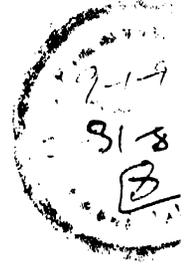
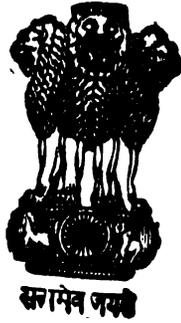


Monday, 28th May, 1951



# PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

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VOLUME VII, 1951

(2nd April to 16th May, 1951)

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Third Session (Second Part)

of the

PARLIAMENT OF INDIA

1951

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

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**PARLIAMENT OF INDIA**

*Monday, 28th May, 1951*

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

[MR. SPEAKER in the Chair]

**ORAL ANSWERS TO QUESTIONS**

**RAJGHAT**

**\*4569. Pandit Munishwar Datt Upadhyay:** Will the Minister of Works, Production and Supply be pleased to state whether the work of planning a suitable structure and Tree Park at Rajghat has been entrusted to any experts?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** Suggestions for the memorial to Mahatma Gandhi at Rajghat have been invited by Government from Artists and others and a committee known as "the Gandhi Memorial Designs Committee" has been constituted to advise Government on the selection of a design for the Memorial. Among the various suggestions received is a plan for a grassy mound and a tree park from an American Architect and Town Planner.

**Pandit Munishwar Datt Upadhyay:** May I know whether there is any suggestion for a statue of Gandhiji to be put up there?

**Shri Buragohain:** I had already answered that question a few days ago and that is along with other suggestions this suggestion from the American Architect would be considered by the Designs Committee.

**Pandit Munishwar Datt Upadhyay:** May I know the estimated cost of the design?

**Shri Buragohain:** Only a design has been received and it was displayed in the hon. Prime Minister's room in Parliament House and I believe no 116 PSD.

estimate of the design has been received from the Architect.

**Seth Govind Das:** Besides the American Expert, is that design going to be shown to other artists of various countries or that design has been made final and that would be made?

**Shri Buragohain:** The reactions obtained by displaying it in the hon. Prime Minister's room and also of the Press and the public will be considered by the Designs Committee.

**HIGH COMMISSIONER IN INDONESIA**

**\*4570. Shri Sanjivayya:** Will the Prime Minister be pleased to state:

(a) whether there is any truth in the press report stating that the High Commissioner for India in Indonesia has resigned; and

(b) if so, for what reasons?

**The Prime Minister (Shri Jawaharlal Nehru):** (a) and (b). Yes. It was his wish to return to India. I may add that our representative in Indonesia is an 'Ambassador' and not a 'High Commissioner'.

**Shri Sanjivayya:** Has his resignation been accepted?

**Shri Jawaharlal Nehru:** There is no question of resignation. He expressed his wish to come back to India and we agreed.

**Shri Sanjivayya:** Is there any period for his appointment there?

**Shri Jawaharlal Nehru:** Whose appointment?

**Shri Sanjivayya:** Ambassador's.

**Shri Jawaharlal Nehru:** There is no period fixed.

**BUILDINGS CONSTRUCTED BY  
GOVERNMENT**

**\*4571. Shri Amolakh Chand:** Will the Minister of Works, Production and Supply be pleased to state the

number of buildings constructed by the Central Government, apart from those constructed for Government employees and displaced persons, during the period from April, 1946 to April, 1951 and the expenditure incurred thereon?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** The information is being collected and will be laid on the table of the House in due course.

**Shri Amolakh Chand:** May I know if the Laboratories constructed by the Natural Resources Department were constructed by the C.P.W.D. or by some other contractors?

**Shri Buragohain:** All constructions are done by the C.P.W.D. generally.

**The Minister of Works, Production and Supply (Shri Gadgil):** I wanted to say that the construction of the Laboratories was done by the Architects appointed by the Council of Industrial and Scientific Research but under the general supervision of the C.P.W.D.

#### GURDWARAS IN PAKISTAN

**\*4573. Dr. Ram Subhag Singh:** (a) Will the Minister of Rehabilitation be pleased to state whether requests have been made to Government to arrange matters with Pakistan so as to enable the S.G.P.C. to regain possession and management of the Gurdwaras and their properties that lie in West Pakistan?

(b) If so, have Government taken any steps in this regard?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) Yes.

(b) The question of religious shrines in India and Pakistan has been discussed at Indo-Pakistan Conferences at different times. The two Governments have agreed to preserve the places intact. The question of property was discussed by the Trust Property Committee. The matter is still under consideration.

**Dr. Ram Subhag Singh:** May I know whether any estimate has been made by the Government of Gurdwara property left in Pakistan?

**Shri A. P. Jain:** The Gurudwara Prabandhak Committee was requested to supply a list and they have done so. No accurate estimate has been made so far.

**Dr. Ram Subhag Singh:** May I know whether any request has been received from the Shiromani Gurudwara Prabandhak Committee that *Sevadars*

should be permitted to be stationed in the Gurudwaras in Pakistan?

**Shri A. P. Jain:** Yes.

**Dr. Ram Subhag Singh:** May I know whether any action has been taken by Government in regard to this request?

**Shri A. P. Jain:** *Sevadars* are already there at Nankanasahab and the question is receiving the attention of Government.

#### GENERAL AGREEMENT ON TRADE AND TARIFFS

**\*4576. Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Commerce and Industry be pleased to state which are the six new countries that have acceded to G.A.T.T.?

(b) What are the commodities and what is the value of trade on which India has offered Tariff concessions?

(c) What are the export commodities in which India is to receive Tariff concessions and from what countries?

(d) What are the countries with which India has entered into such arrangement and with what advantages?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) Austria, Peru, the Federal Republic of Germany, the Philippines, Turkey and the Republic of South Korea participated in the Tariff Negotiations held at Torquay (England) with a view to acceding to the General Agreement on Tariffs and Trade.

(b) and (c). A statement showing the details of the tariff concessions exchanged by India's Delegation with individual countries is placed on the table of the House. [See Appendix XXVI, annexure No. 28.]

A number of items on which tariff concessions have been exchanged are not specified separately in the Trade Statistics but are grouped with other products in respect of which concessions have not been negotiated. It is not possible, therefore, to calculate the actual value of the import trade in the commodities on which India has agreed to give tariff concessions. India's Delegation has, however, estimated on a rough and ready basis, the total value of India's import trade during 1948-49 in the items concerned at Rs. 472 lakhs.

(d) India has reached agreement with Austria, Canada, Denmark, the Federal Republic of Germany, Indonesia, Peru, the Philippines and Turkey. The Delegation which negotiated these agreements has reported that, on the whole, the results achieved are favourable to India's trade. On

the basis of the 1948-49 Trade Statistics, the Delegation has estimated the value of India's export trade in products on which tariff concessions have been agreed to by other countries to be of the order of Rs. 698 lakhs. Besides tariff concessions, India's trade will receive most-favoured-nation treatment of the standard laid down in the General Agreement on Tariffs and Trade from six more countries when the proposed accessions to the General Agreement have been completed.

**Pandit Munishwar Datt Upadhyay:** May I know whether, besides the question of profit and loss, there is any special advantage to us on account of this Agreement?

**Shri Karmarkar:** Yes, Sir. The advantage for which India has participated in all these negotiations—bilateral and multi-lateral—has been that inasmuch as India is a country with developing industries and therefore is interested in expanding foreign trade, we are interested in seeing that other countries are not in a position to place unnecessary barriers in the way of our exports. That is one of the principal advantages to which we attach great importance. If we become a member of this great family which has entered into firstly bilateral, which resulted in multilateral agreements, we derive this advantage that no member to this agreement can shut out unreasonably India's exports. I am grateful to the hon. Member for this question because I wished the House to know of this position.

**Shri Amolakh Chand:** May I know if Italy has entered into any agreement with India for the supply of Sulphuric Acid?

**Shri Karmarkar:** Obviously this does not follow from the question.

**Mr. Speaker:** He is going into details.

**Shri A. C. Guha:** May I know if our trade under the G.A.T.T. with any country or regarding any commodity has been adversely affected due to our commitment of the Indo-British trade agreements?

**Shri Karmarkar:** The principal foundation of these agreements has been that in respect of those manufactures or any commodities which we want to protect, we don't give any concession. We give concession on such commodities as will not affect our industries.

**Shri T. N. Singh:** Is it a fact that in the concessions granted by India to other countries there is more scope for manufactured goods than for import of raw materials from these countries?

**Shri Karmarkar:** The idea is that in respect of those products which are the products of industries that we want to protect as a measure of national protection, in respect of such commodities we don't give any concession whatever to any country but for instance in the case of an industry like Motor Cars, in the near future, because we are assemblers than we are producers, we have given a little concession because it will not affect us in the near future but in respect of any commodities where any concession given would affect us, we don't give those concessions.

**Pandit Munishwar Datt Upadhyay:** With how many countries negotiations have been going on and how many of them have come to an agreement?

**Shri Karmarkar:** Subject to correction, the total number of countries is round about 35 but I should like to be exact on this point.

**Mr. Speaker:** Let the House await the promised statement.

#### FOOD GRAINS FROM PAKISTAN

\*4577. **Pandit Munishwar Datt Upadhyay:** Will the Minister of Commerce and Industry be pleased to state how far has Pakistan fulfilled her promise to supply food grains to India up to the end of May 1951 according to the recent trade agreement?

**The Minister of Commerce and Industry (Shri Mahtab):** The attention of the hon. Member is invited to the reply to starred question No. 4392 asked by Shri Sidhva on 22nd May, 1951.

**Pandit Munishwar Datt Upadhyay:** I wanted to know what is the amount which will be received by India till the end of May 1951?

**An Hon. Member:** It is not yet the end of May.

**Pandit Munishwar Datt Upadhyay:** Up till now.

**Mr. Speaker:** Next question.

#### PARIS TRADE FAIR

\*4578. **Shri Amolakh Chand:** (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that about 25 lakhs of visitors of various countries visited the Indian Stall at the Paris Trade Fair opened in Paris on the 23rd April, 1951?

(b) Were Indian economic films also exhibited on the 4th and 7th May, 1951?

(c) Were some lectures on Franco-Indian Trade relations also arranged and if so, how many lectures were arranged and what was the average attendance?

(d) Were the Indian exhibits at the Fair for sale and if so, what were the sale proceeds?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) to (d). The information required by the hon. Member is being collected and will be laid on the Table of the House as early as possible.

#### CLOTH DISTRIBUTION

\*4579. **Shri Barman:** (a) Will the Minister of Commerce and Industry be pleased to state the policy of cloth distribution as modified at the conference held recently?

(b) What proportion of production is to be distributed through State rationing departments, and what proportion is to be sold in the free market?

(c) What is the policy involved in free market distribution?

(d) What is to be per head availability of cloth in India under the present position of production and international distribution?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) The general policy remains unchanged.

(b) 80 per cent. of the production would be distributed through States under control and 20 per cent. left to Mills for free sale including commitments for Export.

(c) The Mills can sell to purchasers of their own choice but they are being encouraged to open mill retail shops to be supplied out of the 20 per cent. quota. Mills in deficit States cannot send out their free sale cloth outside the State and only movement from a surplus zone is allowed.

(d) If the trend of the present production continues, per capita availability in 1951 may be 11 yards including handloom cloth.

**Shri Barman:** Do Government keep any account of the supply to individual States out of this free market quota and have they information as to whether individual States lift their quota or not?

**Shri Mahtab:** We have impressed upon the State Governments and they have promised to lift the quota allotted to them in time. The free sale quota has been reduced from 33 per cent. to 20 per cent. and the export quota is also included in that 20 per cent. and,

as I have said, free sale has also been included in this 20 per cent. So we have reduced the free sale quota to the minimum for the present. With regard to that 20 per cent. formerly there was a system under which inter-wholesale transfer within the State had been permitted but now it has been prevented. We have taken all possible steps to see that the free sale cloth goes to the place where it is needed most.

**Shri Barman:** Has it come to the knowledge of the hon. Minister or the Government that whenever any State tried to enforce control of prices the traders did not lift from the mills in their area their allotment out of the free market quota?

**Shri Mahtab:** That is a fact. For instance, as soon as the West Bengal Government took measures to stop black-marketing, the free sale quota practically did not reach West Bengal for the last two or three months. We have taken steps to correct that position also.

**Shri Sondhi:** In case the State quota is not lifted in time how will it be disposed of?

**Shri Mahtab:** We have decided that if any State defaults that quota will lapse to the Textile Commissioner who will make arrangements for its distribution.

**श्री द्विवेदी :** वर्ष के किसी महीने में जब कि शार्दी विवाह बहुत होते हैं और पब्लिक में कपड़े की मांग बहुत होती है, मैं जानना चाहता हूँ कि क्या सरकार ऐसे अवसरों के लिये कपड़े के लिये कोई कोटा नियत करती है ?

[**Shri Dwivedi:** May I know whether Government allots any special quota on such occasions when marriages are largely celebrated in certain parts of the year and as a result of which there is an increase in the demand for cloth?]

**Shri Mahtab:** I must frankly say that even with regard to that requirement there should be some control.

**सेठ गोविन्द दास :** यह जो ८० प्रति शत भिन्न भिन्न प्रदेशों को दिया जाने वाला है वह कपड़ा वहाँ पर गत वर्ष जो कपड़े का खर्च हुआ उसके अनुसार दिया जाना वाला है या वहाँ की आबादी के अनुसार दिया जाने वाला है ?

[**Seth Govind Das:** With regard to the distribution of 80 per cent. of the cloth to the various States may I know whether it is to be given on the basis of last year's consumption or in accordance with the population of those areas?]

**Shri Mahtab:** Two principles have been taken into consideration. First there is the basic quota on the basis of the population. Then there is the fact of the urban population, which is also taken into consideration. Where the population in the urban areas is very high an additional quota is given.

**Pandit Krishna Chandra Sharma:** What percentage of this free market quota is likely to be exported?

**Shri Mahtab:** As I have already said the export target has been fixed at 844 million yards and it would be less than 10 per cent.

**Shri S. C. Samanta:** The hon. Minister has admitted that he is aware of the fact that there is black-marketing going on in the States in the quota for free sale. What practical steps Government have taken or intend to take in the near future to prevent this?

**Shri Mahtab:** If the hon. Member reads the newspapers he will find that cases have been started and prosecutions are going on.

**Mr. Speaker:** Presumably, he wants information from the Minister and not from the Press.

**Shri Mahtab:** I corroborate the facts published in the newspapers.

**Shri Ghule:** What are the difficulties in the way of Government in stopping this free quota totally?

**Shri Mahtab:** The difficulty experienced by the State Governments is to find the finance for it. The State nominees must lift the quota and if an assurance comes from the State Governments that their nominees will lift the entire quota, the free market quota will at once be abolished.

#### REQUIREMENTS FOR CLOTH

\*4580. **Shri Sidhva:** (a) Will the Minister of Commerce and Industry be pleased to state what are the requirements of cloth (coarse and fine separately) in India during the remaining period of the year viz. May to December 1951?

(b) Are sarees, dhoties and fine-cloth now available in all States in sufficient quantities to meet the demands?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) Taking the new census figures of population as 357 million and the per capita availability of cloth as 10 yards per annum, the requirements of cloth from May to December, 1951, would be about 2,380 million yards of cloth. Of this about 25 per cent. is required in fine and superfine cloth and the balance in coarse and medium cloth.

(b) Yes, to a large extent.

**Shri Sidhva:** What is likely to be the percentage of export out of this quantity, which the hon. Minister has mentioned, from May to December, of coarse and medium cloth?

**Shri Mahtab:** As I have already said the target from June to December is 844 million yards out of which 519 is of fine and superfine variety and the remainder of medium and coarse varieties.

**Shri Sidhva:** Does it include the quantity agreed upon under the agreement with Pakistan?

**Shri Mahtab:** Yes, it includes every thing.

**Shri Kamath:** Arising out of the answer to part (b), does the Minister hold out the hope and renew his promise that sarees and dhoties will be available to all by the end of June?

**Shri Mahtab:** The production of dhoties and sarees is increasing and I do not know whether they will be available to all or whether all people do require them.

**Shri Kamath:** Who does not require it?

**Mr. Speaker:** According to the Minister's estimate, does he hope that he will be able to meet the demand? That seems to be the question.

**Shri Mahtab:** We will supply 11 yards per capita by the end of this year.

**Shri Kamath:** End of this year, and not June!

#### HIGH EXPLOSIVES

\*4582. **Dr. M. M. Das:** Will the Minister of Works, Production and Supply be pleased to state:

(a) average annual consumption of high explosives for civilian purposes in India;

(b) the different purposes for which they are used; and

(c) whether any scheme for manufacturing explosives in this country is

under the consideration of Government?

**The Minister of Works, Production and Supply (Shri Gadgil):** (a) The average annual consumption of high explosives for civilian purposes in India is approximately 2,240 tons.

(b) High explosives are used mainly for blasting in mines and quarries, in construction of roads and tunnels, and in sinking of wells. Small quantities are also used in prospecting for oil, and in uprooting tree stumps.

(c) Yes.

**Dr. M. M. Das:** What are the main varieties of high explosives that are used for civilian purposes?

**Shri Gadgil:** I require notice.

**Dr. M. M. Das:** May I know whether the entire quantity that is annually consumed by India is imported from foreign countries and, if so, what are the countries from which it is imported and what is the total import value?

**Shri Gadgil:** They are mainly from the U.K. The value is about Rs. 96 lakhs a year.

**Shri Kamath:** On an average what proportion of these high explosives is used by Government and what proportion by non-Governmental agencies?

**Shri Gadgil:** I require notice for that. I have given the total consumption as 2,240 tons and I have also given the value of imports. If further details are required I want notice.

**Dr. M. M. Das:** May I know how far the scheme for establishing a factory for the manufacture of explosives has advanced?

**Shri Gadgil:** We are carrying on negotiations with the Imperial Chemical Industries Ltd. I am not at present in a position to state what will be the ment of West Bengal. What are the ultimate result of these negotiations.

#### LABORATORIES FOR EXAMINATION OF EXPLOSIVES

\*4583. **Dr. M. M. Das:** Will the Minister of Works, Production and Supply be pleased to state:

(a) the number of laboratories in India for the examination of samples of explosives, sent by the different States to the Explosives Department of the Government of India;

(b) the total number of such samples received by the Government of India during each of the last three years; and

(c) the total number of such samples received from the West Bengal Government during each of the last three years?

**The Minister of Works, Production and Supply (Shri Gadgil):** (a) There are four laboratories belonging to the State Governments; at Bombay, Calcutta, Madras and Agra, where such samples are analysed. The Government of India also propose to set up such a laboratory at Calcutta.

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

#### STATEMENT

(b) 1948	—	6,400
1949	—	19,300
1950	—	7,200
(c) 1948	—	5,200
1949	—	15,000
1950	—	6,100

**Dr. M. M. Das:** From the statement I find that during the year 1949 the average annual number of samples has gone up by three times. May I know what are the reasons for this sudden increase of explosives samples during 1949?

**Shri Gadgil:** I require notice for this reason that some unhealthy activities were carried on and as a result many samples came to these laboratories.

**Dr. M. M. Das:** From the statement I also find that more than 80 per cent. of the total number of samples sent to the Government Explosives Department have been sent by the Government of West Bengal. What are the reasons why this small State of West Bengal sends the maximum number of samples?

**Shri Gadgil:** I can give no reason for that.

**Dr. M. M. Das:** May I know whether from the analysis of these samples any new type of explosive, which requires special scientific and technical knowledge in its manufacture, has been discovered?

**Shri Gadgil:** I can only guess the question because it involves very much technical knowledge which I unfortunately do not possess.

**Dr. M. M. Das:** May I know how far the scheme for establishing a laboratory at Calcutta for the analysis of these samples has materialised?

**Shri Gadgil:** As I said, it is under consideration.

#### PLYWOOD FACTORIES

\*4586. **Shri S. C. Samanta:** (a) Will the Minister of Commerce and Industry be pleased to state the names and location of plywood factories that have been established in India with the help of foreign firms?

(b) What is the installed capacity of each and what was the production since their establishment (year by year)?

(c) What are the names of other plywood factories with their capacity of production per year?

The Deputy Minister of Commerce and Industry (**Shri Karmarkar**): (a) and (b). No plywood factory has been established in India with the help of foreign firms.

(c) A statement is placed on the table of the House. [See Appendix XXVI, annexure No. 29.]

I should also add that my attention has been drawn to a statement in our Administration Report that two factories have been shown as factories started with the assistance of foreign firms. I should like to clarify that; the present answer is the correct one: there were two factories started in 1923 and they were European factories.

**Shri S. C. Samanta:** Do these factories use timber from the Andamans only or from other places also?

**Shri Karmarkar:** The timber used was principally from the Andamans, but latterly we had to import timber from elsewhere also, but this I am saying subject to correction.

**Shri S. C. Samanta:** May I know which are the States from which timber is brought for plywood factories?

**Shri Karmarkar:** I should like to have notice.

**Shri S. C. Samanta:** Is it a fact that small plywood factories in Calcutta are at a standstill due to want of timber?

**Shri Karmarkar:** I am not aware of that position—I should like to find out.

**Shri S. C. Samanta:** May I know whether any plywood experts and industrialists have been included in the Development Committee?

**Shri Karmarkar:** About that also I want notice.

**Shri Chaliha:** May I know what quantity of plywood is imported into India from Finland and Sweden through U.K.?

**Shri Karmarkar:** The programme for January-June, 1951 for the import of plywood was 8 lakh chests and a similar quantity for July-December.

**Shri Chaliha:** May I know what is the quantity manufactured in India?

**Shri Karmarkar:** I should like to find that out.

सेठ गोविन्द दास : गये तीन वर्षों में जो प्लाईवुड इस देश में बाहर से आयी है, वह हर वर्ष बढ़ती जाती है या कम होती जाती है और यह कब तक आशा की जाती है कि हमें प्लाईवुड बाहर से मंगाने की ज़रूरत नहीं रहेगी ?

[**Seth Govind Das:** May I know whether the quantity of plywood imported during the last 3 years in this country from abroad has been increasing every year or decreasing and when are we going to be self-sufficient in our requirements of plywood?]

**Shri Karmarkar:** Sir, I should like to add a line with regard to the previous question because I find the information here. Our annual production is 23 lakhs of chests and our present import programme is about 8 lakhs of chests. Therefore, in answer to the present question I would say that it would require a considerable time before we become self-sufficient in plywood.

**Shri S. C. Samanta:** Is it a fact that the Chairman of the Central Tea Board expressed a doubt that the plywood factories in India will not be able to supply the tea chests ordered for?

**Shri Karmarkar:** Firstly, at the present moment we have to import because there is a shortfall. Then there is the fact that the tea-producing companies are also complaining about the quality of tea chests, and in so far as these companies are given the discretion of having their supplies either from indigenous or from foreign sources, they sometimes prefer the foreign-made chests. I am not aware of the specific complaint made by the Chairman of the Tea Board, but I shall find it out.

**Shri S. C. Samanta:** Has the suggestion of the Central Utilization Committee to take up research on plywood for tea chests been taken up?

**Shri Karmarkar:** I think the researches are there but I should like to find out whether the specific recommendations are being considered.

**Shri Shiv Charan Lal:** What steps are Government taking to increase the production in plywood?

**Shri Karmarkar:** Steps are being taken to conserve the species of timber suitable for manufacture of plywood. An inspectorate is being set up for testing the quality of Indian plywood to satisfy the specific needs of the tea industry. Assistance is also given to the plywood industry by way of facilitating import of machinery. Then a list of the various plywood factories in India, manufacturing to the Indian standard specification, has been furnished to the Chairman of the Indian Tea Board to enable him to place orders with them. And finally, the price of casein which is one of the essential ingredients in the manufacture of plywood is controlled. These are the steps at present being taken.

**Shri Sarangdhar Das:** May I know whether the quality of our plywood chests is being improved so that it will come up to the standard of the Finnish and Swedish products?

**Shri Karmarkar:** I have the information that it is being slowly improved, Sir.

**Shri Jhunjhunwala:** May I know why we are importing these chests from Sweden through U.K.? Why can't we import them direct?

**Shri Karmarkar:** I am afraid my hon. friend's information is a little antiquated. We are importing these directly from this term onwards.

#### EXPORTS TO CHINA, HONGKONG AND FORMOSA

\*4587. **Shri Kamath:** Will the Minister of Commerce and Industry be pleased to state:

(a) the various commodities and goods, together with the value of each separately, exported to China and to Hongkong, during the years 1948-49, 1949-50 and 1950-51; and

(b) the various commodities and goods, together with the value of each, exported to Formosa during 1950-51?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) Two statements showing exports to China and Hongkong during the years 1948-49, 1949-50 and 1950-51 are laid on the table of the House. [See Appendix XXVI, annexure No. 30.]

(b) There were no exports to Formosa during 1950-51.

**Shri Kamath:** What commodities and goods are comprised in the head "other articles" with regard to export to China, the value of which has risen from Rs. 2 lakhs in 1948-49 and one lakh in 1949-50 to Rs. 26 lakhs in 1950-51 (up to February)?

**Shri Mahtab:** I shall find it out. If we take the total export into consideration, it is after all a very small amount.

**Shri Kamath:** Has Government got any information as to whether some of the goods and commodities exported to Hongkong shown in Statement No. 2 are being diverted by Chinese merchants and others from Hongkong to China?

**Shri Mahtab:** That may be possible; but I do not know the necessity of making an investigation into it.

**Shri Kamath:** Is it a fact, Sir, that India abstained from voting on the United Nations Resolution placing an embargo on the export of strategic and other war materials to China and if so what are the implications of that resolution?

**Shri Mahtab:** That question may be addressed to the hon. the Prime Minister—I am not aware of that.

**Shri Kamath:** May I ask, Sir, whether during the last year and even in the present year any strategic and war goods were exported from India to China?

**Shri Mahtab:** Unless strategic and war goods are defined, it is very difficult for me to answer the question. Even gunny bags may be considered as strategic goods.

#### INDO-PAKISTAN AGREEMENT

\*4588. **Shri B. K. Das:** Will the Prime Minister be pleased to state:

(a) what terms of the Indo-Pakistan Agreement of April, 1950 are at present receiving special attention of Government for their implementation;

(b) whether the Minority Commissions set up for the purpose of assisting in the implementation of the Agreement are still functioning; and

(c) which of their recommendations have so far been given effect to?

**The Deputy Minister of External Affairs (Dr. Kookar):** (a) The two Central Ministers keep a close watch over the working of the various clauses of the Agreement with a view to ensure implementation of the Agreement

as a whole. It would not be correct to single out any particular clauses of the Agreement and to say that these are receiving special attention at present.

(b) Yes.

(c) The Minority Commissions in West Bengal, Assam and East Bengal meet from time to time and make recommendations to the State and Provincial Governments concerned. It is those Governments who are responsible for taking action on the recommendations of the Commissions. The Government of India have no detailed precise information on the subject.

**Shri B. K. Das:** May I know whether there has been any case of disagreement between the two Central Ministers in which the matter has been referred to the Prime Ministers of India and Pakistan, and also the steps taken to resolve it?

**Dr. Keskar:** Sir, in the discussions between the two Central Ministers there are many times when slight questions of disagreement might arise and do arise. Such questions are naturally referred to the Central Governments concerned. I would be unable to give the number of times and when these people disagreed and when the questions were referred to the Central Governments concerned.

**Shri B. K. Das:** Is it a fact, Sir, that there is still a lack of full sense of security of property, honour and life amongst minority communities in Pakistan?

**Dr. Keskar:** We have received from time to time reports to that effect.

**Shri B. K. Das:** Is it a fact that when cases of forcible entries into Hindu houses and acquisition of properties under religious endowments belonging to these communities have been brought to the notice of the Pakistan Government they have brushed them aside as baseless—have such things happened?

**Dr. Keskar:** I would not say that it has happened in all cases; but in many cases it has happened that the Pakistan Government and the district authorities concerned have denied the allegations as baseless. In fact, Sir, in reply to a question with regard to Jessore some time back I gave these facts in detail.

**Shri B. K. Das:** What are the steps taken in such cases?

**Dr. Keskar:** It is not possible for us to take any further steps without the co-operation of the Pakistan Government.

**Shri B. K. Das:** Is it a fact, Sir, that the economic difficulties that were created out of communal feelings still exist there and it is not possible for the members of the minority communities to function in their normal economic life in Pakistan?

**Dr. Keskar:** It is not possible for me to give a composite picture of the economic condition of the minorities in Pakistan as a whole. There have been, no doubt, complaints from various centres from members of the minority community in East Bengal that they have not been able to carry on their various professions in security and they have been menaced by the majority community.

**Shri A. C. Guha:** Have the Government received any reports that due to economic difficulties and due to rather a large number of cases where the members of the minority community have been particularly victims of dacoities, thefts and other crimes, there has been again a rush of refugees from East Bengal?

**Dr. Keskar:** As far as I am aware, there has been no rush of refugees from East Bengal; but it is no doubt true that a number of people have taken refuge in India on account of insecurity to which my hon. friend refers.

**Maulvi Wajed Ali:** Will the hon. Minister be pleased to call for the proceedings of the Minority Commissions of West Bengal and Assam and see whether the recommendations have been implemented according to the terms of the Pact?

**Dr. Keskar:** I may inform hon. Members, Sir, that Government has called for from the Governments of West Bengal and Assam and the Minority Commissions in Assam and West Bengal reports giving us a picture of the work done up till now and what they have been able to contribute to the effective working of the Indo-Pakistan Agreement.

**Shri Chattopadhyay:** May I know whether the Minority Committees have submitted their report as yet, and if the reports have been submitted, whether they will be made available to Parliament?

**Dr. Keskar:** Certain facts and data with regard to the working of the Commissions do come to Government, but as I said there is no whole picture of the work of the Commission, which is probably submitted to the Provincial Governments concerned. The report will no doubt be submitted to Government. I am unable to say now whether

it will be placed on the Table of the House. It is possible that part of the information might be confidential.

