, व्यावहारिक आदमी हैं और गरीबों के प्रतिनिधि विशेष रूप से अपने आप को बतलाते हैं, वह भी आज इस चीज को जरूर मानेंगे कि आज इस मीके पर हम कोई ऐसी मर्यादा न बांधें।

(English translation of the above speech)

Shri Bhatt: Sir, as for expenses, it has been provided in it that the question of expenses would be decided at the time of the framing of election rules. We are going to have the elections on the basis of adult franchise and we do not know what is the minimum or maximum expenditure that should be incurred on the elections. It is very difficult to calculate the expenses and I think it will not be proper to calculate them now. It requires many days and many months to ascertain it and we should also take into account the experience of other countries in

this regard. We are not having only one type of election in our country, there are single-member constituencies at some places and plural-member constituencies at other, there are constituencies of Parliament and the constituencies of Legislative Assemblies and then there are bye-elections too. Taking all these facts into consideration, it will not be proper and wise on our part to fix a certain limit for that. Fixation of a maximum limit of seven thousand or say five thousand rupees, as is being suggested by Shri Sarangdhar Das, does not seem opportune at this stage. We do not know how much we will have to spend in getting the electoral rolls or 'the voters' lists. Then if it is allowed to send manifestoes free of charge through the Post Offices, we may not have incur that expenditure, but if this concession is not granted, we do not know how much will be spent on that. Then again, we cannot say how much will be spent on conveyances, if their use is allowed, and then there will be the personal expenses too. So, all these factors shall have to be taken into account. Therefore it is difficult to draw a line and fix a certain limit just now. Hence I hope Shri Sarangdhar Das, who is a realist and a practical man and who declares himself to be a representative of the poor in particular, will certainly agree with me that we should not fix such a limit at the present moment.

श्री एस० ऐन० दास : उपाध्यक्ष महोदय, प्रजातंत्र में वोट का महत्व कितना है, यह सभी व्यक्तियों को मालूम है, लेकिन हमारे समाज की वर्तमान अवस्था में वोट का महत्व कुछ भी नहीं होगा यदि चुनाव के खर्च पर अंकुश नहीं रखा जाय। हर बालिग को वोट का अधिकार देकर हम ने जो आदर्श अपने सामने रखा है यदि हम चुनाव के खर्च पर नियंत्रण नहीं रखेंगे तो वह सारा का सारा उद्देश्य चकनाचूर हो जायगा। जहां तक मुझे मालूम है दूसरे मुल्कों में चुनाव के खर्च की रकम ८-१० अंकों तक चली जाती है। हमारे विधान के निर्मात्ताओं ने विधान में बालिग मताधिकार को आधार बना कर जो सामाजिक आदर्श अपने सामने रखा था उस का मतलब यह था कि हर बालिग और योग्य व्यक्ति

को बराबर मौका मिले और जनता द्वारा उन के वास्तविक प्रतिनिधि चुने जा सकें। लेकिन जहां तक मैं समझता हूं हर देश में जैसा हुआ है और जैसा यहाँ भी होने की पूरी संभावना है कि चुनाव सम्बन्धी खर्च के कारण चुनाव का असली आदर्श पूरा नहीं हो पाता। विधान में कल्पित आदर्श चुनाव में होने वाले खर्च के कारण सफल नहीं हो पाता और अपेक्षित परिणाम से उल्टा ही परिणाम निकलता है। इस लिये इस मौक़ पर मैं चाहता था कि संसद् के सदस्य इस के लिये अपने में से एक समिति का निर्माण कर देते और वही समिति इस पर पूरी तरह से विचार करती और जिस तरह से निर्वाचन क्षेत्र के बनाने में प्रान्त के विधान सभाओं के प्रतिनिधियों की राय ली गई, उसी तरह से इस महत्वपूर्ण प्रश्न पर भी विचार किया जाता तो अच्छा होता। हमारे देश में धन की जितनी विषमता है और हमारे समाज की जो आर्थिक अवस्था है और जैसा कि हिसाब लगाया गया है हमारी प्रति व्यक्ति औसत आमदनी (२५५) की है ऐसे मुल्क में अगर आप चुनाव के खर्च का नियन्त्रण पूरी तौर पर नहीं करते हैं, और उम्मीदवारों को इस बात की आज्ञा दी रहती है कि वह जितना चाहे खर्च कर सकें, तो घनी व्यक्ति चुनाव में हजारों रुपये खर्च कर के जनता को गुमराह कर सकते हैं। इस प्रकार प्रजातंत्र चलाने में वोट का उल्टा ही फल होने वाला है। इसलिये मैं माननीय मंत्री महोदय से अनुरोध करूंगा कि चुनाव-खर्च की सीमा वह क़ानून के द्वारा तय कर दें। दूसरे मुल्कों में चुनाव के खर्च की सीमा क़ानून के द्वारा तय की हुई है। इस लिये हम भी क़ानून से अगर अधिक से अधिक खर्च को तय कर देंगे तो अच्छा होगा। परन्तु वर्तमान

धारा में कहा गया है खर्च की आखिरी सीमा नियमानुसार तय की जायगी। दूसरी बात जो वर्तमान धारा में है वह यह कि उम्मीदवार अपने लिये कितने वैतनिक कार्यकर्ता रख सकेंगे, उन की नियुक्ति भी उसी नियम के ज़रिये होगी। आप जानते हैं कि देश में जनता को हमने प्रजातंत्री विचारों से भली प्रकार अवगत नहीं करा पाया है और इसी को दृष्टि में रखते हुए मैंने जो सुझाव रखा था, उस की इस में अवहेलना की गई है। ऐसी हालत में क्या होगा आसानी से समझा जा सकता है। घनी उम्मीदवार धन के द्वारा तमाम साधनों का उपयोग करके योग्य से योग्य उम्मीदवार को हरा सकते हैं, इसलिये यह बहुत ज़रूरी है कि अभी इस सभा द्वारा चुनाव में उम्मीदवार जो अधिक से अधिक खर्चा कर सकेंगे उसकी रकम तय कर दी जाय और वैतनिक कार्यकर्ता की नियुक्ति का विषय भी अभी तय हो जाना चाहिये। चुनाव में खर्च का विषय अत्यन्त महत्वपूर्ण है पर मेरे ह्दय में इस विषय पर जितना ध्यान देना चाहिये उतना ध्यान नहीं दिया जाता है। इस का कारण यह मालूम पड़ता है कि जो परम्परा चुनावों की हमारे यहाँ पहले से चली आ रही है, उस परम्परा को हम हटाना नहीं चाहते और उस में तबदीली नहीं करना चाहते। चुनाव में उचित तो यह है कि सिर्फ़ सभा करने अथवा परचों द्वारा जनता को अपने उद्देश्य और कार्यक्रम आदि सूचित करने के लिये जिस खर्च की आवश्यकता हो उतना ही खर्च करने की इजाज़त देनी चाहिये, लेकिन होता क्या है। हम ने जो चुनाव इस देश में देखे हैं उन में कितना खर्चा होता है, कितने लम्बे लम्बे ज़लूस निकलते हैं, कितने डिमोन्स्ट्रेशन (demonstration) किये