#### HESSIAN PRICES AT NEW YORK

\*4589. **Shri A. C. Guha:** Will the Minister of Commerce and Industry be pleased to state:

(a) the landed cost and the spot market price of Indian hessian in the New York market on 8th March, 1951 i.e. the day before hessian was de-controlled;

(b) the present price of hessian at New York;

(c) if there is any regulation of price at New York;

(d) if so, how and by whom it is regulated; and

(e) how the New York price compares with the Indian cost price taking into consideration the present price of raw jute?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) The landed cost of 40"×10 oz. construction in New York was 22.75 dollars per 100 yards on 8th March, 1951. The spot market price on that particular date is not known to Government.

(b) to (d). As far as Government are aware, price ceilings have been established in the U.S.A. with effect from the 24th March, 1951. The ceiling price of 40"×10 oz. has been fixed at 32.30 dollars per 100 yards and that of 40"×7½ oz. at 24.45 dollars per 100 yards.

(e) The market price in India as quoted on the 23rd May, 1951 is Rs. 102 per 100 yards of 40"×10 oz. and Rs. 77 per 100 yards of 40"×7½ oz. against the American prices indicated above.

**Shri A. C. Guha:** May I know how this ceiling price compares with the price that was prevalent on 8th March 1951. I mean the spot market price of America?

**Shri Mahtab:** That information is not available with me now.

**Shri A. C. Guha:** At the prevailing ceiling price in America, is it possible to purchase raw jute here at the price which is now prevalent i.e. at about Rs. 100 or something like that? What may be the price of raw jute here consistent with the ceiling price fixed by America?

**Shri Mahtab:** I have already given the difference between the landed cost of these goods in New York and the American ceilings. It is 0.52 cents and 0.18 cents for these two varieties.

**Shri A. C. Guha:** My point was that America has fixed a ceiling price for finished goods, and there is a prevailing price for raw jute also. And I want to know whether jute can be purchased at the prevailing price to supply finished goods at the ceiling price in America.

**Shri Mahtab:** Raw jute is not exported to U.S.A. It is finished goods that are exported to U.S.A. I have given the market price of finished goods here and I have shown the difference between the market prices here and the American prices. That will show the profits likely to be made.

**Mr. Speaker:** His point seems to be that, the proposed ceiling price for raw jute is not enough to purchase jute at that price and to manufacture the jute goods on that price.

**Shri Mahtab:** There is no ceiling price for raw jute here.

**Shri A. C. Guha:** Ceiling prices for manufactured goods have been fixed in America. Here also there is a prevalent price for raw jute.....

**Mr. Speaker:** Does he mean ceiling price or prevalent price?

**Shri A. C. Guha:** Ceiling prices for manufactured goods have been fixed in America. There is also a prevalent price for raw jute. I want to know whether the ceiling price is such that raw jute can be purchased.....

**Mr. Speaker:** It will not be a question within his special province.

**Shri A. C. Guha:** Why not, Sir? The costs for manufactured goods will be compared with the U.S.A. ceiling price.

**Shri Chaliha:** In view of the high prices ruling in New York may I know whether Government will take steps to sell hessian in New York and rent warehouses there?

**Mr. Speaker:** I think he put that question previously also about Government deriving the profits.

**Shri Hussain Imam:** What is the incidence of jute export duty on these varieties per hundred yards?

**Shri Mahtab:** The price which I gave includes the duty also, but that figure is not available with me just now.

**Shri A. C. Guha:** In view of the fluctuations in the jute trade, have the Government of India any idea of taking to State trading in jute goods?

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

मध्य प्रदेश में विस्थापित व्यक्ति

\*4592. श्री खारडे : (ए) क्या पुनर्वास मंत्री यह बतलाने की कृपा करेंगे कि पाकिस्तान से आये हुए कितने विस्थापित व्यक्तियों को मध्य प्रदेश में बसाया गया है तथा उन में से कितनों को जिलों के बड़े बड़े उपनगरों तथा कितनों को ग्रामों में बसाया गया है ?

(बी) मध्य प्रदेश में ऐसे विस्थापित व्यक्तियों की संख्या कितनी है जिन्हें कृषि कार्य में लगा लिया गया है तथा उन व्यक्तियों की संख्या कितना है जो अभी तक बेकार हैं ?

(सी) उन विस्थापित व्यक्तियों की संख्या कितनी है जिन्हें दुकानें चलाने के लिए आर्थिक सहायता दी गई है तथा ऐसे व्यक्तियों की संख्या कितनी है जिन्हें इस प्रकार की सहायता दिये जाने का प्रश्न अभी विचाराधीन है ?

#### DISPLACED PERSONS IN MADHYA PRADESH

[\*4592. Shri Khaparde: (a) Will the Minister of Rehabilitation be pleased to state what is the number of displaced persons from Pakistan who have been settled in Madhya Pradesh and how many of them have been settled in important townships in the districts and how many in the villages?

(b) What is the number of displaced persons in Madhya Pradesh who have been absorbed in agriculture and what is the number of those who are still unemployed?

(c) What is the number of those that have been given financial aid to enable them to run shops and what is the number of those in regard to whom the question of such aid is under consideration?]

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) to (c). Information has been called for and will be placed on the Table of the House in due course.

श्री खारडे : मध्य प्रदेश में अब तक शरणार्थियों पर कितना रुपया खर्च किया गया और आगे कितना रुपया खर्च किया जायगा ?

[Shri Khaparde: How much money has so far been spent on the refugees in Madhya Pradesh and how much more is going to be spent in future?]

Shri A. P. Jain: Information has been called for and it will be placed on the Table of the House.

Shri Kamath: After the announcement of the dispersal policy of Government sometime last year, how many displaced persons have been sent to Madhya Pradesh?

Shri A. P. Jain: The dispersal policy with regard to West Punjab refugees came into operation quite a long time ago, about two or three years ago. I cannot give the exact figure, but it may be anything between sixty and eighty thousand.

लाला अचिंत राम : क्या माननीय मंत्री कृपा करके बतलायेंगे कि क्या गवर्नमेंट कोई ऐसी लिस्ट मेंटेन कर रही है कि गवर्नमेंट की रिहैबिलिटेशन की पालिसी की वजह से कितने आदमी बेकार हो गये हैं, मसलन् लोगों को ऐसी जगह भेजा गया है जहाँ जा कर वह बेकार हो गये हैं या जिन को कम कर्जा दिया गया है. —

[Lala Achint Ram: Will the hon. Minister please state whether the Government are maintaining any such list showing the number of those persons who have been rendered unemployed as a result of Government's rehabilitation policy, for example those persons who have been sent to places where they have not found any employment or have been given insufficient loans.....]

Mr. Speaker: Order, order.

Shri Sidhva: May I know how many of these displaced persons are still in camps and how many have been provided with regular houses?

Mr. Speaker: I think he said he has called for information.

Shri Sidhva: Not with respect to this.

Shri A. P. Jain: There are no camps in Madhya Pradesh. In fact there are

no camps, properly speaking, in any part of India with regard to the West Punjab refugees—except the unattached women, the old and infirm, and orphans.

**Shri S. C. Samanta:** May I know how much sum was allotted for the rehabilitation of displaced persons in Madhya Pradesh and how much is to be allotted for the next year?

**Shri A. P. Jain:** I have already stated that with regard to this question information is being collected, and hon. Members had better have a little patience.

#### BUNGALOWS FOR M.P.S.

\*4593. **Prof. S. L. Saksena:** (a) Will the Minister of Works, Production and Supply be pleased to state what is the total number of bungalows in New Delhi which are meant for allotment to Members of Parliament?

(b) How many of these are occupied by them at present and how many have been allotted to non-Members?

(c) How many of them have been allotted on annual basis and how many of them are vacant?

(d) How many Members of Parliament are living in these bungalows?

(e) How many Members have sublet their bungalows to non-Members and what is the basis on which rent is charged for such subletting?

(f) What is the total amount of investment originally made by Government in the construction of all these Members' bungalows?

(g) What is the written down cost of these bungalows today and the average written down cost per bungalow?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** (a) 108.

(b) 107. None is allotted to a non-Member.

(c) 78. There are at present three vacancies in the quota reserved for allotment on an annual basis.

(d) 152.

(e) I am aware of no such case of sub-letting and so I cannot say anything about the basis of charging rent in such cases.

(f) Rs. 18,80,400.

(g) Rs. 13,00,000 and Rs. 12,000 respectively.

**Prof. S. L. Saksena:** Is sub-letting by Members forbidden?

**Shri Buragohain:** It is not allowed, Sir.

**Shri Radhelal Vyas:** May I know whether any watch is kept to see whether Members sub-let or not—whether sub-letting is being checked by Government or not?

**The Minister of Works, Production and Supply (Shri Gadgil):** We presume it is not necessary, Sir.

**Mr. Speaker:** I do not think we need go into the details. It does not add to the dignity of the Members.

**Shri Deshbandhu Gupta:** Is it not a fact that sometime back the Prime Minister issued an appeal to Members to accommodate refugees from West Punjab and to that extent, impliedly, sub-letting was agreed to by Government?

**Shri Gadgil:** It was not sub-letting that was agreed to; it was sharing that was agreed to.

#### RENT OF BUNGALOWS FOR M.P.S.

4594. **Prof. S. L. Saksena:** (a) Will the Minister of Works, Production and Supply be pleased to state the basis on which the rent of bungalows for Members of Parliament is calculated?

(b) What was the average rent charged about a year back when Government paid the cost of electricity and water consumed?

(c) What is the average rent which Government now charge for these bungalows?

(d) Is there any proposal to reduce the rent and to bring it in accordance with the written down cost of these bungalows under contemplation of Government?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** (a) The rates of rent are calculated in accordance with the principles laid down in the Fundamental Rules. For the Session period the Members are treated as on official duty and are required to pay rent under F.R. 45-A. For the non-session period they are treated like private persons and have to pay rent under F.R. 45B. For the bungalows allotted on an annual basis, the rent of building is charged at a flat rate of Rs. 100 p.m. The rate for scale furniture, and other services provided in such bungalows is calculated on the basis of the actual expenditure incurred by Government. The flat rate is arrived at by taking average rate for session and non-session periods assuming that the Parliament remains in session for 5 months in the year.

(b)	<u>F. R. 45A.</u>	<u>F. R. 45B.</u>	<u>Flat Rate.</u>
(1) Building	81/13/-	190/13/-	100/-
(2) Furniture	20/7/- to 36/10/-	27/11/- to 49/9/-	
(3) Addl. Services.	36/11/-	43/2/-	
(c) The rents for Building and Furniture continue to be the same but those for Additional Services are:			
	<u>F. R. 45A.</u>	<u>F. R. 45B.</u>	<u>On an annual basis.</u>
	19/9/-	23/-	21/9/-

(d) No, Sir. Government are only considering the possibility of discontinuing some of the services rendered by the Central Public Works Department and effecting some reduction in the charges for additional services, as a consequence.

**Prof. S. L. Saksena:** Is Government aware that by putting the charges for water and electricity on Members the rent of bungalows has increased by 33 per cent.?

**Mr. Speaker:** I think the water is charged according to the meter; is it not?

**Shri Buragohain:** It is one of the 'additional services' for which charges are levied.

**Mr. Speaker:** His point seems to be that the water and electricity charges come to as much as the rent itself.

**Shri Buragohain:** It may be. It is a matter of opinion. I have already given the figures.

**Prof. S. L. Saksena:** Is it not a fact that since the payment for electricity and water has been shifted on to the Members, the rent of the bungalow has increased by 33 per cent.?

**The Minister of Works, Production and Supply (Shri Gadgil):** The rent has not increased. The payment for the services has obviously increased, that is all.

**Mr. Speaker:** His point is clear. Formerly the rent was charged on the basis that these services were free but now that the charges for these services have been transferred to Members, it ought to increase the rent automatically. That is his point.

**Shri Gadgil:** That is true.

Several Hon. Members rose—

**Mr. Speaker:** Order, order. I think this question may be better thrashed

out in a Committee. Let us not take the time of the House over this. Next question.

#### BUNGALOWS FOR M.P.S. (MAINTENANCE)

\*4595. **Prof. S. L. Saksena:** (a) Will the Minister of Works, Production and Supply be pleased to state the total cost to Government of maintenance of the bungalows for Members of Parliament and what are the main items under which this expenditure is incurred?

(b) What is the total amount charged by Government from Members for the bungalows under the various heads, rent of residence, rent of servants' quarters and garages, rent of scale furniture and rent of additional services?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** (a) and (b). The figures are being compiled and a statement will be laid on the Table of the House in due course.

Several Hon. Members rose—

**Mr. Speaker:** There are no figures before the House. Let hon. Members wait for the figures.

**Shri Dwivedi:** In the M.P. bungalows because of the shortage of accommodation one bungalow is allotted for more than 2 M.P.s. whereas the scale of furniture is only supplied for one M.P.

**Mr. Speaker:** Order, order. Let us have the figures.

**Shri A. C. Guha:** May I know what are the additional services that are given to the occupants of these bungalows when the Municipal charges are being directly levied on them?

**Mr. Speaker:** Order, order. He is going into the previous question.

**Shri A. C. Guha:** There are 'additional services' mentioned here also.

**Mr. Speaker:** Order, order. The hon. Member will see that this question requires a thorough thrashing out in a Committee. Let us not go into it in the House, particularly when it relates to the conveniences that the Members get and the charges that they have to pay.

**Shri A. C. Guha:** The only additional service that is being rendered now is the supply of a bulb for which we are charged Rs. 25 or so.....

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

**Shri Sidhva:** May I know whether the subject can be considered in the House Committee?

**Mr. Speaker:** My present reaction is that such questions relate only to the personal amenities of Members and the charges that they will have to pay personally. It would be better not to discuss this in the House, because it will create a wrong impression among the public.

**Shri M. A. Ayyangar:** I will call an emergency meeting of the Estimates Committee and invite all the members of the Committee to come.

**Mr. Speaker:** It will perhaps be outside the scope of the Estimates Committee. I am not quite sure about it. Next question.

#### PAINTS AND VARNISHES (IMPORT POLICY)

\*4598. **Shri Jagannath Das:** (a) Will the Minister of Commerce and Industry be pleased to state what was the policy of Government for import of paints and varnishes in January-June, 1950 and July-December, 1950 and what is the present policy?

(b) Are any applications for import licences in respect of the period January-June, 1950 pending with the Ministry and if so, when would they be finally disposed of?

(c) Are any applications in respect of the period January-June, 1949 pending disposal and if so, how many?

(d) What is the general policy regarding granting licences to sole distributors of overseas manufacturers of these commodities?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) No licences were granted for manufactured paints and varnishes from any source during the two periods in question and nor are licences being granted during the current period.

(b) There are no applications for import licences pending in respect of the period January-June, 1950.

(c) There are no applications for import licences pending in respect of the period January-June, 1949.

(d) Sole agency arrangements do not constitute a basis for the grant of licences in respect of paints and varnishes. In addition to what I have stated in (a) and (b) I may say that licences have been granted for raw materials for paints and varnishes and not for finished products.

**Shri Amalakh Chand:** May I know the amount of paints and varnishes imported into India for civil and military consumption?

**Shri Karmarkar:** I have no ready answer but I should like to find it out.

**Shri Dwivedi:** May I know what is the maximum period which is taken in the issue of licenses by the Secretariat, from the date of application?

**Shri Karmarkar:** I take it that the hon. Member asks me 'what is the date of the fruition'. We are more liberal now and it is being extended for a year.

**Shri Dwivedi:** I want to know the maximum period taken in the issue of the licenses in the Secretariat.

**Shri Karmarkar:** Every application is disposed of within the period for which the application is made. Further I should like to tell my hon. friend that we are expediting these days. Normally the period taken is from about 4 weeks to 8 weeks.

सेठ गोविन्द दास : इस देश में बाहर से जो रंग और वार्निश आता है उन की तादाद बढ़ती जा रही है या घटती जा रही है और उनका बाहर से आयात कितने दिनों में बंद हो जाने की आशा है ?

[**Seth Govind Das:** Is the quantity of paints and varnishes imported from abroad increasing or decreasing and how long will it take to discontinue further imports?]

**Shri Karmarkar:** What I said was that the paints and varnishes as a finished product are not imported, therefore there is no question of increase or decrease in their quantity. We are only importing the raw materials for the manufacture of paint and varnish.

**Shri Kesava Rao:** May I know whether lip-stick will come under this item?

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

#### IMPORT AND EXPORT LICENCES

\*4599. **Shri Jagannath Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of import and export licences issued upto the 10th May, 1951 for the period January-June 1951 and the total amount for which they were issued;

(b) the number of pending cases so far and when they are expected to be completed in each case i.e. in the case of exports and imports separately; and

(c) the number of applications for import and export licences asked for in the period June-December, 1950, and still not disposed of and the reasons for the delay?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) The number of import licences issued up to the 10th May, 1951 for the period January-June, 1951 is 32,469 and the total value for which these licences have been issued is Rs. 2,48,88,86,940.

(b) The number of applications pending in the Import Trade Control Organisation relating to January-June, 1951 on 10th May, 1951 was 15,118. It is expected that these will be disposed of by the end of June, 1951.

(c) 1,27,008 applications for import licences were received for the period July-December, 1950 of which 1,569 applications were pending on 10th May, 1951.

The main reasons for the delay in the disposal of the pending applications are:

(i) incomplete or incorrect particulars furnished by applicants;

(ii) submission of applications to the authorities at Headquarters in cases where the applications should have been submitted to the officers at the ports and vice versa; and

(iii) disputes in respect of claims for quotas in cases where a change has taken place in the constitution of the firms applying for licences.

Information asked for by the hon. Member in respect of export licences in parts (a), (b) and (c) of the question is being collected and will be laid on the Table of the House.

**Shri Rathnaswamy:** May I know the number of applications received from the newcomers for this period?

**Shri Karmarkar:** Except in a few items, we do not invite applications from newcomers. So the applications were not very large.

**Shri Rathnaswamy:** May I know whether the policy in regard to the issue of licences to the newcomers has been clarified by the Government? Sometime ago, it was said that this policy would be clarified.

**Shri Karmarkar:** We are constantly being advised about the scope of newcomers. I may state that we are still considering them.

**Dr. V. Subramaniam:** May I know the amount of licence fees collected during this period?

**Shri Karmarkar:** Rs. 4 lakhs and odd per month on an average.

**Shri Jhunjunwala:** What is the percentage of the value of licences issued to newcomers as compared to those issued to established dealers?

**Shri Karmarkar:** Last term it amounted to Rs. 1.85 crores in a total of over Rs. 300 crores.

## WRITTEN ANSWERS TO QUESTIONS

### COMPANIES INCORPORATED IN MAYUR-BHANJ STATE

\*4567. **Shri M. Naik:** (a) Will the Minister of Commerce and Industry be pleased to state the number and names of companies and industries incorporated in the former State of Mayurbhanj in which the then State Government had invested money in shares or otherwise?

(b) What are the amounts thus invested in each and in all?

(c) What is the present position of the different concerns under the category?

(d) In what way and to what extent is control over these concerns exercisable?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) to (c). A statement is laid on the Table of the House giving details of industrial concerns in Mayurbhanj State in which the then State Government had invested money. [See Appendix XXVI, annexure No. 31.]

(d) Information is being collected from the State Government and will be placed on the Table of the House in due course.

### ABDUCTED WOMEN AND CHILDREN

\*4568. **Shri V. K. Reddy:** Will the Prime Minister be pleased to state the number of abducted women and children recovered in India and sent to Pakistan so far?

**The Deputy Minister of External Affairs (Dr. Keskar):** 14,501 up to the 30th April, 1951.

### SAVINGS BANK ACCOUNTS (BURMA)

\*4572. **Shri Rathnaswamy:** (a) Will the Prime Minister be pleased to state whether the Government of Burma have suspended the transfer of Savings Bank Accounts from post offices in Burma to post offices in India?

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

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) Yes, Sir. The Indian depositors can receive payments.

of their balances in Burma but remittances to India can be made only with the permission of the Burmese Exchange Control.

(b) As the action is taken by the Burmese Government under exchange control regulations, it is not possible to intervene. Efforts are made to facilitate the transfer of money in genuine cases with the permission of Burmese Exchange Control.

#### SHEET GLASS

\*4575. **Shri Jnani Ram:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of sheet glass manufactured in India in the years 1949-50 and 1950-51;

(b) the names of factories that manufacture sheet glass; and

(c) the quantity of sheet glass imported during the period?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) 1949-50—40,00,254 sq. ft., 1950-51—1,17,36,545 sq. ft.

(b) (1) Messrs. Serai Kela Glass Works, Ltd., Kandi (Bihar).

(2) Messrs. Sodepur Glass Works Ltd., Calcutta.

(3) Messrs. U.P. Glass Works Ltd., Bhajor (U.P.).

(c) The information is not available as sheet glass is not separately classified in the Import Trade returns.

#### INDO-AFGHAN TRADE

\*4584. **Shri Krishnanand Rai:** (a) Will the Minister of Commerce and Industry be pleased to state the value of export and import trade between India and Afghanistan in 1950-51?

(b) Does all the trade between the two countries pass through Pakistan, and if so, what were the transit charges paid to Pakistan during this period?

(c) How far have these transit charges been affected by the new exchange ratio of India and Pakistan currency?

(d) What are the principal commodities exported to Afghanistan from India and what are the articles imported from there?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) The value of export and import trade between India and Afghanistan in 1950-51 (April to February) was Rs. 443 lakhs and Rs. 454 lakhs respectively.

(b) and (c). Yes. No transit charges are paid to Pakistan and the question

of the exchange ratio between the Indian and Pakistan rupees for Indo-Afghan trade does not arise.

(d) The principal exports from India to Afghanistan are apparel, hides, dyeing and tanning substances, rubber manufactures, tea, cotton twist and yarn, and cotton, jute, silk and woollen manufactures. The principal imports from Afghanistan are fresh and dry fruits and asafoetida.

#### PURCHASE AND DISTRIBUTION OF COTTON

\*4585. **Shri Krishnanand Rai:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Government propose to set up a panel for purchasing and distributing cotton in the coming season;

(b) if so, whether there will be no buying and selling of cotton through any other agency than this panel; and

(c) whether Government propose to increase the price of cotton in the coming season and, if so, to what extent?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) to (c). The cotton policy for 1951-52 is under consideration.

#### NEWSPRINT AND PAPER FOR EMBASSIES

\*4590. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Works, Production and Supply be pleased to state how Foreign Embassies in India obtain their supply of newsprint and paper?

(b) Do they get supplies directly from their own respective countries and if not is the supply made available to them by the Government of India?

(c) Which Embassy in India consumed the largest quantity of newsprint and paper and which consumed the smallest quantity during 1950?

**The Minister of Works, Production and Supply (Shri Gadgil):** (a) to (c). The Government of India have no information in regard to the manner in which Foreign Embassies obtain their supplies of newsprint and paper and the quantity consumed by them. The Government of India have not provided them with any special facilities in the matter of supply of newsprint and paper and they are free to draw their supplies from the local market like other civil consumers. All Foreign Embassies can import newsprint and paper, like their other requirements, from abroad freely and without payment of customs duty. The Government of India have no information in regard to the extent to which

this privilege is being exercised by Foreign Embassies in respect of news-print and paper.

#### INDUSTRIAL HOUSING

\*4596. **Shri M. Naik:** (a) Will the Minister of Labour be pleased to state in what manner has the State-wise distribution of the sum of Rs. 1 crore provided in the budget of 1950-51, been made for promotion of Industrial Housing Scheme?

(b) What is the progress so far made under the Scheme in each of the different recipient States?

**The Minister of Labour (Shri Jagjivan Ram):** (a) Rs. 75 lakhs was advanced to Bombay; Rs. 10 lakhs each to Orissa and Madhya Pradesh; and Rs. 5 lakhs to Bihar. The amounts were advanced after taking into account the demands and the utilisation capacity of the State Governments.

(b) 1,268 houses have been constructed in Bombay State; while 169 houses are nearing completion in Orissa. No houses have so far been constructed in the States of Madhya Pradesh and Bihar but they propose to complete by the end of the Calendar Year 1951 the construction of 400 and 85 houses, respectively. By that time Bombay and Orissa States also propose to put up another 317 and 92 houses, respectively.

#### AMARDA DISPLACED PERSONS' CAMP

\*4597. **Shri M. Naik:** (a) Will the Minister of Rehabilitation be pleased to state whether it is a fact that in the past few days several incidents have taken place in the Amarda Displaced Persons' Camp in Mayurbhanj leading to breach of peace and decamping of several displaced persons?

(b) Is there any truth in the report appearing in certain local papers that several Government quarters including the residence of the Camp Commandant have been set on fire resulting in the loss of several thousands of rupees worth of properties including Government documents?

(c) Have Government made any enquiry into the causes of the troubles and if so, what are they?

(d) What action has been taken or is proposed to be taken by the Government to restore order in the Camp?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) and (b). The displaced persons deserted Amarda Camp in March, 1951. No incident up to that time is reported. On April 15th an order expelling a certain undesirable person and his wife

was passed. On the 16th there was an altercation between a steno and displaced persons. On the 17th a fire broke out in the barrack in which Government officers were living, resulting in loss to Government property. On 22nd April, 1951, a procession of ladies was taken out in protest against the expulsion of the undesirable displaced person and his wife. The situation was, however, dealt with by the District Officers and the procession ended peacefully. The cause of fire is under investigation by the police.

(c) Yes. The main causes of the trouble are outside political influence and the undecided attitude of displaced persons regarding permanent settlement in Orissa. The expulsion of the undesirable person and his wife seems to have provided an immediate cause.

(d) There is no disorder in the Camp at present. As already stated, the case is under enquiry.

#### TIN-PLATES

\*4600. **Shri Jagannath Das:** (a) Will the Minister of Commerce and Industry be pleased to state the present policy of granting quotas of tin-plates to factories and consumers, and the basis of such policy?

(b) What was the quantity of quota of tin-plates granted in 1949 and 1950 and the quotas granted for January-June, 1951 period?

(c) What was the maximum quantity given to an individual firm or factory in 1949, 1950 and January-June, 1951 period and the names of the respective factories?

(d) Is it a fact that some factories are remaining idle for eight or nine months in a year because of inadequate supply of tin-plates to such factories?

(e) If so, what steps do Government propose to take to augment their quota?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) All factories which were registered under the Factories Act on or before the 20th March 1950 and which were processing tin-plate with the aid of power on or before that date are granted quotas of tin-plates. Small quotas are also allotted to the State Governments for distribution to Cottage Industries for whom tin-plates are absolutely essential. Quotas are allotted to factories on the basis of their assessed capacity and the load of orders from essential consumers. The quotas of consumers who make their own containers for packing their products are

fixed with reference to their demands as vetted by appropriate authorities.

- (b) 1949.....65,580 tons,  
1950.....74,650 tons,  
1951 (Jan.-June)...41,880 tons.

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

(d) No factory gets an allotment less than 30 per cent. of its assessed capacity on one shift basis. No specific case has come to my notice wherein a factory remained idle for nine months in the year for want of tin-plates.

(e) A proposal to expand the capacity of the Tin-Plate Company of India is under the active consideration of Government. Constant efforts are also being made to import tin-plates from all available sources.

#### STATEMENT

Year	Name of the Factory which received maximum quota of tin-plates.	Quota allotted in tons
1949	Metal Box Co., Ltd., Bombay.	2871·04
1950	—do—	4352·72
1951 (Jan.-June)	—do—	1763·15

N.B.—The above statement does not take into account the quota of tin-plate allotted to Oil Companies for packing Kerosene. This allotment amounted to 10,000 tons per quarter on the average.

#### CLOTH SUPPLY TO CALICO-PRINTERS

\*4601. **Shri Sarangdhar Das:** (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that there are five thousand calico-printers in Tanda, Fyzabad District, who have been printing a special design on mill cloth and exporting to Nepal for many years?

(b) If so, what is the total yardage of cloth allotted to these printers annually?

(c) During the last one year, was their quota refused to them at any time?

(d) What is the present quota allotted to them, and the date on which such quota was allotted?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) Yes, Sir.

(b) to (d). No quota was allotted to them in the year 1950 or 1951 for export to Nepal. The quota of cloth for Nepal is issued to the Nepal Government who arrange for its lifting through their own nominees as in the case of States in India. The Calico Printers Association, Tanda have informed that they should get themselves appointed as nominees of Nepal Government for the purchase of any part of Nepal's quota which that Government may approve of, before they can be allotted any cloth for printing and then exporting to Nepal.

#### IRON ORE

\*4602. **Shri Rathnaswamy:** Will the Minister of Commerce and Industry be pleased to state what is the total quantity of iron ore produced in the last two years and what is the surplus ore available for export in 1950-51?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** The quantity of iron ore produced in 1949 was 2,802,522 tons and its production for 1950 is estimated at about 3 million tons. There is no quantitative restrictions on the export of iron ore, and licences are issued freely for export to all permissible destinations. 84,513 tons of iron ore were actually exported in 1950-51.

#### YARN ALLOTMENTS TO STATES

\*4603. **Dr. Deshmukh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of hand looms in each of the States of Madhya Pradesh, Madras and Bombay;

(b) what is the monthly quota of yarn released since 1st October, 1950 to 30th April, 1951;

(c) what percentage of assessed demands of yarn do these releases per month constitute;

(d) is there any prospect of any further rise in yarn releases; and

(e) if so, by how much to each State?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) to (c). A statement giving the required information, is laid on the Table of the House. [See Appendix XXVI, annexure No. 32.]

(d) Yes.

(e) It is too early to anticipate the extent to which any rise in years releases may be effected.

## CLOTH PRICES

\*4604. Dr. Deshmukh: Will the Minister of Commerce and Industry be pleased to state:

- (a) whether it is a fact that the cotton prices ruling in India are too low;
- (b) what steps are being taken to see that the growers of cotton would be benefited more;
- (c) whether it is a fact that many persons, merchants and mills have recommended higher prices for Indian cotton; and
- (d) whether any decision has been taken with regard to the prices of cotton for the next season and if so, what are the rates for various main qualities and from what date the new rates will come into force?

The Minister of Commerce and Industry (Shri Mahtab): (a) No, Sir.

(b) Does not arise.

(c) Yes, Sir.

(d) Cotton prices for the season 1951-52 are under consideration of the Government.

## SHORT STAPLE COTTON

\*4605. Dr. Deshmukh: Will the Minister of Commerce and Industry be pleased to state:

- (a) whether Government are fixing any quota for export of short staple cotton next year;
- (b) whether it is a fact that the margin of profit to middlemen on short staple cotton has been very large this year;
- (c) whether it is a fact that the State Trading Committee has recommended state-trading in respect of raw cotton; and
- (d) whether Government propose to implement this recommendation along with others made by the State Trading Committee?

The Minister of Commerce and Industry (Shri Mahtab): (a) Not yet.

(b) The margin of profit to exporters is reported to have ranged between Rs. 100 to Rs. 200 per bale.

(c) Yes; for import of East Africa cotton and export of short staple cotton.

(d) The Report of the Committee is under consideration of Government.

## YARN FOR MADHYA PRADESH

\*4607. Shri Kamath: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the Government of Madhya Pradesh have

asked for increased allocation of yarn for that State during June, 1951 and the following months of the year;

(b) if so, what is the demand, and the actual allotment that has been made; and

(c) the number of unemployed weavers and idle looms in that State as on May 15, 1951?

The Minister of Commerce and Industry (Shri Mahtab): (a) Yes.

(b) That Government have asked for a monthly allotment of 12,337 bales of yarn as against their present monthly quota of 3,258 bales fixed in February, 1951. Against this actual allotments of yarn to Madhya Pradesh have been as under:

March, 1951	3,308
April, 1951	... 4,224.

(c) The Madhya Pradesh Government have informed the Government of India that the information cannot be collected easily.

## TENDERS FOR STORES

\*4608. Shri Kamath: Will the Minister of Works, Production and Supply be pleased to refer to the statement laid by him on the Table of the House on 30th April, 1951 regarding tenders for stores and to state:

(a) whether actually quicker delivery took place as was undertaken by the British firms at the time their tenders were accepted, though they were not the lowest; and

(b) the cases, if any, where there was discrimination between British and non-British firms, and not between British firms only as detailed in the statement?

The Minister of Works, Production and Supply (Shri Gadgil): (a) and (b). The statement referred to is regarding cases in which tenders, other than the lowest, for the stores demanded by the Central Government, were accepted by the India Stores Department in London. The information required by the hon. Member has been called for from the India Stores Department, London and will be placed on the Table of the House as soon as it is received.

PUBLICITY SECTIONS IN MISSIONS  
ABROAD

\*4609 Shri Sanjivayya: Will the Prime Minister be pleased to state:

(a) whether it is a fact that several of our Missions particularly

in Europe and the Middle East have requested for establishment of Publicity Sections in their areas;

(b) whether a priority list has been fixed in this respect; and

(c) if so, what are the countries in which such sections are likely to be opened in the year 1951-52?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) Yes.

(b) There is a priority list, but, as the hon. Member will appreciate, it is not always possible to adhere to the list in view of unforeseen developments in particular areas, which may need urgent attention.

(c) It is proposed to revive the Information Office in Peking and, if finances permit, to open Information Sections at Damascus and Kathmandu.

#### ART SILK YARN (PRICE)

**\*4610. Shri P. Basi Reddi:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the prices of art silk yarn (150S) has shot up from Rs. 8/- a pound to Rs. 11/- a pound during the last week as a result of hoarding of stocks;

(b) whether Government have received any telegraphic representation to this effect from the South Indian Hand-loom Weavers' Federation; and

(c) if the answer to part (a) above be in the affirmative what steps, if any, have Government taken to bring down the increased price and to have the hoarded stocks released?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) Government have received complaints about the high price of art silk yarn prevailing in the Bombay Market which may be due to hoarding.

(b) Yes.

(c) It has recently been decided that additional licences for art silk yarn from both Soft Currency countries and Japan should be granted freely to all categories of applicants. It is hoped that increased imports of art silk yarn will bring down high prices now prevailing in the market and the hoarded stocks will automatically come out.

#### INDIAN TRADERS IN PORTUGUESE EAST AFRICA

**\*4611. Shri Rathnaswamy:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that Portuguese Government have enforced

restrictions on trade activities of Indian nationals in Portuguese East African territories and if so, for what reasons; and

(b) whether Government have made any representation to the Government of Portugal in regard to the lifting of these restrictions?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) Some reports have recently appeared in the Press to this effect but enquiries made by Government have not confirmed them.

(b) Does not arise.

#### BRITISH INDUSTRIES FAIR

**\*4612. Shri P. Basi Reddi:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that all the Commonwealth countries, except India, have been represented in the Commonwealth Section of the British Industries Fair this year; and

(b) what are the reasons for India's non-representation at the Fair this year?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) The information required by the hon. Member is being collected and will be laid on the Table of the House as early as possible.

(b) The decision has been taken on financial grounds; and also because a series of Exhibition of India's products has recently been organised at the Office of the High Commissioner for India at London, and it was not considered necessary to exhibit those goods again at the British Industries Fair.

#### PRODUCTION IN TEXTILE MILLS

**\*4613. Shri Sidhva:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that some of the textile mills are not carrying out the orders of the Government in regard to production;

(b) how many mills have lagged behind in the scheduled production; and

(c) what steps Government propose to take to see that all mills complete their allotted quotas of production?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) No such general proposition can be laid down,

(b) and (c). No schedule of production has been laid down or quotas of production allotted and as such, the questions do not arise.

**MAINTENANCE ALLOWANCE  
(APPLICATIONS)**

\*4614. **Shri Raj Kanwar:** Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that a large number of applications for maintenance allowance are pending in Delhi State at the end of 1950-51;

(b) the number of such applications pending as on 31st March, 1951 and the present number of pending applications;

(c) the reasons why they could not be disposed of; and

(d) the steps taken to ensure their early disposal and the probable period likely to be taken in their disposal?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) and (b). The number of applications pending with the Maintenance Allowance Committee, Delhi, at the end of March and April, 1951 was as follows:

(i) on 31st March, 1951 ... 614.

(ii) on 30th April, 1951 ... 267.

(c) 267 applications have remained undisposed of because the applicants did not turn up for evidence on the dates fixed by the Committee.

(d) It is hoped that out of 267 cases, all cases where applicants are traceable will be disposed of by the end of June, 1951.

**CLOTH PRODUCTION**

\*4615. **Shri Kesava Rao:** (a) Will the Minister of Commerce and Industry be pleased to state whether Government receive any production figures of cloth from the various mills?

(b) If the answer to part (a) above be in the affirmative, what is the quantity of cloth sold in fair-price shops and ration-shops during the last half year?

**The Minister of Commerce and Industry (Shri Mahtab):** (a) Yes.

(b) The 2/3rd quotas for controlled distribution are made over to the State Governments and it can be presumed that the entire quantity is sold through fair price and ration shops. The time and labour involved in collecting detailed information from each State

would not perhaps be commensurate with the advantage gained.

**PENSION AND PROVIDENT FUND OF  
DISPLACED PERSONS**

**331. Shri Kamath:** Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that in December 1950, as a result of the Indo-Pakistan Agreement Government announced that provisional payment of pension and General Provident Fund collections would be made from 1st January, 1951 to those persons from West Pakistan who had retired from Pakistan Government service and migrated to India;

(b) whether applications were called for from such pensioners for the purpose;

(c) the last date for receipt of these applications; and

(d) whether any provisional payments have so far been made, and if so, how much and to how many pensioners?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) The correct position is as follows:

At the meeting held between the representatives of India and Pakistan on 4th May, 1950, it was agreed that the concession of provisional payments of pensions should be extended to all those who had migrated to the other country up to April 30, 1950, subject to a suitable machinery being devised for the concurrent clearance of the transactions between the two countries. Provisional payment up to 50 per cent. of the amount held in the Provident Fund Account was also agreed to. Unfortunately the question of concurrent clearance remained unsolved for some months on account of the exchange deadlock between India and Pakistan.

To relieve the hardship that was being caused to displaced Government servants etc. from West Pakistan, it was decided by the Government of India to grant monthly allowances as interim relief with effect from 1st January, 1951 to unemployed Government servants, servants of local bodies and States. Full details of the scheme are given in the Press Note dated the 17th December, 1950, a copy of which is laid on the Table of the House. [See Appendix XXVI, annexure No. 33.]

At the Indo-Pakistan Conference held in December, 1950, it was agreed that the clearance of provisional payments made on account of pensions, provident funds, etc., of Government

servants, servants of local bodies and Indian States, who have migrated from one country to the other should be cleared in Indian rupees. As a result of this decision it has become possible for most displaced Government servants etc. to obtain provisional payments of their pensions and provident fund under the Indo-Pakistan Provisional Payment of Pensions and Provident Fund Scheme. The details of these two schemes were announced in our Press Note dated the 21st January, 1951, a copy of which is laid on the table of the House. [See Appendix XXVI, annexure No. 34.]

The earlier Relief Scheme therefore became unnecessary except in regard to persons whose pensions were due but had not been sanctioned.

(b) Yes.

(c) The last date for receipt of applications is 31st May, 1951.

(d) Under the Indo-Pakistan Scheme, provisional payments of pensions have been authorised in favour of 96 pensioners involving a monthly payment of Rs. 8,385-1-4.

In the case of General Provident Fund, payments have been authorised in favour of 153 persons involving an amount of Rs. 2,50,014/12/-.

Under the Interim Relief Scheme of the Government of India, relief has been sanctioned to 18 pensioners, involving an amount of Rs. 724 p.m.

The accounting procedure has just been finalised and the Comptroller and Auditor General of India has issued instructions to the Accountants General to make payments.

#### HOUSE BUILDING PROGRAMME

**332. Dr. Deshmukh:** Will the Minister of Works, Production and Supply be pleased to state what is Government's programme for building houses in the year 1951 and what is the estimated expenditure?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** A statement showing the required information is laid on the Table of the House. [See Appendix XXVI, annexure No. 35.]

#### CLAIMS TO EVACUEE PROPERTY (VERIFICATION)

**334. Shri Kamath:** Will the Minister of Rehabilitation be pleased to state:

(a) the progress so far made with regard to the verification of claims to

evacuee property registered by displaced owners of West Pakistan;

(b) whether it is proposed to appoint more Claims Verification Officers; and

(c) whether any target date has been fixed for completion of the work of verification?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) 38,812 claims involving 60,317 properties were decided up to the 15th May, 1951. Appointment offers have been issued to 165 candidates and 148 officers are already in position.

(b) Yes.

(c) As has been stated before efforts are being made to complete the work as early as possible, but no firm date can be fixed for the completion of the work.

#### SHORTAGE OF DIESEL AND POWERENE OILS

**Sardar B. S. Man:** Will the hon. Minister of Works, Production and Supply be pleased to state:

(a) whether there is acute shortage of diesel and powerene oils in the country;

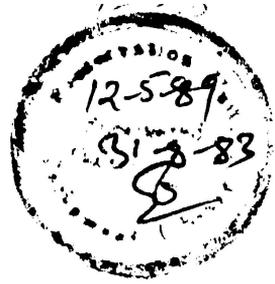
(b) whether it is temporary and when the situation is likely to be improved; and

(c) what steps Government are taking to meet the demands of agricultural farms whose work is at a standstill at the moment when the sowing season is on?

**The Minister of Works, Production and Supply (Shri Gadgil):** (a) and (b). The stock position of both high speed diesel oil and powerene at the port installations is satisfactory, but there have been temporary shortages at up-country points, owing to transport difficulties due to heavy movements of foodgrains.

(c) The Oil Companies have been directed to give higher priority to the movement of high speed diesel oil and powerene to agricultural farms as against the movement of kerosene and motor spirit, as long as the present pressure on railway transport due to the movement of foodgrains continues. The latest information is that the Oil Companies are rushing supplies for agricultural purposes to the consuming centres and that the position is gradually improving.

Monday, 28th May, 1951



# PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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Third Session

of the

PARLIAMENT OF INDIA

1950-51

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

9474

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**PARLIAMENT OF INDIA**

*Monday, 28th 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.

**BUSINESS OF THE HOUSE**

**Mr. Speaker:** I understand that there were informal discussions yesterday in connection with the amendments to the clauses of the Representation of the People Bill, that were held over.

**Prof. S. L. Saksena** rose—

**Mr. Speaker:** First of all, he may not stand when the Speaker is on his legs. He may hear me first and then say whatever he has to say.

**Shri Hussain Imam** (Bihar): Perhaps about some old questions.

**Mr. Speaker:** Whatever it may be. The Parliament Secretariat was open yesterday by special arrangement and copies of Government amendments were circulated to Members last night. (An Hon. Member: This morning.) Some might have received them this morning; some might have received them last night. I am told that there is still a desire to hold further discussions in order to come to agreed conclusions regarding certain matters (Some Hon. Members: Yes) and a request has been made to me by the hon. Minister for Parliamentary Affairs that the House may now adjourn and meet again at 11-30 A.M. by which time it is hoped to settle all outstanding matters. If that is the general desire of the House, I have no objection.

**Several Hon. Members:** Yes.

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**Mr. Speaker:** I may however add that, it is time now that this Bill is finished today.

**Prof. S. L. Saksena** (Uttar Pradesh): I had given notice of a motion of privilege.

**Mr. Speaker:** The hon. Member should first make enquiries in the Chamber and see whether his Motion has been allowed or not. If it had been allowed, certainly I would have called upon him.

**Shri J. R. Kapoor** (Uttar Pradesh): May I suggest, Sir, that rather than meeting at 11-30, we might meet in the afternoon at 4 or 5, because it is just possible that within two hours the whole business may not be finished. In order that it may not be necessary for anybody to approach you with a request that we may adjourn again, I suggest that we should have sufficient time to consider all the outstanding matters.

**Mr. Speaker:** I am giving this as the time limit within which the whole thing has to be finished. Unless there is some time limit placed, I do not think Members will feel the urge to finish their arguments in time. Hon. Members will bear in mind that we are carrying on the session now for a long time even though, of course, the business is important. It should be our attempt to finish the whole business by the 7th June at the latest.

**Shri J. R. Kapoor:** It was exactly with that object in view, and only to make it certain that we finish that I made the suggestion.

**Mr. Speaker:** This Bill has been on the anvil and has been under discussion for a long time and Members have met so many times; that practically, I do not see why they should have again a longer time for this discussion. Anyway, at 11-30 we meet and we finish the Bill at 1 o'clock. Shall we fix that also?

**The Minister of State for Parliamentary Affairs** (Shri Satya Narayan Sinha): Yes.

**Mr. Speaker:** If the House agrees, I shall fix that time limit also and we will finish at 1 o'clock.

**Shri Sidhva (Madhya Pradesh):** Could we not convert the whole House into a committee?

**Shri M. A. Ayyangar (Madras):** We may go on now and meet again at 4 o'clock as an exceptional case.

**Mr. Speaker:** Personally speaking, I am very much averse to having two sittings like that. Hon. Members will have to take into consideration the plight of the staff of the Parliament Secretariat who are also human beings. They cannot work for long time without having proper rest. Sitting of the House again means that the Parliament Secretariat has to be in harness all the 24 hours. Then, again, Members complain that notices were not circulated last night. They must have some consideration at least for the staff working under them. I am myself, not only not in favour, but absolutely against having a sitting in the afternoon. Occasionally, just for a day or two, it is a different thing. We have repeated that process twice. Again, if we are having it, that is hardly fair.

**Shri Kamath (Madhya Pradesh):** May I make a request in another connection? Last night or on Saturday, copies of the speech of Dr. Ambedkar on the Motion to refer to a Select Committee the Constitution Amendment Bill, were supplied to the Members. We will be grateful if you will kindly arrange to supply copies of the speeches made by the Prime Minister, his opening speech and concluding speech on this motion. That will facilitate discussion of the Bill tomorrow or the day after when it comes up, and that would be helpful.

**Mr. Speaker:** I will see what is possible in this direction. I do not promise anything.

The House may adjourn now.....

**Pandit Thakur Das Bhargava (Punjab):** It will be very difficult to finish the Bill by 1 o'clock if the work is not finished by 11 o'clock. I have never seen a Bill being guillotined.

**Mr. Speaker:** If there is no agreement. If there is agreement, certainly, we can finish.

**Pandit Thakur Das Bhargava:** I would therefore beg of you to give more time to come to an agreement.

**Mr. Speaker:** If the hon. Members are so agreed that they will finish the

whole Bill by 1 o'clock, they may assemble at five minutes to one and finish. I do not mind. The only point is there must be some time limit. We must sit with an effort to finish. Otherwise, the discussions will be un-ending.

**The Minister of Law (Dr. Ambedkar):** I do not know what the arrangement is.

**Mr. Speaker:** We are now adjourning and meeting again at 11-30.

**Dr. Ambedkar:** My view is this. That may not prove to be an easier solution. Therefore, the suggestion that I was making was this. I should be prepared to get on with some of the clauses about which there is no dispute at all. There is one clause, only one I think about which there is not yet any agreement. I am afraid it will take a pretty long time to reach an agreement. I thought the better course would be to proceed with the clauses about which there was no dispute at all. Then, we shall see whether, after a short adjournment, we are able to reach an agreement or whether we would require postponement of the consideration of that particular clause to some other date.

**Mr. Speaker:** Anyway, there is a strong desire in the House to adjourn now to have informal discussions. I have accepted that position. It has not yet been declared as a decision from the Chair; but it has been announced from the Chair.

**Dr. Ambedkar:** I would press on the House to reconsider the matter.

**Mr. Speaker:** Let us not now take it.

**Dr. Ambedkar:** There are some clauses which can just be gone through without any speech.

**Mr. Speaker:** In respect of them too, if the clauses can be gone through immediately, there is no special point in not adjourning now. When we meet at 11-30 those clauses may be put through.

The House will now adjourn and reassemble at 11-30.

*The House then adjourned till Half Past Eleven of the Clock.*

*The House reassembled at Half Past Eleven of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

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

**Shri Kamath (Madhya Pradesh):** May I make an earnest appeal to you, Sir, before taking up further con-

sideration of the Bill? We are now entering upon the discussion of very controversial clauses of the Bill. Not merely this House, but the people and the nation as a whole, is interested in the proceedings of this House with regard to the consideration and discussion of this very important Bill which relates to elections. And we have already had experience of how these clauses have aroused fierce controversy even within the party. I would, therefore, submit that there should be no attempt to restrict discussion of these very important clauses of the Bill. If that is sought to be done, we will be doing a disservice to the country and to the nation, to the people whom we represent in this House.

**Mr. Deputy-Speaker:** I do not think there is any intention to cut down any legitimate and reasonable discussion. I am aware that these clauses are important and that is why so much time was given to the consideration of the clauses and some of them have been withheld. There have been a number of sittings and a lot of discussions on the various clauses. And the matter has been continuously under discussion. The Select Committee has reported and these clauses have not been materially altered since the original Bill was moved. There need be no apprehension either inside the House or outside the House that there will not be an opportunity for legitimate discussion of this matter. After the Select Committee has reported and after all the discussions, if Members have agreed practically unanimously on these clauses, then there is no meaning in once again starting the discussion on them. Mere talking is no criterion. The question has been before the House sufficiently long and there have been a lot of mutual discussions and debate and here and there there have been amendments. There is no need to re-start discussion on matters about which practically an agreement has been reached. Subject to this I will not stand in the way of reasonable discussion.

**Shri Naziruddin Ahmad (West Bengal):** Sir, may I know what Bill is now under consideration?

**Mr. Deputy-Speaker:** I am sorry. I must have stated that we are considering the Representation of the People (No. 2) Bill, 1950. And we are taking up clause 2 and the first amendment standing in the name of Dr. Ambedkar.

#### Clause 2.—(Interpretation)

Amendment made:

In part (i) of sub-clause (1) of clause 2, omit the words "or group of such States".

—[Shri Santhanam]

Further amendment made:

After sub-clause (5) of clause 2, insert the following sub-clauses.

"5(a) Any reference in this Act to a High Court or to the Judge of a High Court shall, in relation to a Part C State having a Court of the Judicial Commissioner, be construed as a reference to the said Court of the Judicial Commissioner or to the Judicial Commissioner or any Additional Judicial Commissioner, as the case may be.

5(b) Any reference in this Act to the Legislative Council of a State shall be construed as not including a reference to the Coorg Legislative Council."

—[Shri Santhanam]

**Shri Hussain Imam (Bihar):** Sir, may I request for a ruling as to how amendments standing in the name of Dr. Ambedkar are being moved by Mr. Santhanam? Has Mr. Santhanam been authorised?

**Mr. Deputy-Speaker:** The hon. Member may refer to the rules. It is laid down there that any motion or Bill standing in the name of an hon. Minister can be moved by any other Minister in his absence. No special authorisation is necessary.

Further amendment made:

Omit sub-clause (6) of clause 2.

—[Shri Santhanam]

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

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

**The Minister of State for Transport and Railways (Shri Santhanam):** Sir, I want to move amendment No. 3 of Supplementary List No. 2 to Revised Consolidated List No. 1, substituting clauses 7, 7A and 7B for the existing clause 7.

**Mr. Deputy-Speaker:** This amendment has been circulated to hon. Members.

**Shri Santhanam:** The general discussion may continue and meanwhile I expect Dr. Ambedkar to come.

**Mr. Deputy-Speaker:** In that case, we shall come back to clause 7 later. We shall now take clause 44.

**Clause 44.—(Appointment of polling agents)**

Amendment made:

In clause 44, for the words "to the Returning Officer and to such other officer as may be prescribed" substitute the words "to such officer as may be prescribed".

—[Shri Santhanam]

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

"That clause 44, as amended, stand part of the Bill."

The motion was adopted.

Clause 44, as amended, was added to the Bill.

**Clause 47.—(Death of a polling agent)**

Amendment made:

In amendment printed as No. 217 in the Revised Consolidated List No. 1, moved by Dr. Ambedkar on 21st May, 1951, in sub-clause (1) of the proposed clause 47—(a) for the words "with the Returning Officer" substitute the words "with such officer as may be prescribed"; (b) for the words "to the Returning Officer" substitute the words "to such officer as may be prescribed".

—[Shri Santhanam]

**Shri Ghule (Madhya Bharat):** I have an amendment to clause 47.

**Mr. Deputy-Speaker:** Let me put to the House the amendment to which this is a further amendment. Amendment No. 217 of the Revised Consolidated List No. 1.

**Shri Santhanam:** Amendment to this may be accepted.

**Mr. Deputy-Speaker:** His amendment to this must first be placed before the House.

**Shri Ghule:** I beg to move:

In the amendment proposed by Dr. Ambedkar, printed as No. 2 in Supplementary List No. 7 of amendments, in sub-clause (2) of the proposed new clause 47—

(a) for the word "commencement" occurring in line 5, substitute the word "end"; and

(b) before the words "counting of votes" occurring in line 7, insert the words "end of the".

My amendment is very simple. The provision here should be that before the counting is finished or before the close of the counting he should be able to revoke his name.

**The Minister of Law (Dr. Ambedkar):** I am not accepting the amendment.

**Shri Kamath:** May I suggest a minor alteration in the marginal heading? The draftsman may bear in mind that the construction of the marginal heading "Revocation of the appointment or death of a polling agent" is not to my mind happy. It might mean that the word 'death' also is qualified by the word 'revocation'. If 'death' comes first, it will be all right.

**Dr. Ambedkar:** That will be borne in mind.

**Shri Ghule:** I do not press my amendment.

**Mr. Deputy-Speaker:** I hope the House is agreeable to the amendment of the marginal heading.

The question is:

For clause 47, substitute the following clause:

"47. *Revocation of the appointment or death of a polling agent or counting agent.*—(1) Any revocation of the appointment of a polling agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with such officer as may be prescribed and in the event of such revocation or of the death of a polling agent before the close of the poll, the candidate or his election agent may appoint in the prescribed manner another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment in the prescribed manner to such officer as may be prescribed.

(2) Any revocation of the appointment of a counting agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Returning Officer and in the event of such revocation or of the death of a counting agent before the commencement of the counting of votes, the candidate or the election agent may appoint in the

prescribed manner another counting agent at any time before the counting of votes is commenced and shall forthwith give notice of such appointment in the prescribed manner to the Returning Officer."

The motion was adopted.

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

"That Clause 47, as amended, stand part of the Bill."

The motion was adopted.

Clause 47, as amended, was added to the Bill.

**Clause 51.—(Death of candidate before poll)**

**Amendment made:**

To clause 51, add the following further proviso:

"Provided further that no person who has under sub-section (1) of section 35 given a notice of withdrawal of his candidature before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding."

—[*Dr. Ambedkar*]

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

"That Clause 51, as amended, stand part of the Bill".

The motion was adopted.

Clause 51, as amended, was added to the Bill.

**Clause 59.—(Voting by certain classes of persons)**

**Prof. S. L. Saksena (Uttar Pradesh):** Sir, I have given an amendment to this clause.

**Mr. Deputy-Speaker:** What is the number and on which list?

**Prof. S. L. Saksena:** I am unable to find it: it is not in the printed list.

**Shri Shiv Charan Lal (Uttar Pradesh):** It is amendment No. 233 in the Revised Consolidated No. I, p. 24.

Sir, Dr. Ambedkar promised to make provision for the candidate and his agents, if they are working in another constituency. That has not been included in his amendment.

**Pandit Thakur Das Bhargava (Punjab):** He said that rules will be made by which candidates and their

agents will be afforded an opportunity of voting by some other method.

**Dr. Ambedkar:** There is an amendment to clause 167 which deals with this matter. My friend might move his amendment when we discuss clause 167. We can consider then whether we could not add the words "a candidate".

**Mr. Deputy-Speaker:** I shall permit this amendment as an amendment to clause 167.

**Shri Hussain Imam:** In the amendment of Dr. Ambedkar no provision has been made for transferred officers. An officer transferred from Delhi to Madras, for instance, has a right to demand a postal ballot. A clause should be provided here whereby government servants can on transfer demand postal ballot.

**Dr. Ambedkar:** That matter may also be considered when we deal with clause 167.

**Mr. Deputy-Speaker:** The returning officer may get the ballot papers transferred through post.

**Dr. Ambedkar:** That is a matter which can be regulated by rules when we come to clause 167.

**Amendment made:**

For clause 59 substitute the following clause:

"59. *Special procedure for voting by certain classes of persons.*— Without prejudice to the generality of the provisions contained in section 58, provision may be made by rules made under this Act for enabling—

(a) any of the following persons to give his vote by postal ballot, and not in any other manner, at an election in a constituency where poll is taken, namely;—

(i) a member of the Armed Forces of the Union to whom the provisions of sub-section (3) of section 20 of the Representation of the People Act, 1950 (XLIII of 1950), apply:

(ii) a person holding any office in India declared by the President to be an office to which the provisions of sub-section (4) of that section apply;

(iii) a person who is employed under the Government of India in a post outside India; and

(iv) the wife of any such person as is referred to in sub-clauses (i), (ii) and (iii) to whom the pro-

[Dr. Ambedkar]

visions of sub-section (6) of the said section 20 apply;

(b) any person subjected to preventive detention under any law for the time being in force to give his vote by postal ballot, and not in any other manner, at an election in a constituency where poll is taken subject to the fulfilment of such requirements as may be specified in those rules."

—[Dr. Ambedkar]

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

"That clause 59, as amended, stand part of the Bill."

The motion was adopted.

Clause 59, as amended, was added to the Bill.

**Pandit Thakur Das Bhargava:** There is an amendment to clause 34A regarding the finality of nomination papers. What is happening to that?

**Mr. Deputy-Speaker:** It has not been taken up. I will first dispose of the Government amendments and will come back to the other amendments of private members.

What about the amendment to clause 122 in list 7 to consolidated list No. II?

**Dr. Ambedkar:** I am not ready with that for the moment.

**Clause 7.—(Disqualification for membership)**

**Shri Syamnandan Sahaya (Bihar):** We have given amendments to the amendments of Dr. Ambedkar: It is better that we take up the clause tomorrow. We have not had any time.

**Mr. Deputy-Speaker:** They can be taken up today. All notice will be waived.

**Dr. Ambedkar:** Sir, I move 7A, with this modification, namely, that in sub-clause (f) for the words "as such member" the words "a Member of Parliament or the Legislature of a State as the case may be" have been substituted. I beg to move:

For clause 7, substitute the following clauses:

"7. *Disqualifications for membership of Parliament or of a State Legislature.*—A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament or of the

Legislative Assembly or Legislative Council of a State—

(a) if, whether before or after the commencement of the Constitution, he has been convicted, or has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty, of any offence or corrupt or illegal practice which has been declared by section 138 or section 139 to be an offence or practice entailing disqualification for membership of Parliament and of the Legislature of every State, unless such period has elapsed as has been provided in that behalf in the said section 138 or section 139, as the case may be;

(b) if, whether before or after the commencement of the Constitution, he has been convicted by a court in India of any offence and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years, or such less period as the Election Commission may allow in any particular case, has elapsed since his release;

(c) if, having been nominated as a candidate for Parliament or the Legislature of any State or having acted as an election agent of any person so nominated, he has failed to lodge a return of election expenses within the time and in the manner required by or under this Act, unless five years have elapsed from the date by which the return ought to have been lodged or the Election Commission has removed the disqualification:

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

(e) if, he is a director or managing agent of, or holds any office of profit under, any corporation in which the appropriate Government has any share or financial interest;

(f) if, having held any office under the Government of India or the Government of any State or under the Crown in India or under the Government of an Indian State, he has, whether before or after the commencement of the Constitution, been dismissed for corruption or disloyalty to the State unless a period of five years has elapsed since his dismissal.