[श्री एस० एन० दास]

जाते हैं और कितन नारे लगाये जाते हैं और न जाने और कितनी बातों पर खर्चा किया जाता है। मैं समझता हूँ कि यदि हम अपने देश में प्रजातंत्र को फलता फूलता देखना चाहते हैं, तो ऐसी हालत में हम को कोई नया तरीका निकालना चाहिये जिस से चुनाव में कम से कम रुपये का खर्चा हो और सिर्फ उतना ही खर्च हो जो नितान्त आवश्यक हो और जिस को हर एक उम्मीदवार धनी और निर्धन दोनों उठा सकें। सभा के सभी सदस्यों को पूरी तौर से मालूम है कि म्युनिसिपल चुनावों से लेकर व्यवस्थापिका सभा के चुनाव तक में काफ़ी तादाद में खर्च किया जाता है और इस तरह के प्रदर्शन, जलूस, डिमोन्स्ट्रेशन (demonstration) और नारे वगैरह लगाये जाते हैं और काफ़ी गाजे बाजे का इस्तेमाल किया जाता है जिसमें पूरी तौर से रुपया खर्च किया जाता है, इसलिये मैं माननीय मंत्री महोदय से अनुरोध करना चाहूंगा कि देश की वर्तमान आर्थिक अवस्था को ध्यान में रखते हुए और जो हम ने अपना आदर्श रखा है उस के अनुसार चुनाव सम्बन्धी कानून बनाते। जैसे कल हम ने संसद की बैठक को स्थगित कर के कानून की धाराओं पर विचार किया, उसी तरह से अच्छा होता कि हाउस की एक कमेटी बना कर उस में हम इस खर्च के सवाल के बारे में पूरी तौर से विचार करते और उस के बारे में पूरी जानकारी हासिल कर के खर्च की तादाद कानून से ही निश्चित कर देते। एक उम्मीदवार अधिक से अधिक कितना खर्च कर सकता है, और यदि हम चुनाव के खर्च पर निबंधन कर सकेंगे, तब जो आदर्श हम ने अपने सामने विधान बनाते समय रखा है, उस को पूरी तौर से प्राप्त कर सकेंगे। मैं अब सभा का समय

ज्यादा नहीं लेना चाहूंगा और सिर्फ इतना करना चाहूंगा कि कम से कम ज़रूरी खर्च का अन्दाज़ कर के अभी से नियत कर दिया जाये नहीं तो फिर प्रचार के साधनों में कितना रुपया खर्च होने वाला है यह कह सकना कठिन है और इस प्रकार जनता के सच्चे और योग्य प्रतिनिधि धन के अभाव में धनियों के मुकाबले में न आ सकेंगे और तब हमारे इस प्रजातंत्र का क्या रूप होगा, यह सब सदस्य अच्छी तरह से अनुमान कर सकते हैं। इसलिये हम पूरा प्रयत्न करें और इस तरह से सारा काम करें कि चुनाव में कम से कम खर्च किया जाय, और जो भी खर्च किया जाय वह दो ही मदों में किया जाय। एक तो सभा आदि कर के अपना उद्देश्य बताने में और दूसरा पर्चा आदि साहित्य के प्रकाशन में। इन मदों में भी कम से कम खर्च की गुञ्जाइश रहे जिस से जनता के सच्चे प्रतिनिधि यदि वे धनी न भी हों व्यवस्थापिका सभाओं में पहुंच सकें। इन शब्दों के साथ मैं माननीय मंत्री से फिर अनुरोध करता हूँ कि चुनाव में कम से कम खर्च हो इस बात को वे मान लें। इस बात को ध्यान में रख कर सारा कार्य किया जाय और नियम बनाने वाले सरकारी अफसर तथा मिनिस्ट्री (Ministry) इन सारी बातों को ध्यान में रखते हुए नियम बनावें जिस से जनता के सच्चे प्रतिनिधि यदि वे धनी न भी हो फिर भी—आसानी से चुने जा सकें।

(English translation of the above speech)

Shri S. N. Das (Bihar): Sir, everybody knows what the importance of vote is in a democratic country, but in the modern state of our society the importance of a vote will be lost if no restrictions are imposed on the election expenses. The object, that we have put before ourselves by giving the right of vote to every adult in the country, will be shattered if we do not

restrict the election expenses. As far as I know, election expenses in other countries run up to the extent of eight to ten figures. The social object that the framers of our Constitution had before them in making adult franchise as the basis of elections meant that every adult and every able person should be given equal opportunities and that people might elect their real representatives. But I think, as has happened in all other countries and is likely to happen here also that, the real aim of elections is not fulfilled on account of expenses incurred during the elections. The object envisaged in the Constitution would fail to materialize on account of the large amounts spent during the elections and the result that would follow would be reverse of what is desired. Hence I wished the hon. Members of this House had formed a Committee from amongst themselves which would have thought over this matter and just as the representatives of State Legislatures were consulted on the matter of forming the constituencies, similarly it was better if this important question had also been fully considered in the same way. Taking into full consideration the financial position of our country, the economic condition of our society and the fact that the average income as calculated per head in our country comes to about 255 rupees only, if we do not restrict election expenses in the country and if candidates are given a free hand to spend as much as they like, then the rich persons, by spending thousands of rupees, are likely to misguide the people and lead them astray. The functioning of such a democracy will only bring about adverse results. Hence I would urge upon the hon. Minister to prescribe by law a limit of the election expenses. Other countries also have by law prescribed the limit of election expenses, therefore it would be better for us also if the maximum limit of expenses is fixed by law. But according to the clause before us, the question of maximum limit will be decided by the rule-making authority. Another thing which this clause provides is that the number and appointment of persons to be employed by the candidates shall also be decided by the rule-making authority. The hon. Members are fully aware that the people of our country have not been made fairly acquainted with the democratic ways and principles and it was with this view that I had put forward the proposal and which has now been set aside in the Bill. The result, that would come out under these circumstances, can easily be imagined without much difficulty. The rich, by virtue of their money, can