7A. *Savings*.—(1) Notwithstanding anything in section 7—

(a) a disqualification under clause (a) or clause (b) of that section shall not, in the case of a person who becomes so disqualified by virtue of a conviction or a conviction and a sentence and is at the date of the disqualification a member of Parliament or of the Legislature of a State, take effect until three months have elapsed from the date of such disqualification, or if within these three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of;

(b) a disqualification under clause (c) of that section shall not take effect until the expiration of two months from the date by which the return of election expenses ought to have been lodged or of such longer period as the Election Commission may in any particular case allow;

(c) a disqualification under clause (d) of that section shall not, where the share or interest in the contract devolves on a person by inheritance or succession or as a legatee, executor or administrator, take effect until the expiration of six months after it has so devolved on him or of such longer period as the Election Commission may in any particular case allow;

(d) a person shall not be disqualified under clause (d) of that section by reason of his having a share or interest in a contract entered into between a public company of which he is a shareholder but not a director holding an office of profit under the company or a managing agent and the appropriate Government;

(e) a person shall not be disqualified under clause (e) of that section by reason of his being a director unless the office of such director is declared by Parliament by law to so disqualify its holder;

(f) a disqualification under clause (e) of that section shall not, in the case of a director, take effect where the law making any such declaration as is referred to in clause (e) of this section in respect of the office of such director has come into force after the director has been chosen a member of Parliament or of the Legislature of a State, as the case may be, until the expiration of six months after the date on which such law comes into force or of such longer

period as the Election Commission may in any particular case allow;

(g) a disqualification under clause (f) of that section may, in the case of any of the candidates for the first elections under this Act, be removed by the Election Commission for reasons to be recorded by it in writing.

7B. *Interpretation*, etc.—(1) In this chapter—

(a) “appropriate Government” means in relation to any disqualification for being chosen as or for being a member of either House of Parliament, the Government of India, and in relation to any disqualification for being chosen as or for being a member of the Legislative Assembly or Legislative Council of a State, the Government of that State;

(b) “public company” means a public company as defined in section 2 of the Indian Companies Act, 1913 (VII of 1913).

(2) For the avoidance of doubt it is hereby declared that where any such contract as is referred to in clause (d) of section 7 has been entered into by or on behalf of a Hindu undivided family and the appropriate Government, every member of that family shall become subject to the disqualification mentioned in the said clause (d); but where the contract has been entered into by a member of a Hindu undivided family carrying on a separate business in course of such business, any other member of the said family having no share or interest in that business shall not become subject to such disqualification.

(3) If any question is raised as to whether a person who, having held any office referred to in clause (f) of section 7, has been dismissed is disqualified under that clause for being chosen as a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State, the production of a certificate issued in the prescribed manner by the Election Commission to the effect that such person has not been dismissed for corruption or disloyalty to the State shall be conclusive proof that he is not disqualified under that clause.”

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

For clause 7 substitute the following clauses:

“7. *Disqualifications for membership of Parliament or of a State Legislature*.—A person shall be dis-

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qualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State—

(a) if, whether before or after the commencement of the Constitution, he has been convicted, or has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty, of any offence or corrupt or illegal practice which has been declared by section 138 or section 139 to be an offence or practice entailing disqualification for membership of Parliament and of the Legislature of every State, unless such period has elapsed as has been provided in that behalf in the said section 138 or section 139, as the case may be;

(b) if, whether before or after the commencement of the Constitution, he has been convicted by a court in India of any offence and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years, or such less period as the Election Commission may allow in any particular case, has elapsed since his release;

(c) if, having been nominated as a candidate for Parliament or the Legislature of any State or having acted as an election agent of any person so nominated, he has failed to lodge a return of election expenses within the time and in the manner required by or under this Act, unless five years have elapsed from the date by which the return ought to have been lodged or the Election Commission has removed the disqualification;

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

(e) if, he is a director or managing agent of, or holds any office of profit under, any corporation in which the appropriate Government has any share or financial interest;

(f) if, having held any office under the Government of India or the Government of any State or under the Crown in India or under the Government of an Indian State, he has, whether before or after the commencement of the Constitution, been dismissed for corrup-

tion or disloyalty to the State unless a period of five years has elapsed since his dismissal.

7A. *Savings*.—(1) Notwithstanding anything in section 7—

(a) a disqualification under clause (a) or clause (b) of that section shall not, in the case of a person who becomes so disqualified by virtue of a conviction or a conviction and a sentence and is at the date of the disqualification a member of Parliament or of the Legislature of a State, take effect until three months have elapsed from the date of such disqualification, or if within these three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of;

(b) a disqualification under clause (c) of that section shall not take effect until the expiration of two months from the date by which the return of election expenses ought to have been lodged or of such longer period as the Election Commission may in any particular case allow;

(c) a disqualification under clause (d) of that section shall not, where the share or interest in the contract devolves on a person by inheritance or succession or as a legatee, executor or administrator, take effect until the expiration of six months after it has so devolved on him or of such longer period as the Election Commission may in any particular case allow;

(d) a person shall not be disqualified under clause (d) of that section by reason of his having a share or interest in a contract entered into between a public company of which he is a shareholder but not a director holding an office of profit under the company or a managing agent and the appropriate Government;

(e) a person shall not be disqualified under clause (e) of that section by reason of his being a director unless the office of such director is declared by Parliament by law to so disqualify its holder;

(f) a disqualification under clause (e) of that section shall not, in the case of a director, take effect where the law making any such declaration as is referred to in clause (c) of this section in respect of the office of such director has come into force after the director has been chosen a member of Parliament or of the Legislature of a State, as the case may be,

until the expiration of six months after the date on which such law comes into force or of such longer period as the Election Commission may in any particular case allow;

(g) a disqualification under clause (f) of that section may, in the case of any of the candidates for the first elections under this Act, be removed by the Election Commission for reasons to be recorded by it in writing.

7B. *Interpretation, etc.*—(1) In this chapter—

(a) "appropriate Government" means in relation to any disqualification for being chosen as or for being a member of either House of Parliament, the Government of India, and in relation to any disqualification for being chosen as or for being a member of the Legislative Assembly or Legislative Council of a State, the Government of that State;

(b) "public company" means a public company as defined in section 2 of the Indian Companies Act, 1913 (VII of 1913).

(2) For the avoidance of doubt it is hereby declared that where any such contract as is referred to in clause (d) of section 7 has been entered into by or on behalf of a Hindu undivided family and the appropriate Government, every member of that family shall become subject to the disqualification mentioned in the said clause (d); but where the contract has been entered into by a member of a Hindu undivided family carrying on a separate business in course of such business, any other member of the said family having no share or interest in that business shall not become subject to such disqualification.

(3) If any question is raised as to whether a person who, having held any office referred to in clause (f) of section 7, has been dismissed is disqualified under that clause for being chosen as a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State, the production of a certificate issued in the prescribed manner by the Election Commission to the effect that such person has not been dismissed for corruption or disloyalty to the State shall be conclusive proof that he is not disqualified under that clause."

12 NOON.

Mr. Deputy-Speaker: Are there any amendments?

Prof. K. T. Shah (Bihar): I have two or three amendments to this clause.

Shri Naziruddin Ahmad: A very large number of our amendments proposed to the amendments to the original clause have been ship-wrecked by this sudden motion. The hon. Minister had proposed amendments to the original clause and we.....

Mr. Deputy-Speaker: Possibly all those amendments are incorporated in the new clause.

Shri Naziruddin Ahmad: No, Sir. It is difficult now to fit in our own amendments in the new set-up, particularly in view of the comprehensive nature of the different sections now proposed.

Mr. Deputy-Speaker: If they fit in with this picture hon. Members may refer to them.

Shri Naziruddin Ahmad: Some times they do not really fit in unless some amount of ingenuity is brought to bear upon them.

Mr. Deputy-Speaker: The hon. Member is always resourceful.

Prof. K. T. Shah: I have an amendment in consolidated list No. 1.....

Mr. Deputy-Speaker: But it seems to be an amendment to old clause 7?

Prof. K. T. Shah: That is our difficulty. This new clause has been suddenly put forward. If you do not allow us to move our amendments and at least try to bring out the new ideas that are there.....

Mr. Deputy-Speaker: I understand the difficulty of hon. Members. The notice of the new amendment proposing substitution of old clause 7 seems to have been circulated only last night or this morning. That has to be remembered. So, we shall take up clause 7 at 3-30 P.M. today. And whenever notices are given they will be cyclostyled and circulated to all hon. Members. Without any formality all amendments may be handed over to the Secretary. We will take them up at 3-30 today.

So clause 7 will stand over. What other clause shall we take up now?

Dr. Ambedkar: Sir, I want to add a new clause 166A.

Mr. Deputy-Speaker: Clause 7 has been held over. Let us proceed in order. The other ones that are standing over are clauses 122, 123 and 124. I do not know when they will be ready—it depends upon how soon the draftsmen will be ready. If they are

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ready this afternoon we will take them up.

**Shri Kamath:** There is a lot of fast skipping, Sir.

**Mr. Deputy-Speaker:** We will not skip over—of course wherever a clause is not ready we will skip it over.

#### New Clause 166A

**Dr. Ambedkar:** We shall take up clause 166A. My amendment is No. 8 in supplementary list No. 7 to consolidated list No. 2. But I have to make one or two verbal changes in that amendment. In line 9 of sub-section (1), instead of "nomination as a candidate", I want to put it as "nomination as such candidate", thereby substituting "such" for "a". Then in sub-section (2) I want to re-number (a) and (b) as (b) and (c) and I want to add a new part (a) which will read as follows:

"(a) "Candidate" has the same meaning as in section 78."

I want to move the amendment, as modified above. I beg to move:

In Part X after clause 166, insert the following clause:

"166A. *Special provisions with respect to Rulers of former Indian States.*—(1) If the Ruler of a former Indian State is nominated as a candidate for any election under this Act, the provisions of sub-section (1) of section 87B of the Code of Civil Procedure, 1908 (Act V of 1908) and of sub-sections (2) and (3) of section 197A of the Code of Criminal Procedure, 1898 (Act V of 1898), shall not apply in relation to such Ruler during the period commencing on the date of his nomination as such candidate and ending on the date on which the result of the election is published under section 66, and shall not apply thereafter in relation to any proceedings for questioning the validity or regularity of such election under Part VI of this Act or in relation to any criminal proceedings against such Ruler for any offence under Chapter IX-A of the Indian Penal Code or Chapter III of Part VII of this Act alleged to have been committed by him at or in connection with such election.

(2) In this section—

(a) "Candidate" has the same meaning as in section 78;

(b) "former Indian State" means any such Indian State as the Central Government may, by

notification in the Official Gazette, specify for the purposes of this section;

(c) "Ruler", in relation to a former Indian State, means the person who for the time being is recognised by the President as the Ruler of that State for the purposes of the Constitution."

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

In Part X after clause 166, insert the following clause:

"166A. *Special provisions with respect to Rulers of former Indian States.*—(1) If the Ruler of a former Indian State is nominated as a candidate for any election under this Act, the provisions of sub-section (1) of section 87B of the Code of Civil Procedure, 1908 (Act V of 1908) and of sub-sections (2) and (3) of section 197A of the Code of Criminal Procedure, 1898 (Act V of 1898), shall not apply in relation to such Ruler during the period commencing on the date of his nomination as such candidate and ending on the date on which the result of the election is published under section 66, and shall not apply thereafter in relation to any proceedings for questioning the validity or regularity of such election under Part VI of this Act or in relation to any criminal proceedings against such Ruler for any offence under Chapter IX-A of the Indian Penal Code or Chapter III of Part VII of this Act alleged to have been committed by him at or in connection with such election.

(2) In this section—

(a) "Candidate" has the same meaning as in section 78;

(b) "former Indian State" means any such Indian State as the Central Government may, by notification in the Official Gazette, specify for the purposes of this section;

(c) "Ruler", in relation to a former Indian State, means the person who for the time being is recognised by the President as the Ruler of that State for the purposes of the Constitution."

**Prof. K. T. Shah:** Sir, we cannot follow the amendment. Will you please give us some explanation? Are the Rulers also going to be candidates, and will they be exempt from the Criminal Procedure Code?

**Dr. Ambedkar:** The position is this. As the House will remember, when the report of the Select Committee

was discussed, it was suggested that the ruling princes should be disqualified from being members of a legislature. Various grounds were urged. One of them was that they were holding a sort of office of profit under the Government of India by virtue of the engagements that they had with the Government of India and under which the Government of India had agreed to give them certain sums annually. I then said that it did not appear to me that this was an office of profit, and, therefore, it could not come under the provisions of the article in the Constitution which deals with the holders of offices of profit. I also said at the time when the matter was discussed that I did not find any valid justification as to why a ruling prince, *qua* a ruling prince, should be disqualified from being a member of a legislature. Subsequently it was urged that these ruling princes had been given certain protection under the Criminal Procedure Code and the Civil Procedure Code, by virtue of which it was not possible for a person to file a criminal complaint against them or to file a civil suit without the previous sanction of the Government of India. On this ground it was said that if this protection extended to the period intervening between the nomination and the polling, a Prince may commit any offence, or he may commit any corrupt practice or illegal practice and it would not be possible for any individual to bring him to book, because the permission of the Government of India was necessary. I felt that this was a legitimate complaint—that if a Prince wanted to stand for election he should not be permitted to claim the protection that has been given to him by the provisions in the Criminal Procedure Code and the Civil Procedure Code.

Therefore, what is proposed in this amendment is this that if a Prince stands as a candidate for an election, whether it is an election from a Parliamentary constituency, or an election to the State Legislative Assembly, he shall automatically cease to obtain the benefits conferred upon him by the provisions contained in the Criminal Procedure Code and the Civil Procedure Code, so that he may be prosecuted for an offence without the sanction of the Government of India. An election petition may be lodged against him without the consent of the Government of India and any other proceedings may be taken against him as though he was a common citizen having no special privileges. This, I think, is a *via media* between the old provision in the Select Committee's Report that they should be qualified to stand for election and be Members

of Parliament without abrogation of the privileges that were given to them under the Civil and Criminal Procedure Codes, and the other position taken by other Members of the House that they should be straightway disqualified from standing for election.

I hope the House will accept this amendment, because it strikes a middle path.

**Moulvi Wajed Ali (Assam):** May I put one question to the hon. the Law Minister? If the candidate fails to be elected or for some reason or other does not stand for election will the exemptions stand or will they be revived?

**Dr. Ambedkar:** The suspension of the protection will operate only during the period of the nomination and the ending of the election.

**Dr. Pattabhi (Madras):** Will he have to face all the natural consequences of the election?

**Dr. Ambedkar:** He will be subject to all the consequences of the election.

**Prof. K. T. Shah:** May I enquire if the House is committed to the principle that the Princes may be allowed to stand for election?

**Mr. Deputy-Speaker:** There is no restriction in the Bill as it emerged from the Select Committee—there is no prohibition prohibiting a Prince from standing as a candidate either in the Constitution or in the Bill as it emerged from the Select Committee. Hon. Member ought to put the question the other way.

**Prof. K. T. Shah:** I was moving certain amendments disqualifying Princes under clause 7. I want to point out that if the House has not committed itself, even this *via media* is unsatisfactory. It does not take away the fundamental objection that some of us have with regard to the six or seven hundred people, being qualified to stand as candidates for or be members of the Legislature. These six or seven hundred persons in our judgment ought to be excluded from the rights of citizenship, for the simple reason that they enjoy very considerable and special privileges for themselves. If it is the opinion of the hon. the Law Minister that it is not an "office of profit" that they are holding, and that, therefore, they are not disqualified under the Constitution by virtue of that article which disqualifies Members from holding offices of profit, without disrespect may I say that it is only the opinion of the Law Minister. It is still, therefore, open to question before the Supreme Court? Whether he would obey such judgment without respecting it, as he said, or

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whether he would both obey and respect it, the point is open to be considered by the Supreme Court if and when such a challenge should be made. By the very fact that they enjoy not only certain pensions, certain civil list allowances but also have them free of Income-tax, and, under the new laws that we have passed, certain exemptions from the civil and criminal procedure, this compromise suggested by the Law Minister is not sufficient, in my opinion, to make them as it were equal citizens with the rest of the country, and therefore qualified for this purpose. I am, therefore, opposed to this clause and would still like to move my amendment which would disqualify the Princes who are in receipt of civil list pensions, who have got their allowances in the nature of civil lists under agreement with the Government of India, to be, as equal citizens, qualified to stand for election.

**Mr. Deputy-Speaker:** Which is his amendment?

**Prof. K. T. Shah:** I am searching in the list. It is to clause 7.

**Shri Kamath:** This new clause can be appropriately taken up only after disposal of clause 7 to which amendments have been tabled imposing an outright ban on Princes standing for election. Until that is disposed of this cannot be taken up.

**Mr. Deputy-Speaker:** There are two ways of doing it. Inasmuch as the hon. Minister has proposed to have a new clause 166A I will allow those amendments which have been tabled to clause 7 to be proposed here. There is no harm in that.

**Dr. Ambedkar:** That is the best way.

**Mr. Deputy-Speaker:** I will allow them to be moved one after the other.

**Shri Santhanam:** They have nothing to do with the new clause. When we take up clause 7 they may be considered.

**Shri Kamath:** It is putting the cart before the horse.

**Mr. Deputy-Speaker:** The point is this. There are a bundle of privileges, immunities by way of protection etc. granted to the Rulers under agreements. This touches only one portion of them. This immunity is taken away to some extent, for a limited period and so on. There are others who say that all the immunities must be taken away. This is included in the whole. The two are not two different subject-matters. There is therefore no meaning in having two different arguments and two different

discussions. I will allow those amendments to clause 7 to be moved now so that there may be one discussion on the whole thing. In the meanwhile all other hon. Members may also look into their amendments and be ready with them.

**Shri Hussain Imam:** I would like to draw the attention of the House to the provision under Article 362 of the Constitution:

"In the exercise of the power of Parliament or of the Legislature of a State to make laws or in the exercise of the executive power of the Union or of a State, due regard shall be had to the guarantee or assurance given under any such covenant or agreement as is referred to in clause (1) of article 291 with respect to the personal rights, privileges and dignities of the Ruler of an Indian State."

In view of this Article in the Constitution I would like to know whether it would be proper for Parliament to bring the rulers under the purview of the Criminal Procedure Code and other criminal provisions under the present Bill; or whether the judiciary will go on interfering and hold that the Parliament was bound to respect the directive of the Constitution. The question also arises whether a surrender can take place without the person surrendering signing some document to that effect. What I suggest is that a ruler must sign an instrument surrendering his immunities under the Constitution before he can be regarded as a validly nominated candidate. I do not wish to put a spoke in the wheel but I only wish to suggest a method by means of which you will debar them from raising the question of immunity by first of all making them surrendering it. At the moment we are taking a unilateral action i.e., the Parliament of India is abrogating the privileges by means of an Act. It should be laid down that a prince will not be eligible to be elected as a candidate unless he himself surrenders all the rights and immunities which he enjoys under his covenants. I submit this for the consideration of the hon. Law Minister.

**Prof. K. T. Shah:** I am sorry. I cannot discover my amendment. I would therefore contend myself merely by opposing this.

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

In Part X after clause 166, insert the following clause:

"166A. Special provisions with respect to Rulers of former Indian States.—(1) If the Ruler of a former Indian State is nominated as a candidate for any election under

this Act, the provisions of sub-section (1) of section 87B of the Code of Civil Procedure, 1908 (Act V of 1908) and of sub-sections (2) and (3) of section 197A of the Code of Criminal Procedure, 1898 (Act V of 1898), shall not apply in relation to such Ruler during the period commencing on the date of his nomination as such candidate and ending on the date on which the result of the election is published under section 66, and shall not apply thereafter in relation to any proceedings for questioning the validity or regularity of such election under Part VI of this Act or in relation to any criminal proceedings against such Ruler for any offence under Chapter IX-A of the Indian Penal Code or Chapter III of Part VII of this Act alleged to have been committed by him at or in connection with such election.

(2) In this section—

(a) "Candidate" has the same meaning as in section 78;

(b) "former Indian State" means any such Indian State as the Central Government may, by notification in the Official Gazette, specify for the purposes of this section;

(c) "Ruler", in relation to a former Indian State, means the person who for the time being is recognised by the President as the Ruler of that State for the purposes of the Constitution."

The motion was adopted.

New Clause 166A was added to the Bill.

**Clause 167.**—(Power to make rules)

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

After part (c) of sub-clause (2) of clause 167, insert the following:

"(cc) the manner in which votes are to be given by a presiding officer, polling officer, polling agent or any other person, who being an elector for a constituency is authorised or appointed for duty at a polling station at which he is not entitled to vote;"

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

"(cc) the manner in which votes are to be given by a presiding officer, polling officer, polling agent or any other person, who being an elector for a constituency is authorised or appointed for duty at a polling station at which he is not entitled to vote;"

**Prof. S. L. Saksena:** Mr. Deputy-Speaker, if you will permit me, I shall add a few words at the end of the sub-clause; of course this will give the

same meaning. I would add: "or is a candidate or is the election or other agent of a candidate in a constituency in which he is not a voter."

**Pandit Thakur Das Bhargava:** The presiding officer, polling officer, etc., will be allowed to vote in a particular manner though their names are not given in the list for that station. This amendment envisages a different set of persons altogether.

**Prof. S. L. Saksena:** A candidate may be a voter in a constituency which is different from the one in which he is standing for election. A candidate from Madras may be standing for election in Punjab. He should be able to vote by postal ballot.

**Mr. Deputy-Speaker:** The effect of the amendment will be, the rules may provide for regulating the manner in which a candidate or the election agent or other agent of a candidate in which he is not a voter can vote.

**Shri J. R. Kapoor (Uttar Pradesh):** That will not solve the difficulty, because the candidate may be a voter in a particular constituency, but the constituency is such a wide one that at the particular time that he has to record his vote, he may not be at the particular polling station within the area in which his vote has to be recorded.

**Mr. Deputy-Speaker:** The constituency is there. There are a number of polling stations in a constituency. After all, there may be two or three divisions in a constituency. He will be in some polling station. Is it necessary to provide for all this?

**Pandit Thakur Das Bhargava:** So that, he may be allowed to vote in any of the polling stations where he happens to be at that time. He may be in the constituency, but not in the particular polling station. The Constituency may extend to a whole district. He will be in one polling station. He should be allowed to vote at the polling station where he happens to be at that time.

**Dr. Ambedkar:** There are two questions to be considered with regard to candidates. One question is that a candidate belongs to another province altogether. His constituency is not in the State in which he stands. That is one question. The other question is this. In a constituency, there are various polling stations. He is residing in the area of a particular polling station. In that polling station, he is supposed to go and vote. That is the logical consequence. Suppose in his daily peregrinations on the election day, he is not anywhere near the particular polling station or the polling booth, but somewhere else.

**Mr. Deputy-Speaker:** The Law

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Minister may kindly consider whether the words 'candidate or his agent' may not be included in the clause (cc) which he has proposed.

**Dr. Ambedkar:** I am coming to that. What I suggest is this. As I said, there are two cases which have to be provided for. Prof. Shibban Lal Saksena is providing only for the case of a candidate who is coming from another province. The other case still remains unprovided.

**Mr. Deputy-Speaker:** That can be included here: "the manner in which votes are to be given by a presiding officer, polling officer, polling agent or a candidate or his agents etc."

**Dr. Ambedkar:** The clause refers to presiding officer, polling officer, polling agent or any other person who being an elector for a constituency is authorised or appointed for duty at a polling station at which he is not entitled to vote. It does not include the two categories of candidates. Therefore, one has to make provision for both categories.

**Mr. Deputy-Speaker:** You may include them.

**Dr. Ambedkar:** Probably, the better course would be to reconsider the amendment. We can take it up at 3 o'clock so that we can have a proper amendment.

**Pandit Thakur Das Bhargava:** Include 'candidate and his election agent.'

**Shri Hussain Imam:** I suggested in the morning that Government servants who are transferred from one place to another should be given some facilities for recording their vote. This may be included in the rule making power of Government. I may remind the hon. Minister that proper facilities should be extended to government servants and those engaged in local self-government and public utility services who have been transferred from one place to another, after enrolment.

**Shri Kamath:** Sir, I have two amendments.

**Mr. Deputy-Speaker:** I am coming to them. Let me put Prof. Saksena's amendment to the House.

**Dr. Ambedkar:** I am thinking that perhaps if it is put in a proper form I may be in a position to accept it. So we may hold it over to 3 o'clock. In the meantime we may be able to find some suitable language.

**Mr. Deputy-Speaker:** The remaining amendments also may be handed over to Dr. Ambedkar.

**Shri Kamath:** I beg to move:

After part (g) of sub-clause (2) of clause 167, insert the following new part and re-letter the subsequent part accordingly:

"(h) the maximum scales of expenses at elections, and the numbers and descriptions of persons who may be employed for payment in connection with elections."

**Mr. Deputy-Speaker:** In the section relating to expenses, we have already provided for this. We have it stated that the maximum scales and election expenses shall be as may be prescribed. And any other matter required will be prescribed. Since that is already there, is it necessary to have this amendment now? I think it is unnecessary.

**Shri Kamath:** All right, Sir. But I have another. I beg to move:

After sub-clause (2) of clause 167, insert the following new sub-clause:

"(3) The rules so made shall be laid before Parliament as soon as may be after they are made, and shall be notified in the Official Gazette with such modifications as may be made therein by Parliament within a period of ten days after they are so laid."

Shall I speak on it, or is to be held over till 3 o'clock?

**Dr. Ambedkar:** He may speak now; but the voting may be held over.

**Shri Kamath:** We have left over or delegated so many complicated matters connected with elections to the rule making authority. The other day when the question of election expenses was moved as an amendment by my friend Shri Sarangdhar Das, there was discussion in the House—an interesting discussion—as to whether this matter should be laid down in the statute or be left to the rule making authority. It was held by certain Members that it was important enough to be included in the Act itself. The pertinent question arises whether the rules made by the proper authority should or should not be brought before Parliament for its consideration and final approval. In many cases, even in the Constitution we have adopted the very sound proposition that Orders of the President and rules regarding other important matters should be laid on the Table of the House for the consideration of Parliament. Nobody in the House will deny that this matter also, I mean the rules made by the authority in regard to this important matter under clause 167 are important enough, are really vital and that they should be brought before the House.

They comprise several matters which I am sure, Dr. Ambedkar and the House will agree are very important, dealing as they do with the first general elections under the Constitution. I, therefore, suggest that the rules made by Government or the Election Commission or by the appropriate authority must be brought before the House as soon as they are made, and the House must have an opportunity of considering the rules and making such modifications as it may deem necessary. Even in the last Budget session, though at first it was suggested in the Bill brought before the House that the President's orders with regard to delimitation should be final, later on it was unanimously agreed that the Orders of the President should be laid before Parliament for consideration and modification if necessary. The rules suggested in Clause 167 are very important in my judgment, so important that one cannot escape from the proposition that they must be brought before the House for Parliament's consideration and final approval. I move, Sir, amendment No. 9 in Supplementary List No. 4 to Consolidated List No. 2, and commend it to the House.

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

After sub-clause (2) of clause 167, insert the following new sub-clause:

"(3) The rules so made shall be laid before Parliament as soon as may be after they are made, and shall be notified in the Official Gazette with such modifications as may be made therein by Parliament within a period of ten days after they are so laid."

**Shri Sarangdhar Das (Orissa):** As my amendment in this respect was defeated, I feel the next best thing is for the rules when they are framed to be brought before the House. The matter is so important and inasmuch as many of the Members had supported my arguments that the expenses should be as low as possible so that persons of every stratum of society could have the chance to stand as candidates, I hope the House will accept this amendment. I believe there is plenty of time for it to be brought before the House—in July or August. I support Mr. Kamath's motion.

**Prof. S. L. Saksena:** I also think that the proposition which has been submitted by Mr. Kamath before the House is a very salutary one. We are holding the first General Elections. It is going to be a very big experiment and about eighteen to twenty crores of people will take part in the elections. Therefore, the Rules that are to be framed in this behalf are equally

important as the Bill itself. It is only proper that before the Rules become finalised and become applicable to the elections in November-December we should have an opportunity next July or August when Parliament meets to see them. I think it will be only proper that the Rules should be before the House, for ten days they may be there, and anybody who likes may move amendments to them. As for the question of their being used in the election, I am sure that they will be ready long before the election takes place. I therefore hope that Dr. Ambedkar would give full consideration to the suggestion and accept it.

**Shri J. R. Kapoor:** Sir, though this amendment appears to be of a very salutary nature, yet I find it rather difficult to accord my acceptance to it unless some satisfactory clarification thereto comes from the hon. Mover. One thing is what actually is the intention of the hon. Mover of this amendment?

**Shri Kamath:** Very honourable intention.

**Shri J. R. Kapoor:** Surely, the hon. Member's intentions are very honourable, but they none the less create difficulties in spite of their being very honourable! Is it the intention that unless and until the Rules so framed are placed before Parliament and amended in such manner as Parliament likes, they shall not be operative? If that be the intention, then I think it will be difficult for us to accept this amendment so far as its operation for the first General Elections is concerned. Because, if we accept this amendment and if the Rules are framed sometime in September or October.....

**An Hon. Member:** Why so late?

**Shri J. R. Kapoor:** I think it will take a pretty long time for the Government to frame all the Rules on the subject. If some Rules are framed initially, there might be occasion for the Government to add to these Rules later on. These Rules may have to be added to from time to time, because we are having these first General Elections as a novel thing. It will be certainly impossible for the Government to envisage at this stage, or during the course of one or two months even, all the possible rules that may necessarily have to be framed. So, if in September or October some new Rule is added to by the Government, then a session of Parliament will have to be called to have these Rules ratified, as it were, and the elections can be held only thereafter. That would mean that we cannot have the General

[Shri J. R. Kapoor]

Elections this year according to the present schedule and these elections will have to be put off to next year.

So my submission is that this amendment might be accepted with this understanding or at least with this clarification embodied in the amendment itself that these Rules shall become operative immediately after they are framed by the Government, and Parliament will always have the right, of course, according to this amendment, as modified in the manner that I am suggesting, of amending those Rules later on when Parliament meets next.

**Shri Hussain Imam:** I want to support the motion made by Mr. Kamath. I feel that it is very essential and in the interests of democracy that Parliament should not surrender all its power as easily as has been suggested by my hon. friend Mr. Jaspat Roy Kapoor. The difficulties which he has pointed out can be met very easily if we have a provision, when this thing comes up before the House, that any amendments made between the date of the last meeting and the holding of the election will be validated. Let the question arise and then we can make other suggestions. It is not the intention of any person to put a spoke in the wheels of progress. The desire of certain Members is that the Parliament should not only have the power to name the controlling body but should in fact become the controlling body itself. The rules are to be made by the Executive and the delimitation of constituencies being an important item have got to come to the House and any modification would affect the elections subsequently held. There is no reason why my friend, Mr. Kamath's amendment should not be accepted. It only wants that all the rules should be laid on the Table of the House. With the mentality that we have seen it is very doubtful if any modification would be made. It is not a question of reflection but what I am suggesting is that unless the amendment suggested is very reasonable, no amendment will be moved, knowing the mind of the House. There is no question of making the holding of the election impossible. The presumption of Mr. Kapoor that it would make difficulties in holding the elections does not arise from the complexion of the House. Even the most bitter opponents of the Government are willing to give the Government every help in holding the elections. So, I suggest that this amendment is very reasonable and it does not in any way stop the holding of elections or

in any manner put insurmountable difficulties in the way of holding elections or of framing the rules. I therefore support this amendment.

**Sardar Sochet Singh (P.E.P.S.U.):** There is one inherent contradiction in what my hon. friend, Mr. Kapoor has just said. On the one hand he says that it will not be possible for the Government to frame the rules before the next session of Parliament is summoned. On the other hand, he urges that these rules should be made operative from the day they are framed. If the two positions are accepted, then it means the rules will not be framed for another 3 or 4 months. So the question of their being operative before the next session of Parliament will not arise at all. But if we fix a time limit and say that these rules are to be placed before Parliament in the next session, the Government will show possible and due efficiency and bring those rules within 2 months or 6 weeks which intervene between this session and the next session. I think we should not give too much latitude to the Government in this respect and we should make it obligatory that the rules should be framed before the next session is called. With these words, I support Mr. Kamath's amendment.

**Shri R. K. Chaudhuri (Assam):** It is hardly necessary for me to say anything in support of Mr. Kamath's amendment. I believe the hon. Law Minister will accept the amendment. If the Law Minister accepts Mr. Kapoor's amendment and rejects Mr. Kamath's amendment, it would mean that he admits the inefficiency of the Government machinery. I do not find any difficulty in framing these rules within a month, because the rules are already there and only some slight change here and there is necessary. If the hon. Law Minister claims that his staff is fairly efficient, I am sure, he will certainly accept this amendment and frame the rules as early as possible and give us an opportunity of seeing whether these rules are absolutely in consonance with the law which we are passing.

**Shri J. R. Kapoor:** My only point was that if it strikes the Government that there is a necessity for changing a rule or adding a new rule at a very late stage, what will happen?

**Shri R. K. Chaudhuri:** I would not late stage, what will happen?

**Prof. K. T. Shah:** I also support Mr. Kamath's motion. I am not influenced by the arguments made out both on account of time and on account of the possibility of not having the rules made by

**Government in time as has been just pointed out. The model rules are already there, and you have only to make slight changes. Surely, you do not need two or three months to make these changes, if you really mean to have these rules properly framed for the elections.**

The second point is that to authorise the Government to make these rules and take them as operative without consideration by Parliament is highly objectionable on constitutional grounds. I am one of those who do not like to part with any power of this House to the Government. It is all right for supporters of the Government to advocate the parting with of these powers to the Government for such purposes. After all, these rules are going to bind the elections and the elections would be an integral part of the successor of this House. Therefore, personally I would never be a party to hand over the power to the Government to make such rules as they like, and make operative without the approval of Parliament even though the Constitution gives us the right to do so.

**An Hon. Member:** That may be for the next elections.

**Prof. K. T. Shah:** But, this election would be held without rules, which is not advisable at all. I am not at all influenced by the idea that the elections will have to be postponed if you accept the motion of Mr. Kamath. It is up to the Government and perhaps up to this House to see that we expedite this matter and all that is connected with it. I see no reason why the rules should not be made within two months or so. There is going to be, I take it, another session of this Parliament when the rules may be approved. As the hon. Mr. Hussain Imam pointed out, there is very little likelihood of any change being made in those rules. Really speaking, they would be on the Table of the House for form's sake. That does not mean that the House may have no judgment about it. What I mean to say is that presumably Government with the experience they have in the country as well as elsewhere, would make these rules so *pucca* and so perfect that there would be no need to make any changes. If there is a need, we must have a right to see that it is changed. Therefore, I suggest that the Government may make the rules, and the rules must be approved by us. There would be no harm, nothing inconsistent with the position taken by the hon. Law Minister himself, in accepting this amendment, to allow the rules to be made so that the elections may be conducted as reasonably as possible.

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**Shri T. Husain (Bihar):** I have not been able to understand why it is that when the British Government were in power, the rules were made by the Government and not placed before the House. It shows that the Members of the Legislative Assemblies in those days trusted the foreign rulers. I see no reason why we should not trust our present rulers. I therefore oppose the motion moved by my hon. friend Mr. Kamath. My hon. friend Prof. K. T. Shah said that the powers of the House must not be parted with. It does not mean that. They are the Executive; they have got to do many things. They are our representatives; they have to frame the rules. Our duty is only to legislate and not to go into the minor details and the rules. I also cannot understand how every time a rule is made or amended, it can come before the House. The House may be sitting or it may not be sitting. Therefore, I support my hon. friend Mr. Kapoor (*An Hon. Member*: He was opposed to the amendment.) and I think that the rules should be made entirely by the Government and need not be placed before the House. Of course, every Member is entitled to get a copy; every Member will get a copy. If any rule has to be changed, he can come before the House and make a motion about it. With these words, I oppose the amendment.

**Mr. Deputy-Speaker:** Dr. Ambedkar.

**Shri Naziruddin Ahmad:** With your permission, Sir, I would like to support the amendment moved by Mr. Kamath. It is so very reasonable and I do not see why Government should be afraid of a Parliamentary scrutiny. But there is just one difficulty about the amendment and it is this, that a permanent oppositionist like Prof. K. T. Shah has supported it. And the Government may feel that they must therefore oppose it. But I find that although he has supported it, there is a good deal of reason behind the amendment and I support it.

**Mr. Deputy-Speaker:** What has Dr. Ambedkar to say so far as this amendment is concerned?

**Dr. Ambedkar:** I would like to take some time to consider it.

**Shri J. R. Kapoor:** Then I may move my amendment to the amendment—that they shall be operative until they are so modified. This also may be considered.

**Shri Sonavane (Bombay):** I support the amendment of Mr. Kamath. I have consistently held that the rules to be made by the Central Government, particularly as regards material points,

[Shri Sonavane]

should be placed before the House. As we see, in most of the Acts, the rule-making power is given to Government. If the rules made relate to minor matters or trivial matters of details, the House would not mind it, but when the rules to be framed relate to such an important matter as the procedure for the elections, when they relate to such a vital matter, then those rules must be placed before the House and the views of the House should be ascertained.

I would particularly inspite the attention of the learned Law Minister to clause 58 which says that the manner or procedure of voting shall be prescribed. As regards single-member constituencies, the procedure will be simple. But we do not know anything about the procedure to be laid down for double-member constituencies, i.e. the plural-member constituencies where there are reserved seats. The last occasion when I spoke on this subject, the hon. Law Minister did give some hint in this matter, but it was not quite clear what procedure would be finally adopted. I need not say that whatever rules are made by Government in this behalf will be very vital for the representatives of the Scheduled Castes and the Scheduled Tribes for whom seats would be reserved. Therefore, I urge that such rules should be placed before the House so that we may be able to know whether those rules that are prescribed for the purpose of regulating the votings would be in the best interests of the Scheduled Castes and Scheduled Tribes. Therefore, I again urge that such rules should come before Parliament. If the rule-making power is exercised in connection with a minor or trivial matter, then the House need not be particular about having them placed before it. But here it deals with very important and vital matters and so they should be placed before the House.

**Mr. Deputy-Speaker:** Shri Ethirajulu Naidu.

**Shri Sidhva (Madhya Pradesh):** Sir, it is already 1 o'clock.

**Mr. Deputy-Speaker:** He will finish in one or two minutes.

1 P.M.

**Shri Ethirajulu Naidu (Mysore):** While I am equally zealous with the hon. Mover that the right of this House should be maintained and enlarged, I think it is equally necessary for us to remember the functions of the Parliament and the functions with which the Parliament entrusts the Executive. It is well known that rules should be framed by Government

under the Act and they are to be framed with the framework of the Act. They cannot go outside the Act. Parliament no doubt is sovereign, but when it lays down the framework and the limits within which Government are to function in the making of these rules, I do not think it is right that this Parliament should make it an issue that it will sit in judgment again over the rules that Government frames in this matter. They have exercised their authority, they have fixed the sphere within which the Government are to make the rules and I think it is quite unnecessary that this should be made an issue as between Parliament and Government. I therefore am obliged to oppose the amendment.

**Pandit Thakur Das Bhargava:** The Chair was pleased to say that the House will meet at 3-30. With regard to some of the outstanding matters there has been no agreement in the House and unless an agreed solution comes, again there would be postponement. With a view to see that the Bill is expedited, I would beg of you to allow more time for agreement. If there is no agreement, we will not be able to pass even one or two sections. For passing clause 7 also we will take time. We have to see that an agreed proposal is brought before the House. It can only be possible if there is an informed meeting of the House and then an agreed solution could come before you tomorrow.

**Shri Kamath:** May I also point out that in England the election rules form a schedule to the Act?

**Mr. Deputy-Speaker:** Before I adjourn the House I wish to announce that Government wants to take up the Report of the Select Committee on the Constitution Amendment Bill for consideration tomorrow, two days will be devoted for general discussion and two days will be for disposal of the clauses. That is the present schedule. It is left to the House to decide later on. Now so far as this Bill is concerned, I agree with Pandit Bhargava that we must have sufficient time to consider, to sit together and iron out the difference. Therefore I suggest that the House may meet at 4-30, as 3-30 may be too short—but I would urge upon Members to whatever party they may belong that the House as a whole will meet the Law Minister in the Council of States Hall and hold an informal Conference at 3 o'clock to try and complete as far as possible before 4-30. The House will now stand adjourned till 4-30.

**Pandit Kunsra (Uttar Pradesh):** You have already announced that so im-

portant a Bill as the Constitution Amendment Bill will be taken up tomorrow. It is therefore fair that hon. Members should be given some time to study that Bill further. It is not like the amendment of a Municipal Bill that can be taken up at any moment. It is a very important matter and we should be given adequate time to be prepared fully for the debate at this stage. Besides, I do not think that the discussion on the Representation of the People Bill can end today. You may deal with the clauses but the Third Reading cannot possibly be taken up today, and therefore there is no advantage in asking us to re-assemble at 4-30. I think therefore that in fairness to us you should give us some time to consider the Constitution Amendment Bill—I mean the Report of the Select Committee.

**Shri Hussain Imam:** I appeal to you that we might meet informally this afternoon but the formal meeting for the consideration of the Bill may be postponed to a further date.

**Mr. Deputy-Speaker:** We have spent a lot of time over this. Of course every difference must be ironed out by sitting together. Therefore there is no harm if we meet at 4-30 and it is possible that by 4-30 a number of clauses may be disposed of—let us sit from 4-30 until such time as may be necessary and if it is not possible to finish, let us then consider what more we have to do regarding this Bill.

As regards the Constitution Amendment Bill, the Report of the Select Committee in a typed form was circulated to all Members by the 25th itself. The other Bill has already been before the House and it only comes again in the form of a select committee report. As the report of the select committee is being discussed other hon. Members will have time to study the Bill with reference to the amendments. I am not trying to hustle but the work of the House has been adjourned from time to time and we have been sitting continuously for four and a half months.

The House will now stand adjourned till 4-30 P.M.

*The House then adjourned till Half Past Four of the Clock.*

*The House reassembled at Half Past Four of the Clock.*

[MR. SPEAKER in the Chair]

**Mr. Speaker:** I understand that clause 167 was under discussion.

**Shri Santhanam:** I suggest that clause 7 may be taken up.

**Mr. Speaker:** Then I will take up clause 7.

**Clause 7.—(Disqualification for membership)**

**Shri Santhanam:** I think the draft of the clause is more or less acceptable.

**Mr. Speaker:** I think it was held over. Are there any agreed amendments to it?

**Shri Santhanam:** In the revised clause 7, all the important amendments have been carried out.

So far as a Director or Managing Agent is concerned, if it is a Corporation in which the Government has a share then Parliament is authorised to disqualify; until then he is not disqualified. I do not think there is any further controversial points. If any point is raised, I shall be glad to answer it.

**Shri T. T. Krishnamachari (Madras):** The understanding in the morning was that in the case of Members who wanted to move amendments the notice would be waived. If any amendments have been tabled hon. Members may move them. That would be my suggestion.

**Mr. Speaker:** Hon. Members who wish to move amendments may give their names.

**Shri Syamnandan Sahaya:** I wish to move an amendment.

**Prof. K. T. Shah:** Mine is to the original; that will apply to the new amendment also.

**Shri Kamath:** My amendment will fit in in either place.

**Mr. Speaker:** Other hon. members who wish to move amendments are: Pandit T. D. Bhargava, Shri A. C. Guha, Shri J. R. Kapoor, Shri Naziruddin Ahmed, Shri Jangde, Shri Pannalal Bansilal, Dr. Deshmukh, Pandit Kunzru, R. K. Chaudhuri and Shri Shiv Charan Lal.

**Shri Khandubhai Desai (Bombay):** I have given notice of an amendment.

**Mr. Speaker:** Yes.

**Ch. Ranbir Singh (Punjab):** I have also given notice of an amendment.

**Mr. Speaker:** Was notice given before one hour? I am not having any last minute amendments of hon. Members—that will mean that so long as discussion goes on, amendments will keep on coming.

**Ch. Ranbir Singh:** I have got an old amendment.

**Mr. Speaker:** Yes. Now the time-limit expires—I will not accept any names even as regards new amendments. I find the following Members wish to move amendments; I have, in pursuance of the undertaking given by the hon. Deputy-Speaker, to waive notice:

Shri Syamnandan Sahaya: Prof. K. T. Shah, Shri Kamath, Pandit Thakur Das Bhargava, Shri J. R. Kapoor, Shri A. C. Guha, Shri Naziruddin Ahmad, Shri Jangde, Shri Panhalal Bansilal, Dr. Deshmukh, Pandit Kunzru, Shri R. K. Chaudhuri, Shri Shiv Charan Lal, Shri Khandubhai Desai, Ch. Ranbir Singh, and Shri Iyyunni.

The question now is one of the procedure we are to follow. It seems we are again going as it were into a general debate on clause 7. That is what seems to me from the number of hon. Members who wish to move amendments. Sixteen Members have registered their names.

**Shri Sondhi (Punjab):** Only sixteen?

**Mr. Speaker:** Yes, only sixteen. So what I would suggest, if the hon. Members are agreeable, is that they might have a general discussion on clause 7 with particular reference to these amendments so that we need not take up time again in respect of each amendment. Mr. Sahaya.

✓ **Shri Syamnandan Sahaya:** I have four amendments of when I have given notice. They are Nos. 3, 6, 8 and 9 in the cyclostyled list. They relate to two or three sub-clauses of clause 7 as proposed to be amended by Dr. Ambedkar. I beg to move:

(i) In the amendment proposed by Dr. Ambedkar, in part (b) of the proposed clause 7, after the word "offence" insert the words "involving moral turpitude".

(ii) In the amendment proposed by Dr. Ambedkar, in part (a) of the proposed clause 7, omit the words "director or".

(iii) In the amendment proposed by Dr. Ambedkar, in part (b) of the proposed new clause 7A, after the word "until" insert the word "after".

(iv) In the amendment proposed by Dr. Ambedkar, in part (c) of the proposed new clause 7A, after the word "until" insert the word "after".

Taking up amendment No. 3, I may say that if you refer to sub-clause (b) of clause 7 as proposed now, it will be found that the wording, as the amend-

ment of Dr. Ambedkar proposes, would be:

"if, whether before or after the commencement of the Constitution, he has been convicted by a court in India of any offence".

I submit this is much too wide a wording. Normally we have found in election rules that only conviction in offences involving moral turpitude has been considered to be a disqualification. This clause is much too wide because even for some technical offence a man may be convicted and that will act as a bar to his standing as a candidate. I therefore submit that it would not be desirable to keep this wording so wide. After all, we must give opportunity to as many people as possible though we must certainly keep away those who are not desirable. My submission is that if we add the words, "involving moral turpitude" after the word "offence", it will, in my opinion, meet the requirements of the situation. It will keep away the undesirables and still not make it too wide to prevent anybody who may have been convicted for any technical offence.

That is as regards my first amendment, No. 3 in the list. My second amendment relates to sub-clause (e) of clause 7 as proposed to be amended by Dr. Ambedkar. In the wording of sub-clause (e) as proposed by Dr. Ambedkar, we find—

"if, he is a director or managing agent of, or holds any office of profit under, any corporation in which the Government of..... has any share of financial interest;"

Now it will be seen that being a director of any corporation where the Government has any financial interest will be a disqualification. However, there have been attempts to improve the position and clarify it in later sections. When we come to the proposed clause 7A, sub-clause (e) of it says:

"a person shall not be disqualified under clause (e) of that section by reason of his being a director unless the office of such director is declared by Parliament by law to so disqualify its holder;"

Therefore, it will appear that there is no desire to exclude all directors from standing, or being elected to a legislature. My suggestion is this. The principle has been accepted in clause 7A that a director holding an office of profit only ought to be debarred. This is laid down in sub-clause (e) of clause 7A. I submit that in clause 7A we should omit the words "director or" or add the word "salaried" before

"director". If we only say "if he is a director or managing agent", it creates a little confusion, particularly when elsewhere we have made only directors holding an office of profit as a disqualification. Here also, if we give up the words "director or" then the remaining part of the sentence will read "if he is a managing agent of, or holds any office of profit under, any corporation in which the appropriate Government has any share or financial interest"—which will include a director holding an office of profit in a corporation. Then I think the object will be fully met. But if the hon. Minister thinks that the word "director" should remain here, then I suggest that the word "salaried" should be added before the word "director". That is to say, "if he is a salaried director or managing agent of, or holds any office of profit under, any corporation in which the appropriate Government has any share or financial interest". But the right course will be to drop the words "director or", because later on it says "or holds any office of profit". Therefore any director holding an office of profit will come under the purview of this sub-clause. It is also further safeguarded by sub-clause (d) of clause 7A. Both read together, it will be desirable to omit the words "director or".

My third amendment is this. It is a matter of wording. I do not know whether the hon. the Law Minister would accept it or not. If he refers to sub-clause (b) of clause 7A he will find that it reads like this:

"a disqualification under clause (c) of that section shall not take effect until the expiration of two months from the date.....etc."

I suggest that it should be "until after the expiration of two months". It is a matter for Dr. Ambedkar to think about. If he accepts it, so much the better.

I have suggested the same amendment in sub-clause (c) of clause 7A also. That is, I have suggested that the word "after" be added after the word "until".

I will in this connection draw the attention of the House through you to two sub-clauses in clause 7A. Those are (d) and (e). Sub-clause (d) reads as follows:

"a person shall not be disqualified under clause (d) of that section by reason of his having a share or interest in a contract entered into between a public company of which he is a shareholder but not a director holding an office of profit under the company or a managing agent and the appropriate Government".

And sub-clause (e) reads:

"a person shall not be disqualified under clause (e) of that section by reason of his being a director unless the office of such director is declared by Parliament by law to so disqualify its holder".

I think that in a matter like this it will be better to lay down the position clearly in this very Act and not ask Parliament to pass legislation whether the director of a certain company will be qualified or the director of a certain other company will be disqualified. Even as it is, the work of legislation in this Parliament is pretty heavy. We have been sitting now for months together. Now to ask Parliament to lay down by a law specifically as to the directors of which company will be qualified and the directors of which company will not be qualified, in my opinion, will be asking of the House too much. If the distinction that I have tried to draw, namely, between a salaried director or a director holding an office of profit and an ordinary director, is accepted by the House, I feel that there will be no occasion or reason for this House to go on passing legislation with regard to the eligibility or otherwise of directors of different companies for becoming Members of this House.

I have nothing more to say except that I hope that the suggestions I have made will receive the consideration they deserve.

**Mr. Speaker:** Amendments moved:

(i) In the amendment proposed by Dr. Ambedkar, in part (b) of the proposed clause 7, after the word "offence" insert the words "involving moral turpitude".

(ii) In the amendment proposed by Dr. Ambedkar, in part (a) of the proposed clause 7, omit the words "director or".

(iii) In the amendment proposed by Dr. Ambedkar, in part (b) of the proposed new clause 7A, after the word "until" insert the word "after".

(iv) In the amendment proposed by Dr. Ambedkar in part (c) of the proposed new clause 7A, after the word "until" insert the word "after".

**Prof. K. T. Shah:** My amendments are four in number. They are Nos. 120, 126, 131 and 181 to the original Consolidated List No. I. I beg to move:

(i) In part (b) of sub-clause (1) of clause 7, after the words "has been convicted", insert the following:—

"of any offence under the Indian Penal Code involving moral turpitude as illustrated in Explanation below or under any law relating to,

[Prof. K. T. Shah]

the offences of black-marketing, profiteering, or tax-evasion”.

(ii) In part (b) of sub-clause (1) of clause 7, omit the following:—

“or such less period as the Election Commission may allow”.

(iii) To part (b) of sub-clause (1) of clause 7, add the following Explanation:

“*Explanation.*—For the purposes of this sub-section the following offences shall be deemed to involve moral turpitude, viz., treason, murder, rape, adultery, bigamy or polyandry, misappropriation or embezzlement of public funds of any Government, Public Body or Authority, or Statutory corporation, highway robbery, burglary or theft accompanied by violence bribery or corruption or receipt of or offer of any illegal gratification to any public servant, office-holder, or functionary, black-marketing, profiteering, or tax-evasion.”

(iv) After part (f) of sub-clause (1) of clause 7, insert the following new part:—

“(g) if he has been found guilty, either directly or indirectly, of having acted in violation of the provisions of the Constitution; with special reference to the preamble, the Fundamental Rights or Directive principles of State policy in the Constitution.”

5 P.M.

Sir, these all relate to disqualifications for various offences and the main category is contained in Amendment No. 120, that is to say offences which involve some kind of violence or moral turpitude and also whether they involve violence or not, the offences of black marketing, tax evasion and profiteering. Time and again, we have been told that the evil of black marketing and tax evasion would not be stamped out unless some form of public dissatisfaction and strong condemnation of these acts is shown. We have been promised also a Bill for emphasizing the public dislike of such acts but that Bill has not yet come. Meanwhile, however, at least on the occasion of the choice of national representatives in the Centre or State Legislatures, I think, it would be a good beginning if those offenders against society are listed and definitely excluded from the right of membership for candidature. This is not taking away their right of voting. Further this is confined only to those who are convicted under any law passed in that behalf. They are not, of course, those who are known to be black marketeers and tax evaders

but those who have not been caught, who happened to have escaped, those who are rich and powerful who evade continuously and yet not come under the clutches of law. These, of course, are rich and therefore, perforce they are excluded.—But those who have been specifically known and found by the competent courts to be guilty of such acts and under laws passed by the Central or State Legislatures, they at least should not be allowed to go scot-free and the social conscience should assert itself in my opinion against those people at least if not as nothing more than as a gesture of the social disapproval against them. Let it be a forerunner of a much stronger disapproval that may come hereafter and a much greater punishment. Here, I should like to make this disqualification irrespective of the degree of punishment, but I should like it to be a disqualification for all time. Again I say just to mark that social disapproval of such offences on an intense scale. The other offences involve moral turpitude or violence or both which I have also illustrated by the explanation given in my amendment No. 131 which are self-evident and I hope no further commendation is needed from me to emphasize not only the gravity of these offences, but the undesirability of those who have been duly convicted of those offences in the courts of the land and as such they should be excluded. The period of exclusion from the right to stand as a candidate or as members is limited in their case as in this clause itself. I would like by the amendment proposed in No. 126 to see that the power is not given to the Election Commission to reduce that disqualification as I understand those words to imply. I suggest that if the punishment is for a period specified as it is, in the clause, let it remain at that period for this class of offenders and no discretion should be given to the Election Commission to reduce this punishment. These are offences so serious and so grave that I do not think the Election Commission should be authorized to reduce their disqualification and if the law chooses to impose this disqualification in all solemnity and seriousness, then the Election Commission should not be empowered to do so. It is possible that such discretion might be exercised for party reasons and in party favour and as such it would be breaking the spirit of this legislation if we allow the Election Commission to use that discretion and reduce the period. I therefore suggest its deletion. The last amendment deals with those who have acted against the Fundamental Rights, those who have acted against the spirit of the Constitution, the preamble and those who have acted against the direc-

tives of policy. Here also it would not merely be a popular belief or rumour that any person has so acted and therefore that person or persons should be debarred. There would have to be some authoritative proof or conviction that they have so acted and as such these people should be excluded. I realise that in this case, it would be extremely difficult to maintain or impose a disqualification but it is intended once again as a sort of gesture to mark the public disfavour with which such people should be treated. I thought that the mere inclusion of this disqualification might be a bar as in the case of the other offences I have mentioned, to their being indulged in and as such without further commendation, I place the amendments before the House.

**Mr. Speaker:** Amendments moved:

(f) In part (b) of sub-clause (1) of clause 7, after the words "has been convicted", insert the following:—

"of any offence under the Indian Penal Code involving moral turpitude as illustrated in Explanation below or under any law relating to the offences of black-marketing, profiteering, or tax-evasion".

(ii) In part (b) of sub-clause (1) of clause 7, omit the following:—

"or such less period as the Election Commission may allow".

(iii) To part (b) of sub-clause (1) of clause 7, add the following Explanation:—

"Explanation.—For the purposes of this sub-section the following offences shall be deemed to involve moral turpitude, viz., treason, murder, rape, adultery, bigamy or polyandry, misappropriation or embezzlement of public funds of any Government, Public Body or Authority, or Statutory corporation, highway robbery, burglary or theft accompanied by violence, bribery or corruption or receipt of or offer of any illegal gratification to any public servant, office holder, or functionary, black-marketing, profiteering, or tax-evasion."

(iv) After part (f) of sub-clause (1) of clause 7, insert the following new part:

"(g) if he has been found guilty, either directly or indirectly, of having acted in violation of the provisions of the Constitution; with special reference to the preamble, the Fundamental Rights or Directive Principles of State policy in the Constitution."

**Pandit Kunsru:** May I know how long we propose to continue this discussion today and whether it will

continue tomorrow or whether the debate on the Constitution Amendment Bill will begin tomorrow?

**Mr. Speaker:** I believe the Leader of the House has made it clear that the second reading of this—clause by clause reading—should be finished today and the third reading will be taken up at a later date, after the Constitution Amendment Bill is taken. The reason for that is that some time will be necessary in view of the number of amendments moved, to examine the whole Bill, to examine the wording and to see if there are any consequential amendments necessary for the third reading stage. So the third reading is not going to come immediately. The idea is to finish this at this sitting even if it means an undue strain, so that the House may sit.....

**Shri Kamath:** Till midnight?

**Mr. Speaker:** If the hon. Member so choose, till midnight, provided myself, the hon. Deputy Speaker and the staff are in a physical condition to continue till that time. The moment there is a sense of exhaustion and the House is exhausted the clauses will be put to vote.....

**Shri Kamath:** Guillotine?

**Mr. Speaker:** There will be no guillotine as such but there will be guillotine in this sense.

**Pandit Kunsru:** I wanted to know whether in continuing this discussion, in deciding the time for the discussion of this Bill, it will be borne in mind that a very important debate will begin tomorrow and that even though this Bill has been before the House for some time and has been discussed once, the report of the Select Committee will require careful examination even by the Members of the Select Committee? If you continue this sitting till 9 or 10 in the evening, is there any possibility of any Member getting the slightest time to consider carefully the report of the Select Committee for tomorrow's debate?

**Mr. Speaker:** It is a matter entirely in the hands of the Members. Those who want to reserve their energy, may not speak on this Bill. It cannot be had both ways. There must be some time limit. As I said in the morning, I was myself unwilling to come in the afternoon. But I came. There is no desire to curtail legitimate discussion, without repetition of the same points over and over again when we are meeting again now for the purpose of ending the discussion of this Bill. If the hon. Members move their amendments and restrict their remarks just to the points and mention them with-

[Mr. Speaker]

out repeating the whole argument, I think we shall be able to finish. In fact, I find that there are some clauses in respect of which there are practically no amendments, and in some, there are agreed amendments. Let us not take up the time at our disposal by arguing this matter.

Let Mr. Kamath move his amendments.

**Shri Kamath:** I beg to move:

After part (f) of sub-clause (1) of clause 7, add the following new part:

"(g) if he is deaf or dumb".

That is the new disqualification which I seek to suggest through this amendment. I believe this is a very simple and non-controversial amendment and ought to find ready acceptance in the House. I find from the English law on the subject that almost all the disqualifications listed therein have been taken and incorporated in our law except this particular disqualification.

**Pandit M. B. Bhargava (Ajmer):** That is obsolete.

**Mr. Speaker:** Let the hon. Member proceed.

**Shri Kamath:** The English law lists the following disqualifications: infants, persons of unsound mind, deaf and dumb persons; then certain religious disabilities are also there; clergymen, bankrupts, convicted persons, contractors with the Crown, office-holders under the Crown, the Returning officer or the Mayor, persons convicted of corrupt practices, candidates who have appointed corrupt agents, and persons convicted of illegal practices. The House will readily see that the only disqualification that has been omitted is the deafness or dumbness of the candidate. It may be argued that deaf and dumb persons may find a place in Parliament without detracting from the value of the Parliament as a whole. Mahatma Gandhi used to refer very often to India's masses as dumb millions, and it may be said that there is no very great harm if some of the representatives of the dumb millions are also dumb. But, I feel that if Parliament were to function as an effective instrument of the national will and a mirror of the people's mind, it can only be achieved by accepting this proposition that no candidate should be deaf or dumb. It may be that an ideal Parliament is that wherein the Treasury Benches are deaf and the rest are dumb, and that will transact business expeditiously and very quickly, without much strain upon the House or upon the Speaker.