resort to all sorts of means and practices and defeat even the ablest candidate. Hence it is very necessary that a limit should be fixed by the House beyond which the election expenses of a candidate should not exceed and the question regarding the employment of paid workers by a candidate should also be decided here and now. The question of expenses is very important in elections but I think it has not been given the due consideration that it deserves. The reason seems to be that we are not willing to replace the election practices and traditions of the past. What seems to be reasonable in elections is that only those expenses should be incurred as are necessary for holding meetings or distributing leaflets carrying the programme and objects of the candidates but what actually happens is quite different. In the elections, that we have seen in this country, huge amount of money is spent, long processions are taken out, huge demonstrations are held, thousands of slogans are used and money is lavishly spent in so many other ways. If we want to see democracy succeed and flourish in our country, I think we should evolve a new method so that election expenses might be reduced to the minimum and only that expenditure which is very essential and which is well within the means of both rich and poor candidates might be incurred. The hon. Members of the House are fully aware how candidates spend huge amounts of money on elections of the Municipal Committees or on elections of the legislative bodies, how processions and demonstrations are held, how slogans, dance and music are freely used and how money is spent lavishly on all such things. Hence I would urge upon the hon. Minister that he should have framed the election laws in accordance with the present economic condition of the country and also in view of the object which we have placed before us. Just as the House had adjourned yesterday to consider carefully the clauses of the Bill, similarly it would be better if the House were to form a Committee to think over this question carefully and after obtaining all information, were to fix by law the maximum limit of expenses which a candidate could incur during the elections. The object that we had put before us at the time of making the Constitution, can only be fulfilled if we are able to impose restrictions on election expenses. I would not take much time of the House but only say that expenses must be fixed just now, after making an estimate of the minimum expenses that are absolutely essential, because then it is very difficult to ascertain how much money will be spent on propaganda

[Shri S. N. Das]

and publicity and thus the actual and really able representatives of the people will not be able to succeed against the rich persons due to lack of money at their disposal and if such a thing happens, the hon. Members can easily imagine the form which democracy in our country is likely to take. Therefore we must make all efforts to see that election expenses are reduced to a minimum and whatever is spent, should be spent only under two items, one for holding public meetings where a candidate may declare his objects and aims and the other for printing and publishing of leaflets etc. Even in these items, attempts should be made to reduce the expenditure so that the real representatives of the people, who may not be rich, may succeed in getting elected to the legislative assemblies. With these words, I request the hon. Minister again to agree to the suggestion that expenses should be minimized in the elections. The whole work should be done in accordance with it and the rule-making authority as well as the Ministry should frame rules keeping all these things in view so that the real representatives of the people, even if they are not rich, may be easily elected.

Dr. Ambedkar: I do not accept the amendment.

Shri Rathnaswamy: There is an amendment in my name, No. 2 in Supplementary List No. 8 to Consolidated List 1, in regard to this clause. I wish to say a few words.....

Mr. Deputy-Speaker: I thought all these matters have been thrashed out in the informal conference. Is the hon. Member moving it?

Shri Rathnaswamy: I am only speaking a few words on this amendment.

Mr. Deputy-Speaker: Let it be short.

Shri Rathnaswamy: As I said earlier, a statutory limit should be laid down in regard to the expenses of a candidate. I understand that in the U.S.A. there is a limit even in regard to the contribution that may be made by the public in connection with election expenses. There is a limit even in regard to the expenses that may be incurred by a Party. It is laid down that in the case of expenses of a candidate, the limit is 5000 dollars. In the United Kingdom, there is a practice that a candidate can spend on an average 4 pence per vote. That is the practice in other democratic countries of Europe. It is clearly laid down that so much of expenditure can be incurred on an average per vote. It is

quite essential that such rules should be clearly laid down in this country also. Otherwise, I have got a fear in my mind that it would very much seriously handicap a poor candidate who wants to contest the election against a rich candidate.

Some time ago, an hon. Member remarked that this Bill looks like a Penal Code. It is necessary that these rules should be laid down in order that malpractices and corrupt practices could be checked to a very large extent. After all, our ambition is to have a fair and free election in our country. Therefore my anxiety is that nothing should mar the chances of a candidate belonging to the scheduled castes or the backward classes.

Mr. Deputy-Speaker: Nobody disputes that. The only point is whether these provisions should be made a part of the statute or not. The present clause is that all these things will be regulated by rules. If the hon. Member has any particular amendment, that is a different matter. Nobody objects to the principle.

Shri Rathnaswamy: My contention is that it must be clearly laid down...

Mr. Deputy-Speaker: In the Statute?

Shri Rathnaswamy: I have got an amendment in my name.

Mr. Deputy-Speaker: The hon. Member has not moved that amendment.

Shri Rathnaswamy: I am speaking on this amendment.

Mr. Deputy-Speaker: How can he speak on the amendment if it is not moved?

Shri Rathnaswamy: If you want, I shall move it.

Mr. Deputy-Speaker: I do not want him to move it.

Shri Rathnaswamy: I venture to make a suggestion that clause...

Mr. Deputy-Speaker: I am not able to understand the hon. Members at all. They have not made up their minds. If they want to move any amendment, I do not stand in their way. If they do not want to move any amendment, let them not spend the time of the House. There are other matters. Already, the principle is accepted. The matter will be regulated by the rules. The only question is whether it ought to be included in the body of the statute itself or not.

Shri Rathnaswamy: When I wanted to make a few remarks on this clause, with your kind permission.....

Mr. Deputy-Speaker: Every observation must have an end in view. What is the object that the hon. Member is driving home?

Shri Rathnaswamy: My object in offering a few remarks on this clause is that it must be clearly laid down...

Mr. Deputy-Speaker: Where?

Shri Rathnaswamy: In the statute itself.

Mr. Deputy-Speaker: But he has not moved the amendment. There is no amendment to that effect.

Shri Rathnaswamy: I only make a submission for the due consideration of the hon. Minister.

Mr. Deputy-Speaker: How can the hon. Minister incorporate anything in the Act without an amendment? Nobody can do it.

Shri Rathnaswamy: I only say this in order that he may himself move an amendment.

Mr. Deputy-Speaker: There is no amendment, no notice. It is no good spending the time of the House like this.

Shri Rathnaswamy: I shall finish my speech. As I told you earlier, my anxiety is that the chances of a poor candidate should not be marred in any way. At the same time, my anxiety is that it should not be an uneven battle between a rich candidate and a poor candidate.