But, we are not, I am sure, conceiving of our Parliament in that sense. We are living in the modern age and our Constitution has given a sanctity to Parliament, a sanctity of its own and an importance of its own. In the English law, it was once held with regard to blind persons that blind persons were also ineligible. But, later on, it was modified because in a recent Parliament, "one Member who was blind proved to be a most valued Member of the House of Commons and rendered unique service". I am reading from 'Parliamentary Elections' by Sir Norman Schofield, 1950 Edition. But, the law disqualifying deaf and dumb persons still remains. I do not see how a deaf or a dumb person can usefully contribute to the debate in the House. You yourself, Sir, have ruled, and that has now been a recognised rule, that a written speech cannot go on record and cannot be accepted and cannot be incorporated in the proceedings of the House. If that could be modified and if a written speech could form part of the proceedings, certainly, a dumb person can take his place in the House, deliver his speeches, written, to the secretariat and get them printed in the proceedings. That rule however does not hold, and cannot hold good in a modern Parliament. Therefore, I do not see any way in which a dumb person can take any useful or effective part in the proceedings of the House.

**Shri R. K. Chaudhuri:** Deaf person?

**Shri Kamath:** Dumb person.

**Mr. Speaker:** Order, order; let us not interfere and lengthen the debate unnecessarily.

**Shri Kamath:** As regards deaf persons, it may be argued that there are various degrees of deafness. In this very House, without casting any reflection on any one, it is well known that a few Members including one or two on the Treasury Benches, are partially deaf or hard of hearing. Yet, they do contribute to the proceedings of the House and at times take an effective part in the proceedings of the House. But, when I mean deaf, I mean stone-deaf, a candidate who is stone-deaf. I do not know whether modern science has progressed so far as to completely cure this defect of stone-deafness. If ear-phones or some other appliances have been invented which can overcome this stone-deafness, then, perhaps, it may be argued that such a Member may be admitted to take his place in the House. I do not think it has been invented. From what I know of my

hon. friend sitting by my side in this very Bench who uses these appliances, he is often unable to hear what his colleagues are saying in the House. And he often turns to me and asks me what so and so said or sometimes he asks Members at his L.A.K. I do not think modern science has as yet invented any device to overcome this defect or disease of stone-deafness. Such a Member cannot, it will be agreed, take useful or active part in the business of the House. And as regards dumbness also I do not think any appliance has been invented to overcome it. (*Interruption*).

**Mr. Speaker:** I think I must make it a rule that those who interfere like this will not be called upon by me. This constant interruption or interference is not desirable. We are on the one hand anxious to finish the business as soon as possible, but we seem to have on the other hand, a sort of enjoyment in carrying on long speeches for a long time and having such interruptions. We must be serious and businesslike.

**Shri Kamath:** I am not referring, Sir, to persons who have a tongue and a voice and yet do not speak. I only refer to the physical defect. Of course, we know the saying:

मूकम् करोति वाचालम्

But Parliament cannot make a "Mooka" into a "Vachala", make a dumb man speak. It perhaps does the contrary. Therefore, I submit that because such persons will not be able to take part in the proceedings of the House and contribute to the work of Parliament, I think we may copy the English law on the subject and incorporate these defects also in the disqualifications for candidates. I move my amendment and commend it for the acceptance of the House.

**Mr. Speaker:** Amendment moved:

After part (f) of sub-clause (1) of clause 7, add the following new part:

"(g) if he is deaf or dumb".

**Pandit Thakur Das Bhargava:** I propose to move amendments Nos. 67, 68, 121, 161 and 172 in the Revised Consolidated List No. 1. I beg to move:

(i) In part (b) of sub-clause (1) of clause 7, after the words "of any offence" insert the words "involving moral turpitude".

(ii) In part (b) of sub-clause (1) of clause 7, omit the following:

"and sentenced to transportation or to imprisonment for not less than two years".

(iii) In part (e) of sub-clause (1) of clause 7, after the words "has any" insert the word "dominating".

(iv) Omit part (iii) (a) of the Proviso to sub-clause (1) of clause 7.

(v) In part (iii) (a) of the Proviso to sub-clause (1) of clause 7, omit the words "director or".

With regard to my amendment No. 67 I do not wish to say much. I would only say one word. The conviction for every offence need not incur this disqualification. Only those concerned with moral turpitude need be there. Several hon. Members have brought forward similar amendments and I will not expatiate on this point. The matter is clear. I will only say that in amendment No. 80 moved by Prof. K. T. Shah he has given a list of the offences which according to him involved moral turpitude. I find that so far as theft and private misappropriation are concerned, they are not included in that list. Of course, it is difficult to make a list of the offences. Therefore I have suggested in my amendment No. 67 that the words "involving moral turpitude" be inserted. Though the list is not exhaustive, it is expressive.

Further, in No. 68, I want the words "and sentenced to transportation or to imprisonment for not less than two years" to be deleted. I have known of cases in which persons have been fined Rs. 50,000 in respect of black-marketing. These persons will not be disqualified, whereas those who got under 325 or for acting nobly in killing his wife's paramour or his sister's paramour more than 2 or 3 years imprisonment are debarred. So these words may be removed and the words "involving moral turpitude" may be added.

With regard to the other amendments, I will take only a minute.

Talking about concerns in which the Government have an interest, a friend from Hyderabad has been telling us that there are concerns wherein Government has only a 5 or 10 per cent. share, and wherein it has no dominating interest yet in such a case the director or any other person connected with such a concern will be disqualified. If he is disqualified, then we would be doing something that is wrong. The entire control of the concern may be in the hands of private persons and so there is no reason for disqualifying the director, unless and until the corporation is one in which the Government has a dominating interest, or if the majority of the shares belong to Government. In such public companies, there should be no disqualification attached to the

[Pandit Thakur Das Bhargava]

Director, unless the Government has a dominating interest or has a majority of the shares.

With regard to amendments Nos. 161 and 172, I submit that whatever reasons there may be for attaching disqualifications to the managing agent, these disqualifications should not exist in the case of the directors where managing agents exist, because these agents do all the management. The director does nothing beyond earning his fees and attending the meetings. So the director need not be disqualified. We have copied most of our laws in this connection from the English law and in that country there is no disqualification attaching to directors of public companies. So we may copy this part also from the English law and say that there should not be disqualification of directors of public companies.

Since the other arguments have been dwelt upon by other friends, I do not want to take up the time of the House by referring to them.

**Mr. Speaker:** Amendments moved:

(i) In part (b) of sub-clause (1) of clause 7, after the words "of any offence" insert the words "involving moral turpitude".

(ii) In part (b) of sub-clause (1) of clause 7 omit the following:

"and sentenced to transportation or to imprisonment for not less than two years".

(iii) In part (e) of sub-clause (1) of clause 7, after the words "has any" insert the word "dominating".

(iv) Omit part (iii) (a) of the Proviso to sub-clause (1) of clause 7.

(v) In part (iii) (a) of the Proviso to sub-clause (1) of clause 7, omit the words "director or".

**Mr. Speaker:** Does Mr. Kapoor move any of his amendments? Most of them have been covered by those of Pandit Thakur Das Bhargava.

**Shri J. R. Kapoor:** I will only formally refer to them.

**Mr. Speaker:** But does he want to move them?

**Shri J. R. Kapoor:** Yes, Sir. I beg to move:

(i) In the amendment proposed by Dr. Ambedkar, for part (d) of the proposed new clause 7A, substitute the following:

"(d) nothing contained in clause (d) of that section shall extend or be construed to extend to any contract made, entered with or

accepted by any incorporated public company in its co-operative capacity where such contract has been or shall be entered into or accepted for the general benefit of such incorporated public company."

(ii) In the amendment proposed by Dr. Ambedkar, in part (d) of the proposed clause 7, for the words "any share or interest" substitute the words "majority of shares or dominant financial interest".

(iii) In the amendment proposed by Dr. Ambedkar, in part (f) of the proposed new clause 7A, add the following at the end:

"and in case of any other person, until the expiration of six months from the date of the appropriate government has acquired majority of shares or dominant financial interest."

I will not move amendment No. 11 in which I have a dominant partner—Shri A. C. Guha—and would leave it for him to move it.

**Mr. Speaker:** I hope it is not an arrangement to allow another Member an opportunity to speak.

**Shri J. R. Kapoor:** His name is first in the list and so I do not want to move the amendment. I want to be fair to him.

**Mr. Speaker:** I accept the statement of fairness.

**Shri J. R. Kapoor:** Speaking first on my amendment No. 13, I have not much to say in addition to what has already been said by my friend Pandit Bhargava. I would only submit to the House to consider the very inconvenient and even dangerous implications of sub-clause (e) of proposed clause 7—and may I request you to make a slight correction in my amendment No. 13 that in place of the word 'Part (d)' it should be 'Part (e)'. What it seeks to lay down is that the moment Government purchases any share—the word is 'any share' which means even one single share in any concern—automatically the Directors, the Managing Agent and all those who are employed in that Corporation become disqualified from becoming or remaining members of the appropriate Legislature.

**Shri Santhanam:** Has my hon. friend realized the implication of (e) of 7A?

**Shri J. R. Kapoor:** I have read very carefully but I think my friend Mr. Santhanam while reading (e) of 7A has forgotten the full implication

of 7(e). I am not unmindful that so far as mere Directors are concerned, it is proposed hereafter that the Directors will be disqualified only if the Parliament makes an appropriate legislation on the subject. Unless Parliament by any law lays it down specifically that the Director of such and such concern in which Government has interest will be disqualified, they shall not be disqualified. True, it is there. But sub-clause (e) of clause 7 deals not only with Directors but with two other classes of persons—Managing Agents and all employees of that Corporation. While protection is sought to be given to the Directors of such concerns, no protection whatsoever is intended to be given to the poor employees of that concern or the Managing Agent. So the very moment that Government purchase one single share say of Rs. 10 in any limited concern all the employees of that concern and the Managing Agent immediately become disqualified. Let us pause and consider for a moment its dangerous implications. At a particular time there might be a very inconvenient Member in a Parliament who is a Manager of a concern or an Accountant or representative of that concern. Now in order to disqualify him all that the Government has to do is to purchase from the stock exchange market one single share of Rs. 10. It is no use saying 'no'. I do not know when hon. Members say 'no', whether they mean that this is not the implication. Perhaps they mean that no Government is going to be as unfair as to act in this way. But we do not know what sort of Government may come hereafter in any part of the country in any State—part A, B or C. We have all sorts of States and when we are legislating, we must take into consideration all these possibilities and the past history of this country. Instances have not been wanting where in order to win over or disqualify one particular Member all sorts of tactics have been resorted to by Governments in the past. So I submit that it is necessary that my amendment should be accepted.

Now, therefore, if the employees or managing agents of such concern are to be disqualified, then Government must purchase either majority of shares or must have a dominant financial interest and thereafter also some time should be given to those persons who will be subject to this disqualification just to adjust themselves with the changed circumstances. Either they may resign from that Corporation, give up their service or Managing agency or may take such suitable steps as may be necessary in the

matter. This is the implication of my amendments Numbers 13 and 15.

With regard to Amendment No. 12, my submission is that we must take away public limited companies from the operation of this disqualifying clause 7 (d). I say this particularly on the basis of the English Law on the subject—not because I am in any way enamoured of the English Law but because our hon. Law Minister has been practically swearing by it so far as this particular Bill is concerned. Under the English Law we have it specifically that public limited companies do not come within the operation of this disqualifying clause. I think it is for very valid reasons and it is this that in a public limited company, whatever benefit accrues to it, it is not one individual who is benefited by it but all the shareholders, the Directors and the Managing Agents. It is not one person who is benefited by entering into a contract with Government but a large body of shareholders and directors also who are benefited. If there is a contract which is entered into for the general benefit of the public limited company, then none of the persons, be they shareholders, Directors or Managing Agents should be under any disqualification whatsoever. I have therefore in support of my amendment the English Law and also very good logic and reason. I submit also that some steps should be taken to define the word contract. It is used in too general a sense and it will lead to great difficulties if the word contract is interpreted in its ordinary legal sense. It will bring within its fold persons who have practically not much to do with Government but who have only to sell to Government a few articles now and then under certain written contract. We can imagine also cases where it may be necessary for Government in its own interest to virtually compel certain persons or even companies to supply goods to it. During war goods may be requisitioned but it may not be merely an ordinary requisition. Under that requisition a specific contract may have to be entered into between the company or individual and the State. I know that it is perhaps not the intention of Dr. Ambedkar to bring all such cases within the meaning of the word contract but whatever good intention he may have, his intention would not matter. We cannot refer to his intentions when such cases come up hereafter. We are going to enact a permanent law. Therefore whatever the intention of the Law Minister may be, it should be made specific in the clause itself. After all the clause will be interpreted to mean what it

[Shri J. R. Kapoor]

obviously means and not what it is supposed or intended to mean either by the Parliament or the Law Minister. It may not be easy to define the word "contract" in the Act itself. If so, I would throw out a suggestion that Government under its rule-making powers may carefully consider what particular kinds of contracts are intended to be covered by this clause. If this suggestion is acceptable I would not press my amendment and would leave it to the Government to so amend the last clause of the Bill as to empower the Government to frame rules on this subject also. These are serious matters and must be seriously considered. I therefore commend my amendments for the acceptance of the House and also submit that the word contract may be suitably defined under the rule-making powers of the Government.

**Mr. Speaker:** Amendments moved:

(i) In the amendment proposed by Dr. Ambedkar, for part (d) of the proposed new clause 7A, substitute the following:

"(d) nothing contained in clause (d) of that section shall extend or be construed to extend to any contract made, entered with or accepted by any incorporated public company in its co-operative capacity where such contract has been or shall be entered into or accepted for the general benefit of such incorporated public company."

(ii) In the amendment proposed by Dr. Ambedkar, in part (d) of the proposed clause 7, for the words "any share or interest" substitute the words "majority of shares or dominant financial interest".

(iii) In the amendment proposed by Dr. Ambedkar, in part (f) of the proposed new clause 7A, add the following at the end:

"and in case of any other person, until the expiration of six months from the date of the appropriate government has acquired majority of shares or dominant financial interest".

**Shri A. C. Guha:** I beg to move:

(i) To part (b) of sub-clause (1) of clause 7, add the following Proviso:

"Provided that no person having been convicted of profiteering, black-marketing or otherwise violating the control provisions prevalent for trade and commerce and for the supply of essential

goods—shall be eligible to stand for election for the next fifteen years after such conviction."

(ii) To part (b) of sub-clause (1) of clause 7, add the following Proviso:

"Provided that this will not apply to convictions for political offence—not involving acts of treason, mutiny, armed rising, or conspiracy with foreign powers:

Provided further that in cases of offences involving acts of moral turpitude e.g., defalcation of public funds, or any physical offence on women, or of offences involving blackmarketing, profiteering or any offence connected with the violation of the control regulations or regulations for the supply of essential commodities as far as the traders and businessmen are concerned, the period of disqualification will be for a period of fifteen years instead of five years as in other cases."

(iii) In part (e) of sub-clause (1) of clause 7, omit the words "a director or managing agent of, or".

(iv) In the amendment proposed by Dr. Ambedkar, for part (d) of the proposed new clause 7A, substitute the following:

"(d) Nothing contained in sub-section (d) of section 7 shall extend or be construed to extend to any contract made, entered into or accepted by any incorporated company in its corporate capacity where such contract has been or shall be made, entered into or accepted for the general benefit of such incorporated Company."

(v) In the amendment proposed by Dr. Ambedkar, for part (d) of the proposed new clause 7A, substitute the following:

"(d) This will not disqualify such a person to stand as a candidate provided that he will have to surrender his contract before taking his oath or his seat in the Legislature failing which his election may be considered to be void."

(vi) In the amendment proposed by Dr. Ambedkar, in part (d) of the proposed new clause 7A, omit the following:

"of which he is a shareholder but not a director holding an office of profit under the company or a managing agent."

Sir, my amendments may be classified into two categories. The purpose

of one category is to define conviction on offences for which a candidate will be disqualified. According to the clause as drafted imprisonment for a term of two years on any offence will disqualify a man from being a candidate. My purpose is that it should be some offence involving moral turpitude to disqualify a person. In amendment No. 78 I have given some of the offences such as defalcation of public funds, physical offence on women, black-marketing, profiteering or offences connected with the violation of the controls or regulations for the supply of essential commodities. I want to exempt convictions for political offences. Even during the British regime such offences were often exempted. Now that sedition is going to be an offence; there may be convictions on that account. And there may be unauthorised strikes or there may be violations of section 144; such offences should be exempted from disqualifying a person for becoming a candidate or for being a member of any legislature. It is not the duration of the sentence but the nature of the crime which should disqualify a person.

In other countries, for instance in Russia, they have followed a different principle. They have laid down in Russia that any offence which tends to undermine the structure of society which the Russian State wants to build up, those offences particularly, shall be branded as disqualifying a person from standing for election to a legislature. In Russia exploitation of human labour, possessing private property etc. was considered sufficient offence for disqualification, but neither the duration of the sentence nor of the conviction. Now, Sir, blackmarketing and profiteering are the prevalent crimes of our society and these crimes practically undermine the social and economic structure of our society as well as the moral structure of the nation. Therefore, I consider that this class of offence should be particularly singled out for disqualifying a person from standing as a candidate. But I submit political offences should be exempted.

My other amendments tend to make a distinction in the matter of disqualification on grounds of holding a contract. For this purpose in England and Ireland public companies are exempted. In the U.K. the provision is:

"Provided always that nothing herein contained shall extend or be construed to extend to any contract, agreement, or commission made, entered into or accepted by any incorporated trading company in its corporate capacity

nor to any Company now existing or established and consisting of more than ten persons, where such contract, agreement or commission shall be made, entered into or accepted for the general benefit of such corporation or Company."

Any contract entered into on behalf of a public company should not be taken as benefitting any particular individual. In fact, it benefits the shareholders. The more and more Government extends its operations, the more and more Government will be purchasing and securing its requirements e.g. commodities and services from public companies. Sir, this clause in its present language will cover a very wide circle of middle class and political workers. I should like that "contract" should be definitely defined so as to exempt public companies. By their rule-making powers Government may define what sort of contracts are included for purposes of disqualification.

With these few words, Sir, I conclude.

**Mr. Speaker:** Amendments moved:

To part (b) of sub-clause (1) of clause 7, add the following Proviso:

"Provided that no person having been convicted of profiteering, black-marketing or otherwise violating the control provisions prevalent for trade and commerce and for the supply of essential goods—shall be eligible to stand for election for the next fifteen years after such conviction".

To part (b) of sub-clause (1) of clause 7, add the following Proviso:

"Provided that this will not apply to convictions for political offence—not involving acts of treason, mutiny, armed rising, or conspiracy with foreign powers.

Provided further that in cases of offences involving acts of moral turpitude e.g., defalcation of public funds, or any physical offence on women, or of offences involving black-marketing, profiteering or any offence connected with the violation of the control regulations or regulations for the supply of essential commodities as far the traders and businessmen are concerned, the period of disqualification will be for a period of fifteen years instead of five years as in other cases."

In part (e) of sub-clause (1) of clause 7, omit the words "a director or managing agent of, or".

[Mr. Speaker]

In the amendment proposed by Dr. Ambedkar, for part (d) of the proposed new clause 7A, substitute the following:

"(d) Nothing contained in sub-section (d) of section 7 shall extend or be construed to extend to any contract made, entered into or accepted by any incorporated company in its corporate capacity where such contract has been or shall be made, entered into or accepted for the general benefit of such incorporated Company."

In the amendment proposed by Dr. Ambedkar, for part (d) of the proposed new clause 7A, substitute the following:

"(d) This will not disqualify such a person to stand as a candidate provided that he will have to surrender his contract before taking his oath or his seat in the Legislature failing which his election may be considered to be void."

In the amendment proposed by Dr. Ambedkar, in part (d) of the proposed new clause 7A, omit the following:

"of which he is a shareholder but not a director holding an office of profit under the company or a managing agent".

Mr. Naziruddin Ahmad. What amendments does he wish to take up?

**Shri Naziruddin Ahmad:** Amendments Nos. 1, 2 and 7 in today's list. I do not propose to move any in the printed list. With regard to the many other small amendments, they are of a verbal nature and I shall make suggestions regarding them later on at the third reading. I beg to move:

(i) In the amendment proposed by Dr. Ambedkar, for part (a) of the proposed clause 7, substitute the following:

"(a) if he has, within the period of six years from the scrutiny of his nomination paper, been convicted of an offence mentioned in clause (a) of sub-section (1) of section 138 by a court of competent jurisdiction in India or in British India as it stood before the 15th day of August 1947, or of any corresponding offence if any in a court of competent jurisdiction in any Indian State before its accession to India or Pakistan under the Indian Independence Act, 1947, and which conviction have full force and effect; or if he

has within the same period from the scrutiny, been found guilty of an offence mentioned in clause (b) of sub-section (1) of section 138 or of any corrupt and illegal practice within the meaning of section 139 or".

(ii) In the amendment proposed by Dr. Ambedkar, for part (b) of the proposed clause 7, substitute the following:

"(b) if he has, within a period of five years from the date of scrutiny of his nomination paper or within such shorter period as to any classes of cases as the Election Commission may by notification in the Gazette of India fix, been convicted of a cognizable offence or of an offence involving moral turpitude by a court of competent jurisdiction in India or a court of similar jurisdiction in British India as it stood before the 15th day of August 1947 or in any other similar court in Indian State before its accession to India or Pakistan; or"

(iii) In the amendment proposed by Dr. Ambedkar, omit part (f) of the proposed clause 7.

With regard to these three amendments, No. 1 seeks to replace sub-clause (a) of the proposed clause 7. With regard to sub-clause (a), there are certain serious objections to the wording of the Government's draft whereby conviction for any offence will disqualify a man from standing as a candidate. No attempt has been made to draw a distinction between offence and offence. There are offences which may almost amount to virtuous indignation, and there are offences which make the offender a person of the blackest dye. Here, however, all offences have been treated on the same basis. For instance, if anybody says that a certain hon. Member is outrageous in his behaviour and he gives that somebody a slap and gets convicted—would anyone think of disqualifying him? Or, he says something in anger or does something in anger which amounts to a technical offence—would it be proper to disqualify a man on that ground? Pandit Thakur Das Bhargava gave some illustrations to show that when serious offences are committed against women and children, men may lose their control and try to punish the offender on the spot, taking the law into their hands and slightly exceeding the legal limits. In that case the offence will be considered a technical offence, but it may amount to disqualification. A man should rather court punishment than give up the occasion to punish

a heinous offender on the spot. But in this case all offenders, good and bad, have been treated on the same basis.

The other disqualification says that a man who is imprisoned for a term not less than two years would be disqualified. This is also basically wrong. Pandit Thakur Das Bhargava cited an example of a man who was guilty of black-marketing, but was let off with a fine of Rs. 50,000. The test of disqualification laid down here is a conviction of imprisonment for two years. Now, Sir, imprisonment is again of two kinds: simple and rigorous. In certain cases not involving moral turpitude a man may be given a sentence of simple imprisonment for two years. My amendment would put the disqualification on the ground of conviction on a more rational basis. I submit with respect,—that is that a man who is convicted of offence involving moral turpitude and the like should be disqualified. It is moral turpitude which disqualifies a man from a seat in the legislature. These are some of the conditions which I should like to be incorporated in these amendments.

Then, Sir, with regard to part (a), I have suggested some drafting changes. The Government draft makes a reference to Sections 138 and 139. I have made a distinction between the two types of offence in section 138. Clause (a) of that proposed section deals with two offences under the Penal Code—Section 171-E and 171-F. Those offences stand on a different footing from those in clause (b) which are offences which are created for the first time by the present Bill. I have to make a distinction between clauses (a) and (b) on the simple ground that conviction under clause (a) may have been awarded within the period, but outside India as it stands today. Before partition India was British India and there were the Indian States. If a man had been convicted under the Penal Code, under clause (a) of the proposed section 138, he might have been convicted in British India before partition which may now form part of Pakistan; he may have been convicted of a similar offence in the Indian State. But now the Indian States including Part C States—are integrated. Some areas which formed part of British India have now gone to Pakistan. I submit that conviction in any one of these places should stand on the same basis. That is why I have said that if a man has been convicted by a competent court of jurisdiction in India or British India as it stood before the 15th day of August 1947, or of any corresponding

offence if any in a court of competent jurisdiction in any Indian State before its accession to India or Pakistan under the India Independence Act, 1947, and which conviction had full force and effect and so on.

Then with regard to part (b), my amendment relates to offences, that the conviction must be of an offence involving moral turpitude. I have already explained that.

Then, my third amendment, though a very short one, involves a question of some importance, namely that part (f) of Dr. Ambedkar's amendment to clause 7 should be omitted. I have already spoken about this during the first reading. I shall therefore merely refer to it again. Item (f) deals with the disqualification of a man if he is a government servant and if he is dismissed for corruption or disloyalty to the State, and this disqualification is to last for five years. I submit this disqualification would be absolutely unjust. In fact a dismissal by a government officer of a subordinate on certain grounds would offer no justification for holding that he is really guilty. If we disqualify a man for corruption and disloyalty, it should be upon a conviction by a court of law. Otherwise, a superior officer out of disgust or out of some caprice may dismiss a man on these grounds, and he may be banned for ever. It may be that the superior officer is himself corrupt and the inferior officer is honest, and it may be that on account of this the superior officer may get rid of him. I think the disqualification on this ground should be based upon a conviction by a court of law. If we once permit ourselves to go beyond conviction by a court of law, we would grievously wrong. In fact there are many persons who should be disqualified according to Prof. K. T. Shah. He is an idealist and he has given us a list of persons who should be disqualified. Morally speaking, everyone would be at one with him. But the difficulty is to find out who those persons are. Persons guilty of the offence of black-marketing and other such classes of offences who are not convicted are masquerading as gentlemen in our society. To disqualify men who are really offenders, informally, without conviction, would mean practically the elimination of a large class of society from our Parliament. It is a very rare thing for a public man not to have committed some sort of offence like that in secret. But it would not be safe to base our disqualification on offences which are not proved in a court of law. So the clauses of the proposed section 7,

[Shri Naziruddin Ahmad]

according to my humble opinion go too far and should be scrapped. These are some of my suggestions and I hope that Dr. Ambedkar will consider them and if he feels they are fit, he may accept them for what they are worth.

6 P.M.

**Mr. Speaker:** Amendments moved:

(i) In the amendment proposed by Dr. Ambedkar, for part (a) of the proposed clause 7, substitute the following:

“(a) if he has, within the period of six years from the scrutiny of his nomination paper, been convicted of an offence mentioned in clause (a) of sub-section (1) of section 138 by a court of competent jurisdiction in India or in British India as it stood before the 15th day of August 1947, or of any corresponding offence if any in a court of competent jurisdiction in any Indian State before its accession to India or Pakistan under the Indian Independence Act, 1947, and which conviction have full force and effect; or if he has within the same period from the scrutiny, been found guilty of an offence mentioned in clause (b) of sub-section (1) of section 138 or of any corrupt and illegal practice within the meaning of section 139 or”.

(ii) In the amendment proposed by Dr. Ambedkar, for part (b) of the proposed clause 7, substitute the following:

“(b) if he has, within a period of five years from the date of scrutiny of his nomination paper or within such shorter period as to any classes of cases as the Election Commission may by notification in the Gazette of India fix, been convicted of a cognizable offence or of an offence involving moral turpitude by a court of competent jurisdiction in India or a court of similar jurisdiction in British India as it stood before the 15th day of August 1947 or in any other similar court in Indian State before its accession to India or Pakistan; or”

(iii) In the amendment proposed by Dr. Ambedkar, omit part (f) of the proposed clause 7.

**Shri Kamath:** In view of the long hours that we are sitting today, the House may assemble tomorrow at ten o'clock.

**Mr. Speaker:** I am afraid, I cannot accept that suggestion but we can

prolong the hours of discussion by dropping the Question Hour, if hon. Members so wish. (*Interruption*). If the Question Hour is dropped, we shall get one hour more tomorrow.

**Shri Kamath:** No, Sir. There are important questions tomorrow.

**Mr. Speaker:** We may consider it *de novo* tomorrow as to whether it should be dropped or not. But I think we must begin in time tomorrow.

**Shri Sidhva:** What is the proposal, I would like to know?

**Mr. Speaker:** Nothing is going to be decided now. The hon. Member therefore need not worry with the contents.

**Shri Sidhva:** I am entitled to know, Sir.

**Mr. Speaker:** He is entitled to know but he should have been attentive.

**Shri Sidhva rose—**

**Mr. Speaker:** Order, order. Mr. Jangde. What is the number of his amendment?

**श्री जांगडे:** It is amendment No. 147

of the Revised Consolidated List No. 1. I beg to move:

After part (f) of sub-clause (1) of clause 7, insert the following new part:

“(g) if whether before or after the commencement of the Constitution he has been convicted by a Court in India of any offence relating to essential supply of goods or essential services and sentenced to any length of imprisonment or even to the rising of a Court or fined any amount of pecuniary penalty unless a period of five years has elapsed since his release or date of payment of fine.”