I should like to make a submission on this occasion in regard to the second chamber. It may be possible for a rich candidate to purchase votes and he may be in a better position than a poor candidate in regard to purchasing votes for coming into the upper chamber. My fear is that it may nullify the very object for which a second chamber is constituted in our country. I am saying all this to avoid any chances of anybody, however rich he may be, waging an uneven battle against a candidate whose position may not be so. There should not be any occasion for any malpractice or corrupt practice on the part of any candidate when he contests the election against a poor candidate.

Another thing I should like to say is this.

Shri S. C. Samanta (West Bengal): May I know whether the hon. Member

is supporting the amendment before the House?

Mr. Deputy-Speaker: He is making general observations.

Shri Rathnaswamy: I am saying all this in order that there may be as far as possible fair and free elections. After all, our Government is endeavouring its best to see that there should be fair and free elections. There should not be any room for the opponents of the Government to say that our Government has not made any provision to see that equal opportunities are given to every candidate who wants to contest the election. An hon. Member remarked some time back that this Bill looked like the Penal Code. It may not be possible for us to keep an effective check on the expenses that may be incurred by a candidate. It may be possible for the candidate to produce cooked-up expenses, because they may not be bold enough to come out with the actual expenditure incurred on the elections. If there is a provision embodied in the Statute itself, then I am sure it will have a very salutary effect and that will, to a great extent, avoid the chances of having any kind of uneven battles between a rich candidate and a poor candidate.

Mr. Deputy-Speaker: I would urge upon hon. Members to confine their remarks to the points they have to make.

Shri Kamath (Madhya Pradesh): Sir, I wholeheartedly agree with you and I shall confine myself to the point I have to make.

The object of the amendment moved by my hon. friend Mr. Sarangdhar Das is a laudable one and deserves the serious consideration of the House. I for one feel that the matter is important enough to be regulated by Statute and not be left to the whims and fancies and caprices of the rule-making authority. It may be argued that this matter was regulated by rules in the olden days. But during the British regime, we must remember, firstly, that elections were all on a restricted franchise, and secondly, that they were interested in seeing that only vested interests were returned to the Councils or Assemblies and the Central Legislature, and not the common man. But this is the age, not only in India, but throughout the world, of the common man. And we are having the first election to our Parliament under the new Constitution and on the widest possible franchise, that is to say, universal adult suffrage. Therefore, as the Preamble to the

[Shri Kamath]

Constitution provides equality of opportunity for all, on that principle and on that basis, it is very essential that the poorest man in the land must be provided as far as practicable, equality of opportunity with the tallest or the richest in the land. The *per capita* income in the country was recently computed as Rs. 255 or so, and that is only the average *per capita* income. The lowest income *per capita* perhaps would be much less than that, and the highest would work out to perhaps a few lakhs or a few millions per year. It is all very well to talk of equality before the law but when matter like this, of providing equality or seeking to provide equality to the poorest as well as the richest come up, we find ourselves up against hurdles and the argument or the excuse is trotted out that this matter could be regulated by rules later on. If this amendment be not acceptable to the House, the House must be told by the Minister who is in favour of regulation by rules later on, on what basis he proposes that this would be regulated subsequently. We would like to know whether he has got in his mind any bases or any criteria by which this matter will be later regulated by rules, and if so, what those bases or criteria are. We have to see to it that the candidate with a very moderate income or even a poor income, is not swamped by a man or a candidate who possesses vast sums of money at his command, who is so to say, a big money bag. In the general elections that are coming, it will be unfair to the ordinary candidate or to the poor candidate if the dice are heavily loaded against him because of the riches of his rival. It is therefore, necessary to fix by Statute a limit—the upper limit—to these election expenses, and if that is not possible, the Minister must tell the House on what bases, which he may have in his mind today, or by what criteria, the rules would be made later on. It is said that the scales will be prescribed. But the House must be told on what basis these rules will be made. Unless that is done, a very serious discrimination will probably be made by law, under this statute, against the poor candidate who might stand for election either for the State Assembly or to Parliament in the coming elections.

Shri Karunakara Menon (Madras): I oppose this amendment, for more reasons than one. This is an important question and there are several factors connected with it. The maximum of election expenses can be determined only after considering the several

factors and the most important of them is the number of polling booths going to be fixed for each constituency. For example, for a Parliament Constituency there will be about 3.5 lakhs voters and if it is a double constituency, there will be about 7 lakhs of voters. Assuming that there will be 1,000 persons for each booth, the number of polling booths will be about 750 and if the candidate spends a minimum of about Rs. 20 per polling booth, the expenses come to Rs. 15,000. And so the whole thing depends on the number of polling booths that are going to be instituted in the country by the Government. The number of booths will be determined by Government later on and so it is only proper that the Government should determine the expenses also later on. Therefore, I oppose the amendment.

Mr. Deputy-Speaker: There has been sufficient discussion and so I shall put it now to the House. The Minister does not accept it. The question is:

In clause 76, after the word "elections", occurring in line 2, insert the following:

"shall not exceed the sum of rupees seven thousand for a candidate to the House of the People and rupees three thousand for a candidate to the Legislative Assembly of a State."

I think the "Noes" have it.

Several Hon. Members: Sir, the "Ayes" have it.

Mr. Deputy-Speaker: Hon. Members must be more attentive and realise what is being put to vote. I may be carried away by the volume of the voices. I cannot wait. Hon. Members must be more attentive, otherwise it is very embarrassing to the Chair. I will now put the amendment to vote again.

Shri Sarangdhar Das: Is it because hon. Members did not know what was being voted upon?

Mr. Deputy-Speaker: I ought not to allow a snap vote to be taken. The question is:

In clause 76, after the word "elections" occurring in line 2, insert the following:

"shall not exceed the sum of rupees seven thousand for a candidate to the House of the People and rupees three thousand for a

candidate to the Legislative Assembly of a State."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 76 stand part of the Bill."

The motion was adopted.

Clause 76 was added to the Bill.

Clauses 77 to 79 were added to the Bill.

Clause 80.—(Presentation of petitions)

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I have an amendment to clause 80. I beg to move:

For sub-clause (2) of clause 80, substitute the following sub-clause:

"(2) An election petition shall be deemed to have been presented to the Election Commission—

(a) when it is delivered to the Secretary to the Commission or to such other officer as may be appointed by the Election Commission in this behalf—

(i) by the person making the petition, or

(ii) by a person authorised in writing in this behalf by the person making the petition; or

(b) when it is sent by registered post and is delivered to the Secretary to the Commission or the officer so appointed."

Shri Kamath: Sir, I could not catch the last portion.

Mr. Deputy-Speaker: I will be reading it out again now. Amendment moved:

For sub-clause (2) of clause 80, substitute the following sub-clause:

"(2) An election petition shall be deemed to have been presented to the Election Commission—

(a) when it is delivered to the Secretary to the Commission or to such other officer as may be appointed by the Election Commission in this behalf—

(i) by the person making the petition, or

(ii) by a person authorised in writing in this behalf by the person making the petition; or

(b) when it is sent by registered post and is delivered to the Secretary to the Commission or the officer so appointed."

It is open to the Commission to authorize the Secretary to receive or any other Officer to receive.

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Shri Kamath: In the original clause it is.....

Mr. Deputy-Speaker: The earlier clause says:

"when it is delivered to the Secretary to the Commission or to such other Officer as may be authorized by the Election Commission in this behalf".

When it is sent by registered post and is delivered to the Secretary to the Commission or the Officer so appointed—and 'so appointed' means by the Commission in the earlier sub-clause.....

Shri Kamath: In the earlier clause it says 'by registered post'. I do not know what is meant by the word 'delivered'. Is it not sufficient to say 'by registered post and addressed to'? Who is responsible if it is not delivered? The candidate should not be made responsible for this. It should be amended as 'addressed to Secretary to the Election Commission or any other Officer appointed in this behalf'. How can he take responsibility for delivery when it is sent by post?

Mr. Deputy-Speaker: This argument applies to cases where notices have to be sent. This is an election petition on which action has to be taken and the whole election has to be confirmed or cancelled by the Election Tribunal. Under those circumstances unless it is delivered by registered post—and it may be with or without acknowledgment—and normally in all courts it must be presented to the Officer in person and here it can be sent by post.....

Shri Kamath: It says:

"An election petition calling in question any election may be presented on one or more of the grounds specified in sub-sections (1) and (2) of section 99 and section 100 to the Election Commission by any candidate at such election or any elector in such form and within such time etc."

[Shri Kamath]

If you read back sub-clause 2 what is the gist of the entire clause as amended? That will mean that the delivery by registered post also will be the responsibility of the candidate. Supposing a candidate sends a petition by registered post and addresses it to the Secretary to the Election Commission or such other Officer appointed in this behalf and if it is.....

Mr. Deputy-Speaker: If it is returned without being delivered what will happen? It will have to be delivered. If for any reason it is not delivered, the other party will be affected. He will not know of the petition at all.

Shri Kamath: Will it not be sufficient to say 'by registered post and addressed to the Election Commission'?

Mr. Deputy-Speaker: If by causes beyond anybody's control like flood etc. it is miscarried, can that, according to law, be an election petition?

Shri Kamath: Will the candidate or elector be informed?

Mr. Deputy-Speaker: Who is to inform? Unless it reaches the other side, the other side will not know of the petition at all. Safe delivery to the Secretary is the only proper method to ensure that the petition has been filed. By way of concession postal delivery is also allowed.

Shri Kamath: I do not see why the amendment is necessary.

Mr. Deputy-Speaker: The word 'delivery' is already there notwithstanding 'by registered post'. There is no change now.

Shri R. K. Chaudhuri: There are three methods prescribed. Ordinarily it is the responsibility of the person who makes the petition to deliver it to the authority or he can appoint a lawyer—but my friend Mr. Kamath is always opposed to lawyers (*Shri Kamath:* Oh! No. Not always)—or by any person whom he can authorize. It is his choice and if he takes the last method, how can the other candidate know about it? The matter cannot be allowed to hang on independently.

Shri Kamath: That reinforces my argument.

Shri Hathi (Saurashtra): Sub-clauses (a) and (b) deal with the category of persons who have to send the petition. Sub-clause (c) deals with the method. As it originally stood, the categories of persons and the methods were connected together. It is simply in order

to separate the categories of persons and the method by which it is to be sent that this amendment seems to have been moved. The amendment does not in any way alter the substance. It is only a better way of expression.

Dr. Ambedkar: Yes, that is the same thing. I need not add anything more to what the hon. Member has said.

Shri Kamath: Shall we add 'with acknowledgment due'?

Mr. Deputy-Speaker: We need not add it. All that is necessary is that it must be delivered to the other side. The question is:

For sub-clause (2) of clause 80, substitute the following sub-clause:

"(2) An election petition shall be deemed to have been presented to the Election Commission—

(a) when it is delivered to the Secretary to the Commission or to such other officer as may be appointed by the Election Commission in this behalf—

(i) by the person making the petition, or

(ii) by a person authorised in writing in this behalf by the person making the petition; or

(b) when it is sent by registered post and is delivered to the Secretary to the Commission or the officer so appointed."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 80, as amended, stand part of the Bill."

The motion was adopted.

Clause 80, as amended, was added to the Bill.

• Clauses 81 to 84 were added to the Bill.

Clause 85.—(*Election Tribunal*)

Pandit Munishwar Datt Upadhyay: I beg to move:

(i) In part (b) of sub-clause (3) of clause 85, for the words "one other member" substitute the words "two other members"

I shall move the consequential amendment also:

(ii) In the second Proviso to sub-clause (3) of clause 85, for the word "member" substitute the word "members".

The clause suggests that the tribunal will consist of two members and as a result there are certain inherent difficulties. Whenever tribunals have been appointed they have always consisted of an odd number of three, so that the decisions of such tribunals shall be final. If they are only two in case of difference of opinion there will be no finality and in every case the matter will have to be referred to the High Court for decision. If there is no unanimity there will be no finality. There is no majority decision possible in a tribunal which consists of two members. My suggestion is that the tribunal should consist of three members so that a majority decision will be possible, so that finality of decisions is possible and the reference to the High Court provided for may not be frequently availed of and litigation prolonged. I have already said that there are a number of provisions in this Bill under which there will be a considerable amount of litigation and the consequent expenses. This is the most important of those matters. By appointing three members it is possible to have a majority decision with two members on one side.

I would refer also to clause 102.....

Mr. Deputy-Speaker: I do not think it is necessary to labour the point. What has the Law Minister to say on the amendment?

Dr. Ambedkar: I accept the amendment.

Pandit Munishwar Datt Upadhyay: I want to refer to clause 103 also, which reads:

"If during the trial of an election petition there is a difference of opinion among the members of the Tribunal on any matter, the opinion of the Chairman shall, subject to the opinion, if any, expressed by the High Court on such matter on a reference made to that Court under sub-section (2) prevail."

Mr. Deputy-Speaker: That will have to be amended in view of the previous amendment. It is consequential. Amendments moved:

(i) In part (b) of sub-clause (3) of clause 85, for the words "one other member" substitute the words "two other members"

(ii) In the second Proviso to sub-clause (3) of clause 85, for the word "member" substitute the word "members".