अध्यक्ष महोदय, मुझे इस में ज्यादा समय नहीं लेना है। मुझे यह जान कर बड़ा दुःख होता है कि सेलेक्ट कमेटी (Select Committee) ने बहुमत से लाइसेंस (licences) और परमिट होल्डर्स (permit holders) पर चुनाव में उम्मीदवार खड़े होने पर जो प्रतिबन्ध लगा दिया था, उस को इस सदन ने स्वीकार नहीं किया। अर्थात् सेलेक्ट कमेटी की मान्यता को ठुकरा दिया है। मुझे अपने संशोधन के सम्बन्ध में कैद

इतना ही कहना है कि जिन ब्लैक मार्केटियरों (Black Marketers) और प्राफिटियरों (Profiteers) के समबन्ध में हमारे नेतागण स्वराज्य पाने के पहले कहा करते थे कि ऐसे ऐंटी-सोशल (Anti-Social) लोगों को फांसी की सजा दी जायेगी, या गधे पर बैठा कर के काला मुंह कर के शहरों में उन्हें घुमाया जायेगा, उन लोगों का हम आज मान कर रहे हैं और उन को हम स्थान दे रहे हैं और जैसा कि धारा सात में रखा गया है कि ऐसे लोग जिन को या तो दो साल से कम सजा हुई होगी, वह चुनाव में उम्मीदवार खड़े हो सकते हैं, या ऐसे लोग जिन को १० हजार या बीस हजार या दो रुपये का जुर्माना हुआ हो और कोई सजा न हुई हो, वह भी चुनाव में खड़े हो सकते हैं या जिन्हें केवल ६ माह या डेढ़ साल की सजा हुई हो और जुर्माना हुआ हो, वह भी चुनाव में खड़े हो सकते हैं। आज हमारे देश की आर्थिक दुर्दशा हो रही है, चीजों की कमी है और कीमतें दिन पर दिन बढ़ती चली जा रही हैं और हमारे जीवन का स्तर बहुत ऊँचा हो गया है स्टैण्डर्ड आफ लिविंग (Standard of living) बहुत बढ़ गया है, इस पर भी हमारे यह ब्लैक-मार्केटियर और प्राफिटियर्स नहीं मानते और सरकार की चीजों के बढ़ते हुए दाम रोकने और इन्फ्लेशन (Inflation) चेक (check) करने में सहयोग नहीं देते और हमें उन्हें काबू में लाने के लिये, प्रीवेंटिव डिटेन्शन ऐक्ट (Preventive Detention Act) बनाना पड़ा, लेकिन तो भी ये बाज नहीं आते। अब हम ऐसे लोगों को चुनाव में खड़े होने का मौका दे रहे हैं, तो भला बतलाइये हमारे देश में सुधार कैसे संभव हो सकता है, कैसे हमारे देश में आर्थिक

समानता हो सकती है और देश में जो बल्बे, मारपीट और झगड़े फिसाद जगह जगह हुआ करते हैं, वह कैसे बंद हो सकते हैं? आप ने यह भी देखा होगा कि यह ब्लैक-मार्केटियर और प्राफिटियर्स किसी संस्था के टिकट पा कर आज भी म्यूनिसिपल बोर्ड या डिस्ट्रिक्ट बोर्ड के चेयरमैन (Chairman) और सदस्य बने हुये हैं और ये लोग अपने पद का दुरुपयोग कर के ब्लैक मार्केटिंग और प्राफिटियरिंग को बढ़ा रहे हैं और अपनी जेबें भर रहे हैं लाभ कर रहे हैं। और समाज का शोषण कर रहे हैं। आप को यह भी मालूम होगा कि हमारे प्रधान मंत्री ने स्वराज्य पाने के पहले जब कि बंगाल में अकाल पड़ा था, उस समय वह कहा था कि अगर मैं शासक होता तो इन ब्लैक मार्केटियर और प्राफिटियरिंग करने वालों को फांसी के तख्ते पर चढ़ा देता, लेकिन अफसोस आज क्या हालत हो रही है, उन को सजा देने की बात तो दूर रही, हम ऐसे लोगों को चुनाव में उम्मीदवार खड़े होने के लिये प्रोत्साहन दे रहे हैं और लाइसेंस और परमिट होल्डर्स को हमने खुली छूट दे रखी है और उन को सुला हुआ छोड़ दिया है।

[Pandit Thakur Das Bhargava in the Chair]

अभी कुछ समय पहले ब्लैक-मार्केटियर्स या प्राफिटियर्स जो हजारों और लाखों रुपये ब्लैक मार्केटिंग में कमाते थे, उन को कोर्ट्स, (Courts) और न्यायाधीश लोग सजा न देकर केवल जुर्माना किया करते थे, लेकिन जनमत प्रति दिन ऐसे ब्लैक-मार्केटियर्स और प्राफिटियर्स के इतना खिलाफ होता जा रहा है कि न्यायाधीशों ने मजबूर हो कर ऐसे लोगों को सजा देना शुरू किया है नहीं तो केवल पहले उन पर जुर्माना ही किया जाता था। अब आप इस क्लॉज के क्लॉज (clause)

[ श्री जांगड़े ]

सात जैसा है उस के अनुसार ऐसे लोगों को जिन्होंने या तो सजा पाई हो या जुर्माना भुगता हो, वह चुनाव में खड़े हो सकते हैं, और चुनाव लड़ कर संसद या धारासभाओं में जा सकते हैं और ऐसे पदों पर पहुंच कर वे लोग पुलिस और सरकारी कर्मचारियों पर जिनका कि काम ब्लैक मार्केटियर्स को पकड़ना है, अपना नाजायज प्रभाव डालेंगे और उन को इन्फ्लुयन्स (Influence) कर के वह ब्लैक-मार्केटिंग और प्राफिटरिंग करते रहेंगे और इस तरह वह समाज पर अपने शोषण को बढ़ाते रहेंगे। इसलिये मेरी इस सदन और सरकार से प्रार्थना है, ब्लैक-मार्केटियर्स और प्राफिटियर्स जो कि इसेन्शियल सप्लाय आफ गुड्स (Essential Supply of goods) या इसेन्शियल सर्विसेज (Essential Services) के अन्दर में आते हैं या सरकार ने कंट्रोल (Control) जितनी चीजों पर लागू किया है उन चीजों के अन्दर जो लोग पकड़ गये हैं या जिनको सजा दी गई है, चाहे किसी हद तक उन्हें सजा दी गई हो, उचित यह होगा कि ऐसे लोगों को चुनाव में खड़े होने नहीं देना चाहिये। कन्ट्रैक्टर्स (contractors) पर प्रतिबन्ध लगाया गया है, क्या ये ब्लैक] मार्केटियर्स और प्राफिटियर्स उन से कम बदनाम हैं? बड़े बड़े मालदार लोग जो प्राफिटरिंग करते हैं और समाज का आर्थिक शोषण करते हैं और जनमत जिनके इतना विरुद्ध है और जो इतने बदनाम हैं कि सेलेक्ट कमेटी ने ठीक ही ऐसे लाइसेंस और परमिट होल्डर्स पर प्रतिबन्ध लगाया था, लेकिन उस को टुकरा दिया गया और ऐसा मालूम पड़ता है और जनता यही समझेगी सरकार शायद पंजी पतियों के प्रभाव में आ गई है और क्लेरेण्डन आफ इंडियन चैम्बर आफ कामर्स

(Federation of Indian Chamber of Commerce) के प्रभाव में आ गई है। मैं अन्त में फिर एक बार अपनी प्रार्थना को दुहराता हूँ कि ऐसे ब्लैक मार्केटियर्स और प्राफिटरिंग करने वाले जिन को सजा या जुर्माना हुआ हो, भले ही किना जुर्माना व सजा की मियाद हो, उन्हें हमें चुनाव में खड़े होने की छूट न देनी चाहिये। बस इतना ही मैं कहना चाहता हूँ।

(English translation of the above speech)

Shri Jangde (Madhya Pradesh): It is amendment No. 147 of the Revised Consolidated List No. 1. I beg to move:

After part (f) of sub-clause (1) of clause 7, insert the following new part:

“(g) if whether before or after the commencement of the Constitution he has been convicted by a Court in India of any offence relating to essential supply of goods or essential services and sentenced to any length of imprisonment or even to the rising of a Court or fined any amount of pecuniary penalty unless a period of five years has elapsed since his release or date of payment of fine.”

Sir, I have not to take much time. I am sorry to see that the House has turned down the majority recommendation of the Select Committee that the licence and permit holders should not be allowed to stand as candidates in the elections. I have only to say so much regarding my amendment that prior to the attainment of freedom, our leaders used to say that the anti-social elements like the black-marketers and the profiteers will be hanged or after blackening their faces will be taken round the cities on donkeys. But we are showing respect towards such people and are giving them places of honour. It has been laid down in clause seven that those persons can also stand as candidates in the elections who have been sentenced for a period of less than two years or who have been fined Rs. 10,000 or Rs. 20,000 or even Rs. 2 but have not been sentenced to any term of imprisonment or who have been sentenced for 6 months or 1½ years and have also been fined. Our country is facing an economic crisis. There is shortage of consumer goods and the prices are soaring high and our standard of living has also gone

up but in spite of all this the black-marketers and the profiteers do not stop their activities. They do not cooperate with the Government in putting down the prices and checking the inflation and therefore we had to pass the Preventive Detention Act, still they have not stopped their activities. How can there be any improvement in our country or how can we have any economic equality or how can we put a stop to the riots and affrays which occur so often in the different parts of the country? You might have noticed that even today these black-marketers and profiteers have managed to become chairman or members of Municipal and District Boards. Taking undue advantage of their position, they are encouraging blackmarketing and profiteering and are amassing wealth by exploiting the society. You might remember that prior to the attainment of independence when famine had taken a grip of Bengal, our hon. Prime Minister had said that had he been the ruler he would have had hanged all the black-marketers and the profiteers. But what is the condition today? Instead of giving them any punishment we are encouraging such persons to stand as candidates and have given complete liberty to the licence and permit holders.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Till recently, the courts and judges used to impose fines instead of sentencing these black-marketers and profiteers, who have amassed millions of rupees by black-marketing to terms of imprisonment. But due to the strong public opinion against these black-marketers and profiteers, judges have now started sentencing them to terms of imprisonment as well. Now, under the present clause seven, you are allowing such persons, who have been sentenced or fined to contest elections and to be elected to Parliament or Assemblies. After occupying such positions these persons will wield undue influence over the police and the Government employees whose job is to arrest the black-marketers. Due to their influence they will continue to do black-marketing and profiteering and thus they will increase the exploitation of the society. Therefore, I appeal to the House and the Government that they should not permit those black-marketers and profiteers, who have been convicted under the Essential Supplies and Goods Act or Essential Supplies Act or who have been sentenced to whatever term of imprisonment or fine in doing black-marketing and profiteering in those things on which the Government have

imposed the control to stand as candidates. Restrictions have been imposed on contractors, but may I know whether black-marketers and profiteers are less disreputed? The Select Committee had rightly imposed restrictions on those licence and permit holders who practise profiteering and exploit the society and against whom strong public opinion has been formed. But the recommendation has been turned down and the people will now think that the Government have been influenced by the capitalists and the Federation of Indian Chamber of Commerce. I, once more, repeat my appeal that black-marketers and profiteers should not be allowed to stand as candidates in the election if they have been sentenced to imprisonment or fine, without taking into consideration the length of term or the amount of fine. This is all I had to say.

Mr. Chairman: Amendment moved:

After part (f) of sub-clause (1) of clause 7, insert the following new part:

“(g) if whether before or after the commencement of the Constitution, he has been convicted by a Court in India of any offence relating to essential supply of goods or essential services and sentenced to any length of imprisonment or even to the rising of a Court or fined any amount of pecuniary penalty unless a period of five years has elapsed since his release or date of payment of fine.”

श्री पन्नालाल बंसीलाल : I beg to move:

In the amendment proposed by Dr. Ambedkar in part (d) of the proposed clause 7,—

(i) omit the words “or the performance of any services undertaken by”; and

(ii) after the words “of any works” insert the word “for”.

उपधारा डी. के अनुसार गवर्नमेंट (Government) से कोई कन्ट्रैक्ट (Contract) ले या उसका कोई काम कर दे अथवा गवर्नमेंट द्वारा किये हुए काम में किसी व्यक्ति का हित हो तो

[श्री पन्नालाल बंसोलाल]

(English translation of the above speech)

वह संसद अथवा किसी लेजिस्लेटिव कौंसिल (Legislative Council) की मेम्बरी (membership) के लिये न खड़ा हो सकेगा। मैं इस में से यह शब्द "or the performance of any services undertaken by" के निकालने का संशोधन रखता हूँ। इन शब्दों का अर्थ बहुत विस्तृत है, अगर यह रहे तो इस का परिणाम यह होगा कि इस समय की आंशिक कंट्रोल एकानिमी (controlled economy) इत्यादि के कारण बहुत से व्यापारी संसद और स्टेट लेजिस्लेटिव आदि के लिये डिस्क्वालीफाई हो जायेंगे। आप यदि गौर करें तो शुगर (sugar) कपड़ा, अन्न इत्यादि चीजों को केन्द्रीय सरकार स्टेट (State) सरकारों को देती है और स्टेट उन को डिस्ट्रीब्यूट (distribute) करने के लिये एजेंट (agent) नियुक्त करती है। एजेंट को कमीशन (commission) के रूप में लाभ मिल जाता है। इस वास्ते मैं ने यह संशोधन रखा है। यदि वह स्वीकार न किया गया तो बहुत सारे व्यापारी डिस्क्वालीफाई (disqualify) हो जायेंगे विशेष कर जबकि हम स्टेट्स के रूलर्स (Rulers) को यह अधिकार दे रहे हैं जिन में आज भी यह भावना है कि अब भी भारत में आटोक्रेसी (autocracy) [राज्य कायम करें] हमारे विधान के अन्दर लोगों को समानाधिकार दिये गये हैं उस से भी बहुत बड़ी संख्या में लोगों को इस कानून के द्वारा वंचित करना है। मेरा दूसरा संशोधन, यदि यह संशोधन स्वीकृत हो जाये, उपधारा की भाषा के सुत्तार के लिये रखा है और वह यह है कि "of any words" के बाद "or appropriate government" के पहले शब्द 'for' जोड़ा जाय।

**Shri Pannalal Bansilal (Hyderabad):** I beg to move:

In the amendment proposed by Dr. Ambedkar in part (d) of the proposed clause 7,—

(i) omit the words "or the performance of any services undertaken by"; and

(ii) after the words "of any works" insert the word "for".

According to the sub-section (d) any person, who undertakes any work of the Government on contract basis or performs any other job for them, or whose interests are involved in any work undertaken by the Government, cannot stand for membership either of the Parliament or of the legislative councils. Sir, my amendment in this connection is that the words "or the performance of any services undertaken by" should be omitted from it. These words have a very wide meaning. If this portion remains there, its results would be that in the present partially controlled economy, many businessmen would be disqualified for the membership of Parliament and other legislative bodies of the States. Think over it and you would find that the Central Government give sugar, cloth, food and other necessities of life to the State governments and they in their turn appoint agents for the distribution of those commodities. These agents make some profits in one way or the other in the form of commissions on their sale. And this is why I have placed this amendment before the House. In case it is not adopted it would only result in the disqualification of a large number of businessmen. This is more significant in view of the fact that we are giving this right to those rulers of the states who are even now thinking of establishing autocracy in India. Equal rights have been given to all the people under our Constitution, but it seems that the purpose of this Act is to deprive a large number of persons of this right. My second amendment, in case the first one is at all accepted, relates to the improvement of language in the sub-section and it is that word 'for' may be inserted after the words "of any words" and before the words "or appropriate government".

**Mr. Chairman:** Amendment moved:

In the amendment proposed by Dr. Ambedkar in part (d) of the proposed clause 7,—

(i) omit the words "or the performance of any services undertaken by"; and

(ii) after the words "of any works" insert the word "for".

**Mr. Chairman:** Dr. Deshmukh is not present.

Pandit Kunzru.

**Pandit Kunzru:** I beg to move:

In part (f) of sub-clause (1) of clause 7, omit the words "or disloyalty to the State".

**Mr. Chairman:** Will the hon. Member please give me the number of his amendment and the list in which it appears?

**Pandit Kunzru:** I have given notice of it to-day because of the amendment of clause 7. Now, there is no sub-clause (2) in clause 7. There is only one clause and my amendment is to this sub-clause (f).

**Mr. Chairman:** Well, the amendment has been moved and the hon. Member can now go on.

**Pandit Kunzru:** Disloyalty, Sir, is a serious charge. If a man is to be disqualified for being elected as a Member either of the Central Legislature or of a State Legislature, it is only fair that the disability should be imposed on him only after he has been tried and found judicially guilty of disloyalty. But if there is no such offence as disloyalty at present, how can anybody be penalised under this Bill for what is called disloyalty to the State? If a man is guilty of treason, he will undoubtedly be punished for more than two years and as such he will be prevented from standing as a candidate for any legislature. But I deprecate the creation of a new offence like this in this Bill.

Unless we allow this matter to be determined by a Court of law we shall find that it will depend on the executive of the day as to what view it takes of the conduct of a particular official. An official may not view with favour the activities of a particular party. He may not be favourably inclined to it but is that to be treated as disloyalty to the State. If these words are retained, the executive officials will be in a very difficult position. The Government have already ample power to deal with officials who are guilty of treason or of such practices as injure the State but I submit that an official should not be prevented from standing as a candidate for election to any Legislature simply because the executive has dismissed him on the suspicion that he is disloyal to the State. I do not know—we have no definition about disloyalty to the State. It will depend entirely on what the

Cabinet regards as disloyalty to the State. This, I think, is highly unfair and I suggest therefore that these words should be deleted. I could have understood the British Government trying to impose a disqualification on officials who were supposed to be disloyal to it but there was no such disqualification when the British were responsible for the Government of India. Why should a new disqualification of this character be created now, when naturally every official will try to do his best to help the Government of his own country. It is therefore both unnecessary and undesirable and I hope that my hon. friend the Law Minister will accept the amendment that I have moved.

**Mr. Chairman:** Amendment moved:

In part (f) of sub-clause (1) of clause 7, omit the words "or disloyalty to the State".

**Dr. Deshmukh (Madhya Pradesh):** I have two amendments which I wish to move and those are Nos. 67 and 185 in the Revised Consolidated List No. 1. The first is the one which has already been moved by several Members of this House and which I beg to move:

(i) In part (b) of sub-clause (1) of clause 7, after the words "of any offence", insert the words "involving moral turpitude".

The second is with respect to interest in the license, permit etc. I beg to move:

(ii) After part (iii) (b) of the Proviso to sub-clause (1) of clause 7, insert the following new part and explanation:

"(c) of having indirect or negligible share in the contract, license, permit or authorization.

*Explanation.*—A personal interest or share which does not exceed the value of rupees ten thousand in any particular contract, license, permit or authorization shall be held to be negligible."

Of course this will have to be changed in some particulars to fit in with Dr. Ambedkar's further amendments. So far as the first amendment is concerned there is a fair amount of unanimity in the House that the words "moral turpitude" should be there. There are two more reasons why I approve the addition of these words. One is that we would effectively bring under this disqualification any person who has been convicted for blackmarketing or other anti-social offences without saying so in so many words. Secondly, we will not bring under the purview of this disqualification persons who

[Dr. Deshmukh]

are convicted for offences which do not involve any moral turpitude. We are all familiar with quarrels over family or other properties, where murders are committed and other things crop up and convictions are secured under various sections of the Criminal Procedure Code. The terms of imprisonment are fairly long in many cases. All these ought to be excluded, as otherwise they might involve the exclusion of some of the best persons in the land. So the addition of the words "moral turpitude" is absolutely essential from both these points of view.

So far as the other amendment is concerned, fear has already been expressed that the interest that a person may have in any contract, licence, permit or authorisation may be so insignificant as to amount almost to no interest at all. Therefore it is very necessary that insignificant interests should not involve disqualification of this nature. It is certainly a very serious disqualification and there ought to be some financial limit which it should be possible to determine and on account of which the disqualification may accrue. With that end in view I have proposed this explanation and addition to sub-clause (1) of clause 7 as altered now.

Lastly I want to say a word about the amendment moved by my friend Mr. Kamath about the deaf or dumb. If instead of deaf or dumb he had said deaf and dumb then probably this disqualification might have been incorporated. Secondly, I thought my friend will have more sympathy for such defectives than he has exhibited, especially because he is very familiar with them and is surrounded by them. Under the circumstances he should show greater sympathy for such defectives. I am not sure whether it would not be proper to exclude those suffering from both the defects. (*Shri Kamath*: I am willing to accept the amendment.) If we have the word "or" in between deaf and dumb it will work hardship, as he himself mentioned, on the treasury benches, who may not be in a position to come back to the House. I think that human sympathy for brother Members of the House requires that the word 'or' should be changed to 'and'.

**Mr. Chairman:** Amendments moved:

(i) In part (b) of sub-clause (1) of clause 7, after the words "of any offence", insert the words "involving moral turpitude".

(ii) After part (iii) (b) of the Proviso to sub-clause (1) of clause 7, insert the following new part and explanation:

"(c) of having indirect or negligible share in the contract, license, permit or authorization.

*Explanation.*—A personal interest or share which does not exceed the value of rupees ten thousand in any particular contract, license, permit or authorization shall be held to be negligible."

**Shri R. K. Chaudhuri:** I have only one amendment unlike other Members who had several amendments to place before the House. My amendment is No. 201 in the Revised Consolidated list on page 20. I beg to move:

To clause 7, add the following explanation:

*Explanation.*—A lawyer who renders professional services to Government or any department thereof and who is paid by retaining fees and other fees shall not be deemed to be holding an office of profit and shall not be disqualified to be chosen as a member of either House of Parliament or Legislative Assembly or Legislative Council of a State."

This is the only amendment that I have and I shall deal with it with all the firmness that it deserves, and I hope the hon. Law Minister will also be so pleased as to give some attention to what I say on this occasion.

**Dr. Ambedkar:** I always do, I think.

**Shri R. K. Chaudhuri:** I would not have placed this amendment before the House today but for a very sad experience which I had during the last few days. I am afraid there are hon. Members in this House who are dead against lawyers who have not unfortunately forgotten their law or who are still practising in a court of law. They do not mind taking the assistance of lawyers who are not in Parliament, but they seem to be prepared to bar the Parliament or other legislatures against lawyers who have any practice. Not only that, they seem to be quite prepared to lathi-charge some of the existing lawyer-Members from this Parliament.

**Shri Kamath:** You cannot get on without lawyers.

**Shri R. K. Chaudhuri:** That is what you are. The gentleman who is protesting from behind belongs to that

category of Members who are dead against that class of lawyers I mentioned.

**Shri Kamath:** No, no. I protest against that. Lawyers are among my good friends.

**Shri R. K. Chaudhuri:** There seems to be a misapprehension about the position of lawyers. There are those Members who are prepared to go to the length of saying that Members of Parliament or legislatures who hold a brief for the Government, who appear on behalf of Government before the Supreme Court or any other court of law, should be debarred from becoming a Member of Parliament or of any other legislature. Therefore, I consider it appropriate that this amendment shall be considered by the Hon. House as well as by the hon. Minister and the hon. Minister ought to make the position perfectly clear. On the one hand there are lawyers who have come to very eminent position and naturally the Government would like to retain their services. On the other hand, such lawyers, if they know that they will be disqualified from becoming Members of Parliament merely because they get some retaining fees or other fees from Government, will naturally refuse to accept briefs from Government with the result that Government will lose the valuable professional services of such lawyers. (*Interruption.*) I have decided not to bring women as the topic of any of my debates and I am not going to listen to what an hon. Member is prompting from behind.

I say that lawyers generally should not be disqualified from becoming Members merely because they may happen to be paid retaining fees or other fees from Government. It may be said that this amendment is not appropriate because clause 7 does not deal with "office of profit", but I consider that it will be relevant. Because, "contract" has not been defined and because any service which a lawyer wants to give to the Government on account of the retaining fees or other fees which he receives, will after all, be a contract, and therefore in order to clear the ground I submit that an explanation of this kind ought to be added to clause 7.

**Shri Sondhi:** Only as regards female lawyers or regarding both female and male lawyers?

**Shri R. K. Chaudhuri:** I do not speak of women. I have taken a vow.

**Mr. Chairman:** Amendment moved:  
To clause 7, add the following explanation:

*"Explanation.—A lawyer who renders professional services to Government or any department thereof and who is paid by retaining fees and other fees shall not be deemed to be holding an office of profit and shall not be disqualified to be chosen as a member of either House of Parliament or Legislative Assembly or Legislative Council of a State."*

**Shri Shiv Charan Lal:** I do not propose to move my own amendment because I think it is a clumsy one. And being an adherent of Hindu law and a believer in adoption, I adopt the amendment of the Chairman himself which is more beautiful, and that of Prof. K. T. Shah.

**Mr. Chairman:** But which are the amendments which he wishes to move?

**Shri Shiv Charan Lal:** My amendment is there but I do not wish to move it. I want to adopt the amendment of Prof. Shah and that of the Chairman.

**Mr. Chairman:** Have these amendments been already moved or not?

**Shri Shiv Charan Lal:** They have been: I will not take more than two or three minutes. These amendments are about sub-clause (b) of clause 7, which says that if a man has committed an offence and is sentenced to more than two years, he should be debarred from coming forward as a member. My submission is that this is wrong. The other point is that the period of two years is also not the proper criterion. The proper criterion is not the sentence but the nature of the offence. A man might have been sentenced to more than two years; yet he may have committed an offence for which nobody would call him a bad man. For example a man might have exceeded his right of private defence. A minister, a member of this House, even the most hon. man might commit that offence, and get a sentence of two years. But that is not an offence on score of which he should be debarred from coming forward as a member. So the criterion should not be the sentence; the criterion should be the offence. I appeal to the hon. the Law Minister to take that view and say that the offence should be the main criterion and not the length of sentence. For example a man for an offence of moral turpitude may have been simply fined or sentenced to two months. Do you mean to say that he is a fitter man to come forward than the man who has

[Shri Shiv Charan Lal]

been convicted to two years for simply exceeding his right of private defence. Therefore, I appeal to the hon. the Law Minister to look to the feeling of the Members of the House on this point and accept the amendments of Prof. Shah and the Chairman.

**Shri Khandubhai Desai:** I beg to move:

After part (f) of sub-clause (1) of clause 7, insert the following new parts:

“(g) if he is engaged by the Government of India or the Government of any State to appear, on payment of fees, before any court of law or before any other authority;

(h) if he appears before any court of law or any other authority against the Government of India or the Government of any State except to defend any person charged with a criminal offence other than that of black-marketing or profiteering in a court of law.”

My amendment is just the opposite of the amendment of my hon. friend Shri Rohini Babu. He wants no doubt to be left about the disqualification of a Member belonging to the profession of law. Now I want to remove the doubt on the other side.

Clause 7 is really a very healthy clause. The whole clause as it has now been placed before the House by the hon. the Law Minister wants to keep the legislature pure and independent, that is anybody who is elected to Parliament or to a State legislature should not lose his independence. At the same time after having been elected to any of the elective posts, he should not utilise his influence for making any money. With that end in view contractors or people who have got any pecuniary relations with Government have been disqualified. But the lawyers as a class, in my opinion, have been excluded from this clause. I am advised by my lawyer friends that such a disqualification is unheard of. Because they think that the legal profession has got its own traditions, its own habits, its own conventions, and that it will be sacrilegious to move such an amendment. I, of course, could not understand these things. But I am not prepared to cross any swords with the members of the legal profession because they have the art of arguing both ways. Therefore what I want to place before the House is the proposition, whether, a member of a legal profession after he has been elected to the Legislature should be

permitted to utilise the position he has thus obtained for exploiting to make some money, and whether if he does so, he should not be disqualified? There is one thing which is continuously coming to our notice and it is this that some Members even of this House are in their professional capacity taking fees from their clients and appearing before the Revenue Tribunal or the Minister or even the Secretaries to place the cause of their clients before them. I would like to ask the members of this noble profession to consider the question.....

**Shri R. K. Chaudhuri:** What about those Members who are not lawyers but who are still doing that practice?

**Shri Khandubhai Desai:** But they are not doing it on payment of fees. I would ask a straight question to them. Had they not been returned by the people to the Assembly, could they ever have got an access to those Ministers or the Revenue Tribunal or got the influence which they have got? They are engaged by some of the clients not because they are good lawyers but because they happen to be Members of the Legislature.

**Mr. Chairman:** May I just point out to the hon. Member that in his amendment the word “lawyer” is not there? It is about persons generally.

**Shri Khandubhai:** “Practice” is there.

**Mr. Chairman:** The word “practice” is not also there.

**Shri Khandubhai Desai:** That is because I am not a lawyer! But that was my intention.

**Shri J. R. Kapoor:** No other person than a lawyer can appear on payment of fee. That is the implication.

**Shri Khandubhai Desai:** The implication is even if he is not a lawyer I want to debar him if he appears before any authority or Government or Ministry on payment of fees. That is all I have to urge.

**The Minister of Labour (Shri Jagjivan Ram):** Gratis!

**Shri Khandubhai Desai:** I think the hon. the Law Minister will make the position clear and remove some of the doubts which I have got whether a Member of Parliament on taking his seat in the House is entitled or should appear before a Minister or before a Revenue Tribunal in his capacity as a lawyer by taking fees.

**Mr. Chairman:** Amendment moved:

After part (f) of sub-clause (1) of clause 7, insert the following new parts:

“(g) if he is engaged by the Government of India or the Government of any State to appear, on payment of fees, before any court of law or before any other authority;

(h) if he appears before any court of law or any other authority against the Government of India or the Government of any State except to defend any person charged with a criminal offence other than that of black-marketing or profiteering in a court of law.”

**Ch. Ranbir Singh:** I wish to move my amendment No. 156 in the Revised Consolidated List No. 1. I beg to move:

In part (iii) of the Proviso to sub-clause (1) of clause 7, insert the following new part (a) as part (a) and reletter the existing parts accordingly:

“(a) of his having a share or being office holder of the co-operative society registered under ‘The Co-operative Societies Act, 1912’ which hold any contract under any State Government or the Central Government;”

**Mr. Chairman:** The hon. Member has omitted two words from his amendment.

**Ch. Ranbir Singh:** Yes, Sir. I have omitted two words ‘license’ and ‘permit’. This I have done in order to fit it in the present clause 7 as proposed by Dr. Ambedkar. I beg to say that my amendment may be read as under:

In Clause 7A add the words “the co-operative society” after the words “public company and under the company” be added in clause (d) of Clause 7A.

**Mr. Chairman:** May I know wherefrom is he reading? Is it some new amendment?

**Ch. Ranbir Singh:** I have redrafted it.

**Mr. Chairman:** Has he passed on that amendment?

**Ch. Ranbir Singh:** My previous amendment may be redrafted or read as:

**Mr. Chairman:** Will it not serve the hon. Member's purpose if the words ‘license’ and ‘permit’ are taken away from his amendment?

**Ch. Ranbir Singh:** It will, Sir.

**Mr. Chairman:** Those clauses are yet before the House. The hon. Member may move his amendment with the exception of the words ‘license’ and ‘permit’.