Shri Satish Chandra (Uttar Pradesh): Sir, I want to oppose the amendment.

Mr. Deputy-Speaker: The hon. Minister has accepted the amendment.

Shri Satish Chandra: The amendment is not as innocent as it appears to be, and those who oppose it may be allowed to make their submissions.

Mr. Deputy-Speaker: Does he want to oppose the amendment?

Shri Satish Chandra: I want to speak on it.

Mr. Deputy-Speaker: He can do so on the clause.

Shri Satish Chandra: Sir, I want to oppose the amendment.

Mr. Deputy-Speaker: The hon. Member should have been more alert.

Shri Satish Chandra: The amendment moved by my hon. friend Pandit Munishwar Datt Upadhyay appears to be very innocent. I understand that as a consequence of acceptance of this amendment, clause, No. 103 shall have to be deleted altogether.

Mr. Deputy-Speaker: It will have to be suitably amended.

Shri Satish Chandra: It will have to be deleted for all practical purposes. In case of difference of opinion.....

Shri J. R. Kapoor: It will not be deleted altogether: it will be suitably amended so as to provide that the majority decision will prevail. Thus the right of appeal will disappear, namely the reference to the High Court.

Shri Satish Chandra: There shall be no appeal against an award if the tribunal consisting of a chairman who may be a district judge and two other members who may be advocates of ten years standing. The entire election law is being enacted on the basis that the conduct of elections should at no stage be influenced by political views of election authorities. The provisions in the Constitution are very clear on this point.

Mr. Deputy-Speaker: The hon. Member can have the same opportunity by speaking on clause 104, which reads:

"Every order of the Tribunal made under this Act shall be final

[Mr. Deputy-Speaker]

and no appeal shall lie therefrom to any authority or court."

When we have suitably modified it here the High Court comes into the picture at no stage.

Shri Satish Chandra: My objection is against the possible majority of the advocates who are not officials in the Election Tribunal. According to the present arrangement there may be a district judge and two advocates in the Election Tribunal. Most of the advocates today have got some political affiliation or other. They have certain political inclinations and prejudices. It is possible that the colleagues of the advocates at the bar might have contested the election and it is possible that these advocates might have sided or opposed the candidature of particular persons in the elections.

Mr. Deputy-Speaker: The hon. Member has not given any amendment to that effect.

Shri Satish Chandra: The House adjourned yesterday to discuss the amendments informally. We adjourned from that informal meeting at 1 o'clock and I gave notice of my amendment at 1 P.M. But it has been admitted in today's date.

Mr. Deputy-Speaker: Was this matter discussed and agreed upon in the informal committee?

Dr. Ambedkar: Yes, Sir, it was agreed upon.

Mr. Deputy-Speaker: Was it agreed that no advocate ought to be there?

Dr. Ambedkar: Nobody wants any advocate. The matter can arise only by deleting part (b) of sub-clause (2). It cannot arise on this.

Mr. Deputy-Speaker: Even accepting the clause as it stands he cannot avoid any advocate.

Shri Satish Chandra: I would suggest that this clause may be held over. The Members had no opportunity of giving any notice of amendments after yesterday's informal discussion. Notice has been given by me after the discussion but it will come up only tomorrow. If you allow me to move my amendment of which I have given notice, I shall do so.

Mr. Deputy-Speaker: Not that I am bound by any of those decisions, but anyhow the hon. Member also had sat in that informal meeting which came to

an agreed arrangement with reference to this matter. A contrary decision was arrived at there. Is it worthwhile my allowing the clause to stand over?

Shri Satish Chandra: I would respectfully submit that out of the 320 Members of the House which adjourned yesterday for the specific purpose of holding an informal discussion on tabled amendments, not as many Members as the strength of the Select Committee on this Bill were present.

Mr. Deputy-Speaker: Who is to blame? The hon. Minister?

Shri Satish Chandra: I do not blame the hon. Minister.

Dr. Ambedkar: You yourself were present. Never mind whether others were present or not, you yourself were present.

Shri Satish Chandra: I objected to the amendment, but I was not allowed to have my full say. So, what I wish is that.....

Mr. Deputy-Speaker: I am exceedingly sorry that the hon. Member was not tabled an amendment.

Shri Satish Chandra: I have tabled an amendment and its copy is with me. It could not be on the order paper today. I gave it to the Notice Office yesterday after 1 P.M.

Mr. Deputy-Speaker: It is a fundamental issue as to whether lawyers are to be trusted or not. Therefore, even before this amendment was tabled he had enough time to give notice of an amendment. I am prepared to waive notice if he is able to show either in the consolidated list or in any of the supplementary lists any amendment standing in his name saying that lawyers are taboo—I would not stand on formality. But if after yesterday's discussion he thinks of a new thing I would not agree to it being moved now.

Shri Satish Chandra: I would submit that this majority of lawyers in the Election Tribunal was created only yesterday. It was not there before.

Dr. Ambedkar: In the amendment moved by my friend, Mr. Munishwar Das Upadhyay there is no provision that there shall be a majority of lawyers. Only the chairman shall be a judicial officer, but the others may be non-judicial.

Shri Satish Chandra: The two persons out of three may be advocates. I do not know what else is a majority.

Pandit Munishwar Datt Upadhyay: His amendment, if there is any, refers to another clause—it has nothing to do with this clause.

Mr. Deputy-Speaker: He does not say he has any amendment.

Shri Satish Chandra: I submit, Sir, that it may be held over. After all there is a difference of opinion among the hon. Members, some of whom feel strongly over this point. Just as other clauses have been held over, I suggest, this also may be held over and may be allowed to come up later. If it is held over it is possible there might be some agreed formula to satisfy all.

Dr. Ambedkar: I do not think there is any ground for holding it over.

Shri J. R. Kapoor: I am not entirely in favour of what Mr. Satish Chandra has been arguing, but then all of a sudden it does strike me that there is some point of fundamental importance that he has been arguing, and it is that Mr. Munishwar Datt's amendment to part (b) of sub-clause (3) of clause 85 stipulates that instead of one there shall be two members selected by the Election Commission from either of the lists maintained by it under sub-clause (2). But these two could be selected not necessarily only from the list under part (a) but from both the lists under parts (a) and (b).

Dr. Ambedkar: In which case his objection vanishes.

Shri J. R. Kapoor: So that objection goes.

Shri Kamath: May I point out that the acceptance of the amendment of Mr. Upadhyay by the Law Minister and perhaps later on by the House lends some point to the question raised by my friend, Mr. Satish Chandra? Clause 85, sub-clause (3) as it stands reads as follows:

“Every Tribunal appointed under sub-section (1) shall consist of—

(a) a Chairman who shall be either a person who is or has been a judge of a High Court, or a person selected by the Election Commission from the list maintained by it under clause (a) of sub-section (2); and

(b) one other member selected by the Election Commission from either of the lists maintained by it under sub-section (2):”

The acceptance of the amendment of Mr. Upadhyay will lead to this, that the two Members he proposes in place of one can be selected from either of these lists, that is to say the possibility is there that both of them can be from the list mentioned in part (b).

Dr. Ambedkar: There is also the possibility of all the three people being taken from the list mentioned under (a).

Shri Kamath: I agree, but the clause as it stands would have precluded the majority of persons mentioned in part (b) because there were only two members of which one would necessarily be a District Judge, that is from the list under (a) or a High Court Judge, and the other would have been an advocate. And therefore, both of them would not have been advocates. Now, three members mean that there will be the possibility that one will be a District Judge or a High Court Judge, while the other two will be advocates. Therefore, his point acquired some force because under this new amendment, if accepted by the House, it is possible that both the members, apart from the chairman, can be from the list maintained by the Election Commission as provided in sub-clause (2) (b). Therefore, this is a new situation that has arisen which might lead to the possibility of the majority of this Election Tribunal consisting of members from the list under (b). Therefore, I do agree with my friend, Mr. Satish Chandra that either the clause be held over or you waive notice for the amendment which he has given notice of. If you waive notice his amendment will be discussed in the House, otherwise it will be unfair to him and the House if his amendment is not allowed to be moved and the clause is put to the House as amended by the amendment of Mr. Upadhyay.

Shri T. T. Krishnamachari: I think quite a lot is being made about a clause which does not merit so much time.

Shri Kamath: That is in your view.

Shri T. T. Krishnamachari: That is my view and I hope it will be the view of the House.

Shri Kamath: I hope not.

Shri T. T. Krishnamachari: The merit of accepting my hon. friend, Mr. Upadhyay's amendment is that the elaborate improvisation contemplated in clause 103 is done away with and I feel to that extent it is something which is commendable. The other point, as you were good enough to sug-

[Shri T. T. Krishnamachari]

gest, is whether the operation of clause 104 should continue in view of the fact that the chance of the High Court considering it as a side issue if there is a difference of opinion, is now removed. It is a different matter altogether and I would like to suggest to the hon. Mover to reconsider clause 104 and provide in particular cases where an interpretation of law is involved, that an appeal to the High Court is made possible. That, of course, is a different matter altogether. But so far as the constitution of the Tribunal under clause 85 is concerned, while I have got great respect for the opinion of my hon. friend, Mr. Satish Chandra, I do think that no great harm will happen even if one member happens to be an official and two happen to be non-officials. On the other hand the chairman may be a High Court Judge, one member may be a District Judge and another a non-official. Our experience of such tribunals, even in the days when the British used to appoint them, has been that there have been very few cases where the *bona fides* of a tribunal, whether constituted on the lines suggested in clause 85 or otherwise, have ever been questioned by even the aggrieved party. Notwithstanding the vehement objection of my hon. friend, Mr. Kamath I would allow the whole thing to pass as it is if the House approves.

I commend the amendment for acceptance of the House.

Mr. Deputy-Speaker: Is it not a fact that as the Bill originally stood in case of a difference of opinion between the chairman and the member and the case taken up to the High Court there was a guarantee that two judicial officers will bring to bear their judgment on the case? That provision is taken away now and now it is open to the appointing authority to appoint both the members from among advocates. Why should there be such a radical change between the provisions of the Bill and the amendment contemplated, which may bring in persons who may take part in politics?

Shri T. T. Krishnamachari: So long as the appointments vest in the Election Commissioner, we can leave it to him to see that the people who are appointed are above suspicion.

Dr. Ambedkar: May I say a word, Sir, to clear the matter? Really the substantial question that we have to consider is whether we should retain the provisions contained in clause 103,—that is the fundamental point,—whether we want this matter to be so

dragged as to require the intervention of the High Court. The Committee all along felt that we have no idea as to the number of election petitions and we have no idea as to whether the judicial staff that would be wanted for the purpose of disposing of the election petitions would be adequate for the purpose of constituting the necessary number of tribunals. That was the difficulty that we have all along felt. Consequently we decided in the Select Committee that sub-clause (b) be added—I think you will remember that,—on account of the difficulty that was felt that if the personnel was confined only to judicial officers in the service of the Government there may be great difficulty. Therefore sub-clause (b) was brought in.

Now, with regard to the question that a lawyer may be appointed who might have played some part in politics and may have developed some kind of a bias in favour of one party as against the other, or who may have been a candidate in an election that difficulty is sought to be met in two ways. The first is this: that it is not every advocate who would be eligible for the purpose of being appointed. The restrictions are very many. First of all he must be a lawyer who is approved by the High Court. You will see the words are: "a list of advocates of that High Court who have been in practice for a period of not less than ten years and who are in the opinion of the High Court fit to be appointed as such members." I have no doubt in my mind that when the High Court recommends any particular advocate to be appointed to the Tribunal, it will take into consideration the political affiliations of the particular advocates whom it is recommending. Secondly, the High Court again is only a recommendatory body. The final appointment is to be made by the Election Commission and I have no doubt in my mind again that the Election Commission in order to maintain fair practices in election will further examine the list given by the High Court to find out whether any man is there on their list as recommended by the High Court who should be excluded by reason of the fact that he is a political individual, or has been a defeated candidate or belongs to any particular party.

I agree the question whether advocates should be admitted or not to these appointments is a separate question. But the possibility of including political advocates as members of the Tribunal, I think has been for all practical purposes more or less eliminated by the two provisions, namely, that it

has been made subject to the recommendations of the High Court and secondly it has been made subject to the right of the Election Commission to select any particular individual or not. I, therefore, think that the fear is more or less groundless.

Mr. Deputy-Speaker: Advocates of ten years' standing are eligible to be appointed as High Court Judges—is it not? Therefore, persons who are qualified to be High Court Judges will alone be selected.

Dr. Ambedkar: Even after that if it is found out that he is politically interested in anybody, the Election Commission has got the power to exclude him. These are very rigorous and stringent conditions.

Shri Kamath: A person when he goes from the Bar to the Bench behaves differently but here the possibility is not obviated of this Tribunal being weighted by two advocates, thereby detracting from its judicial character.

Dr. Ambedkar: At that rate, why do you suppose that a retired sub-judge may not be a politician? After all he is a retired man and is free to take part in politics.

Shri Kamath: Then delete that even.

Dr. Ambedkar: That would be further reducing the available resources for appointing the Tribunal.

Shri Shiv Charan Lal (Uttar Pradesh): I think, Sir, the contingency which Mr. Kamath thinks might arise was already there. Previously also, when two persons were to be appointed, one a Chairman and the other an advocate, both could be advocates. Sub-clause (a) says "a Chairman who shall be either a person who is or has been a judge of a High Court." You know, Sir, that at least half of the Judges of the High Court are appointed from the advocates of the High Court. Suppose a man who was an advocate last year has been appointed a Judge of the High Court and he was appointed Chairman? In that case both would be advocates.

Mr. Deputy-Speaker: Once he is appointed a judge he sheds his colour of an advocate.

Shri Shiv Charan Lal: He might have been appointed a High Court Judge only a month before.

Shri J. R. Kapoor: The only apprehension that is troubling the minds of some of my hon. friends is that there is a possibility that the two members of the Tribunal other than the Chair-
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man, may be advocates. To remove that apprehension I would suggest a slight amendment.

Dr. Ambedkar: I have asked my hon. friend Pandit Munishwar Datt Upadhyay to move an amendment.

Shri J. R. Kapoor: I suggest that part (b) of sub-clause (3) of clause 85 be amended in the following manner, that for the present words the following words be substituted:

"(b) two other members selected by the Election Commission either from the list maintained by it under part (a) of sub-section (2), or one from each of the list maintained by it under sub-section (2)."

It means that both the non-Chairman members may be from the list maintained under part (a) of sub-section (2). To that nobody can have any objection. Failing that one member may be from the list maintained under part (a) and the other advocate-member may be from the list maintained by part (b), so that under no circumstances both the non-Chairman members would be advocates. This is my amendment and if I have your permission I might move it.

Pandit Munishwar Datt Upadhyay: This difficulty will be solved by the omission of the words "either of" occurring in part (b) of sub-clause (3). The amendment will read as:

In part (b) of sub-clause (3) of clause 85 omit the words "either of".

Shri J. R. Kapoor: That would not meet the point.

Shri Satish Chandra: I would suggest the substitution of the word "each" for the word "either" in part (b).

Mr. Deputy-Speaker: If it is understood that the hon. the Law Minister is also agreeable to this amendment, we can make it easy. Even in item (a) of sub-clause (3) we can say that the Chairman and one other member shall be persons who are either High Court Judges or who are in the list under sub-clause (2)(a) and one other member shall be a person from the list under sub-clause (2)(b).

Dr. Ambedkar: If the words "either of" remain it may be possible that both of them may be appointed exclusively from one list. We do not want that. If we drop the words "either of" then that possibility does not remain.

Shri J. R. Kapoor: Even then it remains.

Mr. Deputy-Speaker: It does not prevent the Commission from appointing from either list.

Shri T. T. Krishnamachari: It should be one from each.

Shri Kamath: Instead of "from either" if you make it "one from each" it will be clear and free from doubt.

Mr. Deputy-Speaker: "One from each of the lists"?

Shri J. R. Kapoor: So that the advocate must always necessarily be there!

Dr. Ambedkar: I have no objection. If people have so much prejudice against advocates what can I do?

Mr. Deputy-Speaker: I shall put the amendments in their order. I shall first put Pandit Munishwar Datt Upadhyay's amendment. The question is:

In part (b) of sub-clause (3) of clause 85, for the words "one other member" substitute the words "two other members".

The motion was adopted.

Mr. Deputy-Speaker: Now, the other amendment is that for the words "from either" the words "one from each" be substituted.

Dr. Ambedkar: It is a very tightening situation.

Mr. Deputy-Speaker: I leave it to the hon. Minister. Is it his desire that I should put it?

Dr. Ambedkar: Yes.

Shri Karunakara Menon: May I point out that it takes away the possibility of the Tribunal consisting of all the three members being government servants? Whether it is proper or not is a matter to be considered.

Mr. Deputy-Speaker: It is pointed out that it is advantageous to the lawyers also because there must be at least one lawyer and not all government servants.

Further amendment made:

In part (b) of sub-clause (3) of clause 85, for the words "from either" substitute the words "one from each".

—[Shri T. T. Krishnamachari]

Mr. Deputy-Speaker: Now I shall put amendment No. 18 (Consolidated List No. 2). It is a consequential amendment. The question is:

In the second Proviso to sub-clause (3) of clause 85, for the word "member" substitute the word "members".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 85, as amended, stand part of the Bill."

The motion was adopted.

Clause 85, as amended, was added to the Bill.

Clauses 86 to 93 were added to the Bill.

Dr. Ambedkar: Sir, I was going to suggest, that the House might adjourn now and allow me to sit with the Members who have tabled amendments, to consider the clauses from 94 and then we can meet tomorrow, so that we may not have again the difficulty of moving amendments which subsequently may be withdrawn or amendments which I have not yet had time to consider and come to any definite conclusion. I make this humble suggestion for your consideration and for the consideration of the House whether they would agree to it, so that we could meet right now for that purpose and also, if necessary, in the afternoon.

Several Hon. Members: Yes, yes.

Mr. Deputy-Speaker: Very well. I think the suggestion is acceptable to the House. But I would like to make one suggestion before I adjourn the House. I find that though the conference was very fruitful, still a number of hon. Members did not avail themselves of it. I would urge upon hon. Members, all of them, to gather in the conference so that whatever they want to say here they may thrash out there and try to reach an agreement. If in spite of it there is a difference of opinion, they can always come to the House and take a vote. But many matters or matters in respect of which there may be misunderstanding may be thrashed out at the conference in an informal way and the misunderstandings removed.

Dr. Ambedkar: Everyone is invited

Mr. Deputy-Speaker: Though it is not a formal reference to a Committee of the whole House, it is as good as that. It is for hon. Members to sit there, voice forth their views and support or oppose amendments and come to conclusions. I hope that much of the discussion will be cut off tomorrow

and that many of the clauses will be carried.

Shri Kamath: Your suggestion will apply only in respect of matters where there is unanimity of opinion. If there is difference of opinion, they have to be discussed here.

Dr. Ambedkar: The majority decision must be accepted.

Shri Kamath: Not at all.

Mr. Deputy-Speaker: Unanimity is always a percentage. As far as possible, doubts will be ironed out at the conference.

The House now stands adjourned till 8-30 tomorrow.

The House then adjourned till Half Past Eight of the Clock on Thursday, the 24th May, 1951.