**Ch. Ranbir Singh:** I wish to draw the attention of the hon. Dr. Ambedkar to the fact that although he thinks that a layman is not to be heard; it is sometimes found in course of discussions that the layman is right. I do not know why he has omitted the words ‘co-operative society’. I know that he is a great sympathiser of co-operative societies. As you know this House is composed mostly of members who come from a party which has adopted a resolution in the Jaipur Session which seeks to establish a co-operative commonwealth in the country. When we are out to establish a co-operative commonwealth under the resolution, I do not know why the words ‘co-operative society’ have been omitted. Under the present circumstances not only a share holder but a director of a public company is allowed to contest a seat if he does not get anything for being director but in the case of a co-operative society which holds a contract, even being a shareholder can disqualify a person for standing in any legislature. I do not understand the reason why there should be such a discrimination between a co-operative society and a public company. I know that while in the case of a public company the distribution of profit is not limited, under the co-operative Act, the distribution of profit is limited. I speak subject to correction, I think that not more than 6 per cent. can be distributed as profit among the shareholders. Still we are depriving the shareholders of co-operative societies to stand for the membership of Parliament or the State Assembly if this society holds any contract. Sir, some of my friends may be under the misapprehension that the co-operative society can be covered under the Public Companies Act. I wish to submit, Sir, that co-operative societies are registered under a different Act and they are not governed by the Public Companies Act. When we are out to allow the shareholders and directors of Public companies, I do not see any reason why we should not allow the shareholders and office-holders of co-operative societies who, under the Act, cannot hold any office of profit in that society.

**Shri Sidhva:** It is not an office of profit.

**Ch. Ranbir Singh:** They are debarred from standing.

✓ **Shri Syamnandan Sahaya:** How do you say that they are debarred?

**Ch. Ranbir Singh:** If the co-operative society holds any contract of any Government, the shareholders of that society are debarred from contesting the elections.

**Shri Sidhva:** Contract is a different thing.

**Ch. Ranbir Singh:** Suppose the co-operative society holds a contract for supplying foodgrains to the Government, then, the entire membership of that society is debarred from contesting the elections. My hon. friend says it is a question of contract. I wish to submit that even though the word 'contract' is there with regard to public companies, the shareholders of that company are allowed to contest the seats of the House of the People or the State legislatures. Under these circumstances, I appeal to the hon. Minister of State, who is now acting in the place of the hon. Law Minister who left the House while I started to speak, to consider this. I have great hopes from the hon. Minister of State because he belongs to the Party which is out to establish a co-operative commonwealth.

There is another argument also. Just like the communist party, sometimes, people talk and believe in a classless society and they think that a classless society can be established only by class war: just the opposite way. If my hon. friends think that they can establish a co-operative commonwealth debarring the shareholders of co-operative societies while allowing the shareholders of public companies, then, of course, it will be established through violence and not non-violence. I hope this House is not interested in violence. This House is interested in non-violence. In order that society should progress non-violently, I submit that the hon. Minister will accept my amendment.

**Mr. Chairman:** Amendment moved:

In part (iii) of the Proviso to sub-clause (1) of clause 7, insert the following new part (a) as part (a) and reletter the existing parts accordingly:

“(a) of his having a share or being office holder of the co-operative society registered under ‘The Co-operative Societies Act, 1912’ which hold any contract under any State Government or the Central Government;”

✓ **Shri Syamnandan Sahaya:** I think, Sir, that this is a matter which deserves a little clarification. The

question must be really gone into,—I am afraid, the hon. Law Minister is not here—whether a co-operative society will be construed as coming within the category of a public company. If not, then, of course, the difficulty pointed out by my hon. friend Mr. Ch. Ranbir Singh will deserve consideration.

**Mr. Chairman:** The hon. Member has to find out if a registered co-operative society is a public company or not.

**Ch. Ranbir Singh:** No.

**Mr. Chairman:** If it is a public company, then, surely the same sections will apply.

✓ **Shri Syamnandan Sahaya:** That is a point on which I would like to have the clarification by the hon. Law Minister. The opinion gathered by my hon. friend is different.

**Mr. Chairman:** Mr. Iyyunni.

**Shri Iyyunni (Travancore-Cochin):** I am moving an amendment to article 132A. I have nothing to do with clause 7.

**Shri Hussain Imam:** I have a small amendment to move and I wish to say something about the amendments that have been moved by other friends, I beg to move:

In part (a) of sub-clause (1) of clause 7, after the words “illegal practice”, insert the words “under any of the existing Acts, rules, or regulations or”.

And this is an amendment which can be adopted without modification in the revised clause 7 brought before the House by the Law Minister. What I want to stress is that it is not necessary that the person should have been convicted of an offence under the new Law. If he had been convicted of an offence even under the existing Act, rules and regulations, he should be debarred just as he would be debarred if he had contravened any of the new provisions under sections 138 and 139. It is quite a simple thing and I do not think I need stress this point any further.

Now, I would like to say a few words about the amendments which have been moved. My difficulty is that I always find the Government moving in an unplanned fashion. When we discussed this Bill in the beginning we had more than ample time to discuss unimportant questions; but when we come to important issues, we are hustled and things are sought to be forced down our throats by the shock tactics of sitting up to midnight, if

need be. Mr. Chairman, we could have discussed the important aspects of the Bill more fully, without wasting a single minute, if Government had thought it proper to bring these contentious clauses beforehand rather than allowed the House to waste its time and energy on unimportant clauses, which could have been very easily passed over if we had known that we would be faced with this difficulty of having these important measures considered at this break-neck speed.

**Shri Sondhi:** Is that the amendment of the hon. Member?

**Shri Hussain Imam:** I am referring to the amendments that have been moved by others.

The reaction of the Select Committee about the permits and licences was a very healthy one, I thought; but it is regrettable to see that while we were inclined once to go to one extreme and prohibit all permits and licences, now we are going to the other extreme of regarding as normal all permits and licences. Neither of these courses is the correct one. There are permits which are no more than a rubber-stamp affair and these could have easily been excluded as they confer no personal benefits. On the contrary there are permits and licences which keep the man completely under the thumb of the Government of the day and where there are no established rights. Under those conditions, where the rights are not legally and statutorily provided, things are different. There are licences which cannot be revoked unless there is a manifest disobedience of the rules and regulations. And there are permits and licences which are renewable at the pleasure of the Government. Should both these categories be placed in the same category? As honest men we should differentiate between the two. It is unthinkable how we can have a fair and honest legislature if people come with such tainted colours. Just as office of profit is universally held to be a bar to election to Parliament, this should also be treated for all intents and purposes as office of profit. The difference between the two is not one of tweedledum and tweedledee. These things were created after the World War II and.....

**Mr. Chairman:** The hon. Member will realise that the general discussion on the Bill is over and we are now on the clauses. It would not be desirable to go back on the general arguments on the Bill.

**Shri Hussain Imam:** The amendment moved by Dr. Ambedkar has taken

out these two categories and the Bill as it came to us from the Select Committee had included these two and it was rightly stressed during the general discussion that this was too wide. I entirely concur with that view that to debar every permit holder and license holder was a little too much. But the reaction has been too much also. While it was correct that they should not be as a class debarred there was a possibility of differentiating between the two by the hon. Law Minister who is an expert in the ways of differentiating—because after all what is the practice of law? Differentiating between one decision and your own case—that is the basis—otherwise, there would be no case because everything is laid down; but what the lawyers do is that they differentiate and say that the ruling of this High Court does not apply to his case because the circumstances are different—similarly I was urging that the Law Minister too by his new amendments has gone to the extreme limit. If the other was leaning towards left, he is now leaning too much to the right. I do not wish to labour this point. I now wish to say a few words about the question of lawyers, whether they should be excluded or not. I personally feel that the lawyers should not have that privileged position that they could hold an office of profit and yet not be debarred by the provisions of office of profit. What the hon. Law Minister wanted to do was that he wanted to leave it to the judiciary to decide whether the fact that a Member holds a brief on behalf of Government is an office of profit or not. My only contention is that we must have an authority for this purpose. An occasional engagement of a lawyer by the Crown should not be a bar as he does not hold, in my judgment, an office of profit there. But if he is a retained advocate of the Government, he does hold a position akin to that of an office of profit. I only want him that instead of leaving things for the judiciary to decide which on the face of it can be decided by Parliament it is rather putting too much of a strain and bringing in undesirable elements in the first place and putting all into trouble, electors, the officials and everybody of holding a re-election. Why have such things if we can clarify by means of a simple amendment? I think we should clarify this rather than leave it for a decision and then say that the judiciary is not co-operating with the executive and is trying to function as a third chamber. This is not what they wish to do.

**Shri Venkataraman (Madras):** I wish to draw the attention of the hon. Member that already there are decisions

[Shri Venkataraman]

holding that offices like Public Prosecutors, Government Pleaders, etc. are offices of profit and therefore they are debarred from membership of Legislatures.

**Shri Hussain Imam:** That is what I was trying to draw attention to, that this rule should be incorporated when we are having a new Act. It is necessary that we should be as explicit as we can. Where we cannot be explicit of course, you have to rely on interpretation. But, if a two-line amendment of ours can make the position clear, is it not the duty of this House and the Minister to make it clear? I agree with you—and this was my opinion also, that if a man gets an occasional brief, he should not be debarred. I have no difference in that. My difference is that I do wish to be explicit where I can afford to be explicit. I think if there is any ambiguity, it should be on points on which we have no help but where we can help, we should be clear and it is only when the circumstances are such that we cannot be crystal clear that you have to leave it for courts to interpret. Therefore I urge that we should give it a little more thought and this amendment of clause 7 is a very important point. I appeal to the House and the Law Minister to defer the final consideration to a different date rather than force it to-night.

**Mr. Chairman:** Amendment moved:

In part (a) of sub-clause (1) of clause 7, after the words "illegal practice", insert the words "under any of the existing Acts, rules, or regulations or".

7 P.M.

**Shri Ethirajulu Naidu:** I beg to move my amendment No. 197 in the revised Consolidated List No. I. I beg to move:

Omit sub-clause (3) of clause 7.

Sub-clause (3) of clause 7 reads as follows:

"(3) If any question is raised as to whether a person who, having held, any office referred to in clause (f) of sub-section (1), has been dismissed is disqualified under that clause, for being chosen as a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State, the production of a certificate issued in the prescribed manner by the Election Commission to the effect that such person

has not been dismissed for corruption or disloyalty to the State shall be conclusive proof that he is not disqualified under that clause."

My submission is that under article 324 of the Constitution it is not necessary that the Election Commission should be composed of individuals who have a judicial background, though the determination of this matter under sub-clause (3) of clause 7 is more or less of a judicial nature. Article 324 (1) of the Constitution defines the powers and duties of the Commission as follows:

"324. (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution, including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with elections to Parliament and to the Legislatures of States shall be vested in a Commission (referred to in this Constitution as the Election Commission)."

I particularly draw the attention of the House to the fact that the Election Commission has the power to appoint tribunals to dispose of disputes and doubts that may arise. The Commission itself is not empowered to adjudicate upon or dispose of the disputes. Without any disrespect to that body, it is not expected to be composed of gentlemen with necessarily a judicial background. In the original Bill that was placed before the House it was expected that the matter of nomination should be finalised at a certain stage, the dispute as to nomination being decided by a tribunal, on appeal against decision of a returning officer. That provision was unfortunately dropped by the Select Committee. But there is an amendment standing against your name Mr. Chairman for its re-introduction, which is amendment No. 206 in the Consolidated Revised List No. 1. It allows of an appeal against the decision of the returning officer, whether a particular candidate seeking for election is disqualified or not and the decision thereon is to be final. The proposed amendment standing against your name, Sir, which I am inclined to believe the Law Minister is in a mood to accept, provides:

"Any candidate aggrieved by an order accepting or rejecting the nomination paper of the candidate

shall be entitled to file an appeal to the District Judge of the District in whose jurisdiction the scrutiny of the nomination papers took place within four days of the passing of the order.....”.

**Mr. Chairman:** May I inquire wherefrom the hon. Member is reading?

**Shri Ethirajulu Naidu:** I am reading amendment No. 206 in the revised consolidated list No. 1.

**Mr. Chairman:** But that amendment is not to clause 7. We are considering clause 7.

**Shri Ethirajulu Naidu:** I am only supporting my argument by saying that there is another amendment which is helpful to my position. Against the decision of a returning officer with regard to a disqualification, there is a procedure suggested of its being taken up in appeal before a District Judge. Now, this is an amendment with which, I believe, the Law Minister is in agreement. I am only suggesting that because it is a function of a judicial nature it ought not to be disposed of by the Election Commission which is a body (however exalted it may be), which has got powers to appoint tribunals to dispose of election disputes but is itself not constituted for the purpose of disposing of those doubts and disputes that may arise in an election.

I laid emphasis when I referred to article 324 that the powers and the duties of the Election Commission are to appoint other tribunals judicially equipped and with a judicial background, whose qualifications are laid down. They are to decide those disputes and not the Election Commission. With your leave, Sir, I may as well draw the attention of the hon. Law Minister to two other portions in the amended clauses of which he has given notice. In sub-clause (c) of clause 7A it refers to—

“or of such longer period as the Election Commission may in any particular case allow”.

These words occur again in sub-clause (f) of the same clause. Now, that is a power which ought to be exercised by Parliament in prescribing qualifications or disqualifications and that power ought not to be delegated to another body to extend the period of disqualification as against any particular individual contesting the election. That is the duty enjoined on Parliament under article 84 of the Constitution and that is a power which Parliament should not abdicate or delegate.

**Mr. Chairman:** Amendment moved: Omit sub-clause (3) of clause 7.

**Sardar Sochet Singh rose—**

**Mr. Chairman:** Does the hon. Member want to move amendments?

**Sardar Sochet Singh:** Yes, Sir.

**Mr. Chairman:** I am sorry, but the hon. Speaker ruled that no more amendments will be taken up.

**Sardar Sochet Singh:** Mine is already there in the list. It is No. 133 in the Revised list.....

**Mr. Chairman:** But at the time when the hon. Speaker asked Members to stand up and indicate if they wanted to move amendments the hon. Member did not stand up.

**Sardar Sochet Singh:** The hon. Speaker inquired and wanted to know the amendments which were going to be moved. I gave my name. He will find my name next to Mr. R. K. Chaudhuri's name in the list.

**Mr. Chairman:** His name is not in the list. However, he may move his amendment.

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

In part (f) of sub-clause (1) of clause 7, for the words “five years”, substitute the words “four years”.

With your kind permission, Sir, I would like to make it three years instead of four.

**Mr. Chairman:** Another amendment? All right.

**Sardar Sochet Singh:** Pandit Kunzru and Mr. Naziruddin Ahmad have very ably placed before the House the cases in which superior officers might get rid of their uncomfortable subordinates by putting charges against them of disloyalty or corruption. But I want to refer to other categories of Government servants who can become victims of this high-handedness. In the Princely States before integration or formation of Unions all sorts of actions were taken by superior officers against their unfortunate subordinates. There are cases, Sir, in the Indian States where a police officer who registered a case under Section 162, I.P.C., against the relative of the Inspector-General of Police was subsequently dismissed for proving disloyal to the State on absolutely frivolous charge. Judicial officers who entertained complaints of

[Sardar Sochet Singh]

bribery and rape against the relative of a Chief Minister were after some lapse of time, dismissed "for disloyalty to the State." An income-tax officer who insisted on the relative of a Revenue Minister and Finance Minister filing a return for income-tax was after some time dismissed for "showing disloyalty to the State." In the case of an official who refused to sell his prize-winning horse or greyhound to the ruling prince, a situation was created and circumstances brought about, under which he was sacked for showing disloyalty to the State. If any ill-advised government officer refused to send the ladies of his household to the so-called purdah parties at the palace, he was also dismissed for showing "disloyalty to the State". In most of the cases which I have given, no notice was given and no charge-sheet furnished, or no explanation called for; no departmental enquiries were held. Therefore this provision would be very hard on government servants who have been dismissed from Government service on various frivolous charges. This would not have been possible in Part A States but only in Part B States or the States which had subsequently merged with the provinces. It would be very hard when you say that those who were dismissed within five years would be disqualified. There is no special significance, historical or political, attached to this period of five years. When I suggested four years I had the attainment of freedom by the country in mind. Anybody who was dismissed on a proved case of corruption or disloyalty does not deserve any protection or consideration. But in the Indian States the unsatisfactory state of affairs continued till the Unions were formed or integration took place. The integration was completed only in 1948. That is why I want to change the period from four years to three years. As was pointed out by my friend Shri Ethirajulu Naidu the Election Commission, not being composed of Judicial officers may not be able to do justice to individual cases brought before them. I think it would be good and fair to many of those victims of high-handedness in the former Princely States if this term of four years is reduced to three years. With these few words, I commend my amendment for the acceptance of the House.

Mr. Chairman: Amendment moved:

In part (b) of sub-clause (1) of clause 7, for the words "five years" substitute the words "three years".

**Dr. Ambedkar:** I could have adopted the same procedure which I had adopted with regard to most of the amendments, namely, to stand up and say that I do not propose to accept these amendments. In this case it seems somewhat necessary to make an exception, because some questions have been raised which I think call for some explanation.

In the first place, I would like to give a reply to my hon. friend there who said that the House has been taken by surprise at the fag end of the debate on this Bill by bringing in clause 7 at this time. It is quite true that clause 7 is brought before the House in a formal way only today. But I think my friend will agree that there is no clause in this Bill to which the House as a whole, although informally, has devoted such a large part of its attention as clause 7.

**Dr. S. P. Mookerjee (West Bengal):** Most important clause.

**Dr. Ambedkar:** I cannot remember the number of meetings that were held of the Select Committee, of the larger Committee that was appointed, and also of the Committee of the whole House. I do not therefore think that there is any ground for the complaint that sufficient attention has not been paid to the provisions of clause 7. I think the clause has undergone a great deal of examination both from the point of view of propriety and from the point of view of meeting practical difficulties.

Now, Sir, I will take some of the individual points that were made by various speakers. I will not devote any attention to what my friend Mr. Kamath said, and I do not think that he expects much attention being paid to his suggestion for provision being made for shutting out the deaf and the dumb.

**Shri Kamath:** It exists in England.

**Dr. Ambedkar:** It is true that it exists in England but I think we can very safely leave it to our electorate to see that this Parliament is not constituted of the deaf, the dumb and the maimed and that we have people here who are physically fit to hear, to speak and to move about.

Some Members have said that we have not included in our disqualification clause persons like black-marketers and so on. I think that was a point made by Prof. K. T. Shah. With regard to that all that I would like to say is that in making a law it is not enough to pursue an ideal: it is

very necessary to see that the ideal must be a practical one. And I do not think that my friend Prof. K. T. Shah has applied his mind to the practical side of giving effect to some of the idealistic theories that he has propounded with regard to this clause.

Another point was with regard to disqualifications arising out of offences and sentences passed for certain crimes. With regard to that it is possible to take three different positions. One position is this that punishment for a crime is enough of a punishment and that it should not involve any further disqualification for standing as a Member for Parliament. I think that is one view which can be taken. The other view that can be taken is this that we should have a disqualification attached not to the punishment but to the nature of the offence, whether it involves moral turpitude or does not involve moral turpitude. That is the second view that one can take. The third view is the view that is taken in this Bill. This view has been adopted in this country ever since elections began. I do not know of any period when we had a provision in our law saying that although a man has committed an offence and has been sentenced to imprisonment for a certain period he shall not incur any disqualification.

Right or wrong, that is the law that we have adopted throughout. Consequently there has been no departure so far as this Bill is concerned. We are not introducing anything that is new. We are merely adopting what has already been in existence.

**Sardar Sochet Singh:** What about heavy fines such as Rs. 50,000?

**Dr. Deshmukh:** May I know, Sir, under what provision so many of the Congress people who went to jail and were convicted were able to stand and how their disqualification was removed?

**Dr. Ambedkar:** The disqualification was removed by the Governor-General. In some cases the time expired and in some cases he was empowered to issue an order to remove the disqualification. That is the second point. With regard to the other points that have been raised about public company directors, etc., I think it is unnecessary for me to defend the clause as they stand. All those points were raised at the various meetings where these questions were considered and ultimately the Committee came to the conclusion that the clause should stand as it has emerged from the midst of that Committee, and

I, therefore, do not propose to go at any length with regard to the question.

**Shri Sondhi:** Co-operative society.

**Dr. Ambedkar:** I am coming to that.

**Shri J. R. Kapoor:** There was no definite decision in the informal meeting with regard to.....

**Dr. Ambedkar:** I do not propose to go into the details of what happened at the informal meeting, because we are not supposed to disclose what happened there.

**Shri J. R. Kapoor:** The quantum of financial interest in a limited company.....

**Dr. Ambedkar:** Ultimately, as I said, this is how the clause emerged. With regard to the question of co-operative societies, I do not wish to commit myself nor should I be understood to have enunciated a legal proposition to which I would be bound for all times; but it does seem to me that a co-operative society is incorporated under a separate law and, therefore, as we are referring to a public company incorporated under the Indian Companies Act, 'co-operative societies' in my present judgment would appear to be excluded.

Now, I come to the question about the lawyers. I do not know whether my friend, Mr. Chaudhuri has gone (*An Hon. Member: He is here*). There are two different questions that have been put. The question that has been put by Mr. Chaudhuri is this: There are many people, lawyers, I mean, who are engaged by the various Governments to be their Government pleaders; either they are paid a salary or they are paid a retainer and for every case that they do, they are paid a certain amount of money according to rates prescribed. He wants that a Government Pleader who has been engaged by a Government as its lawyer should not be disqualified from being a Member of the Legislature. As one of our friends here has referred to the matter, a lawyer who is a Government Pleader has been held long long before to be a person holding an office of profit. That seems to me to conclude the matter and if we wish, notwithstanding the provisions contained in Article 102 of the Constitution, to remove the disqualification, then there must be some good ground for saying that a Government pleader may be excluded. I do not think that my hon. friend, Mr. Rohini Kumar Chaudhuri has adduced any argument. He has only appealed, I believe, to my sympathy and to my professional interest in the lawyers. (*Interruption.*) Well I am not going

[Dr. Ambedkar]

to commit any kind of indiscretion or illegality for the purpose of helping my own profession.

The other question that was raised was by my hon. friend, Mr. Khandubhai Desai. His complaint has taken me by surprise, I must say. His complaint was that there were many lawyer Members of Parliament who appear before the different members of Government for their clients and charge fees, and that that also happens in the local legislatures. I say I am completely surprised at it because a lawyer has the right to practise in a court of law and I do not know whether there is any law which says that a Minister in the administration of a department is a court. Therefore, a lawyer cannot insist upon exercising the constitutional right that has been given to him to practise his profession, to go before a Minister and obtain a hearing. If any Ministers in the Government of India—they will forgive me—are permitting lawyers to appear before them, it seems to me that they are acting contrary to the provisions of law. If our Ministers were to observe the common rule that they are not courts and therefore they will not hear any lawyer, I think the practice which has been referred to by my hon. friend Mr. Khandubhai Desai will completely disappear.

**Mr. Chairman:** Is there any such practice?

**The Prime Minister (Shri Jawaharlal Nehru):** I have never heard of this practice or of any instance. I would like it to be stated where this has taken place and when.

**Dr. Ambedkar:** I do not know. That is what Mr. Khandubhai Desai has said.

**The Minister of Works, Production and Supply (Shri Gadgil):** On the other hand, the complaint has been that some of us have refused audience to lawyers.

**Dr. Ambedkar:** That is the proper thing.

**Shri Hussain Imam:** Have any lawyer Members of Parliament been refused audience by the hon. Ministers?

**Shri Jawaharlal Nehru:** So far as I know, there has been no case of lawyers appearing before the Ministers, as lawyers.

**Dr. Ambedkar:** I do not know what that is; but this is what he said. I think that matter can be regulated in

the manner I have suggested. Therefore, no legal provision of that sort is necessary.

I now come to the amendment moved by my hon. friend Pandit Kunzru. He wants to drop the words "disloyalty to the State". To some extent, I accept his argument that the wording "disloyalty to the State" is not a very precise phrase. What does it mean? It has nowhere been defined. But, the point is this. When the Select Committee discussed this matter, they were considering two different categories of servants of the State. One was the personnel of the civil services; they were also considering the army personnel. In their judgment it was possible for an army officer to do an act which may undermine the security of the State, or may prove to be an act of disloyalty to the State and he may have been dismissed on that account. They did not want to confine the restriction to corruption of civil servants. They also wanted to extend the same provisions to any act done by a military officer. I admit that it has not been possible to use a precise phrase. But, I would like to say this that there is sufficient protection in one part of clause 7, where the question whether one has been in fact dismissed for corrupt practices or for disloyalty has been left to be decided by the Election Commission. I should submit that if the Election Commissioner is an independent officer—and we have every hope and right to believe that he shall be an independent officer—I think in sub-clause (3) there is enough protection against any kind of mis-use of the provisions contained in the earlier part of clause 7.

I do not think that there is any point which was made by any hon. Member which calls for explanation and with which I have not dealt in the course of my reply.

**Shri Kamath:** I must bring to your notice, Sir, a slight lapse on the part of Dr. Ambedkar whereby he transformed Mr. Chaudhuri into a woman by calling him Rohini, the name of a woman. I hope the name will be correctly put in the official reports. Rohinikumar is a man's name.

**Mr. Chairman:** Order, order.

**Shri Kamath:** This is a serious matter, Sir.

**Dr. Ambedkar:** What did I say?

**Shri Kamath:** You said, Rohini.

**Dr. Ambedkar:** That is the name by which I call him.

**Shri Kamath:** He is Mr. Rohini Kumar Chaudhuri and not Rohini.

**Dr. Ambedkar:** I do not think he has misunderstood me.

**Shri R. K. Chaudhuri:** No.

**Dr. Ambedkar:** He would refuse to misunderstand, I am sure.

**Ch. Ranbir Singh:** In view of the fact that the hon. Minister for Law has just expressed that co-operative societies may not be covered by the public companies Act, and as far as my information goes, I am definite that co-operative societies are registered under a different Act, may I know whether the shareholders of co-operative societies which hold contracts under any Government will be disqualified for contesting the elections or not?

**Several Hon. Members:** Not disqualified.

**Mr. Chairman:** I would like to know from the hon. Members who have moved amendments if any of them want to withdraw their amendments or they want me to put them to the House.

**Shri Syamnandan Sahaya:** Sir, the matter of cooperative societies requires a little clarification. Dr. Ambedkar says that cooperative societies were not excluded. What is the meaning of the word exclusion; we do not understand. Will the director of.....

**Dr. Ambedkar:** There is no disqualification. None of the disqualifications would apply to them.

**Shri Syamnandan Sahaya:** I beg for leave to withdraw the amendments.

Amendments were, by leave,  
withdrawn.

**Shri Kamath:** It is admitted that in England the dumb and deaf are disqualified under the English law. Does Dr. Ambedkar think that our electorate is more enlightened and educated than that of England?

**Mr. Chairman:** There is no second right of speech for placing the matter again before the House. Now I want to know whether the hon. Members who have moved their amendments wish to withdraw them or want them to be put to vote?

**Prof. K. T. Shah:** They may be put to vote.

**Shri Kamath:** I want them to be put to the vote of the House.

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**Shri J. R. Kapoor:** I request leave of the House to withdraw my amendments.

The Amendments were, by leave,  
withdrawn.

**Shri A. C. Guha:** I would like to withdraw my amendments.

The Amendments were, by leave,  
withdrawn.

**Dr. Deshmukh:** But, Sir, the amendments were never put before the House?

**Mr. Chairman:** Yes, they were.

**Shri Pannalal Bansilal:** I request leave of the House to withdraw my amendment.

The Amendment was, by leave,  
withdrawn.

**Shri Jangde:** I want to withdraw my amendment.

The Amendment was, by leave,  
withdrawn.

**Shri Naziruddin Ahmad:** I want my amendment to be put to the vote.

**Pandit Kunzru:** My amendment should be put to the vote of the House.

**Dr. Deshmukh:** I want to withdraw mine.

The Amendments were, by leave,  
withdrawn.

**Shri R. K. Chaudhuri:** I want to withdraw my amendment. But I want to.....

**Mr. Chairman:** No speeches. I only want to know whether the amendment is to be put to vote or is to be withdrawn.

The Amendment was, by leave,  
withdrawn.

**Mr. Chairman:** Mr. Khandubhai Desai is not present. Chaudhari Ranbir Singh?

**Ch. Ranbir Singh:** I have no other alternative but to withdraw my amendment, but.....

**Mr. Chairman:** No speeches. Is it to be withdrawn?

The Amendment was, by leave,  
withdrawn.

**Shri Hussain Imam:** No reply has been given by the hon. Law Minister and so I want my amendment to be put to the House.

**Sardar Sochet Singh:** I want my amendment to be withdrawn.

The Amendment was, by leave, withdrawn.

**Mr. Chairman:** Then I shall put the other amendments to the House.

**Shri Shiv Charan Lal:** Sir, there is your amendment No. 68 which I have adopted. I hope you are not withdrawing it?

**Mr. Chairman:** The amendments which I moved all stand withdrawn if the House so agrees.

The Amendments were, by leave, withdrawn.

**Mr. Chairman:** In part (f) of sub-clause (1) of clause 7 omit the words "or disloyalty to the State".

The motion was negatived.

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

In the amendment proposed by Dr. Ambedkar, for part (a) of the proposed clause 7 substitute the following:

"(a) if he has, within the period of six years from the scrutiny of his nomination paper, been convicted of an offence mentioned in clause (a) of sub-section (1) of section 138 by a court of competent jurisdiction in India or in British India as it stood before the 15th day of August 1947, or of any corresponding offence if any in a court of competent jurisdiction in any Indian State before its accession to India or Pakistan under the Indian Independence Act, 1947, and which conviction have full force and effect; or if, he has within the same period from the scrutiny, been found guilty of an offence mentioned in clause (b) of sub-section (1) of section 138 or of any corrupt and illegal practice within the meaning of section 139 or"

The motion was negatived.

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

In the amendment proposed by Dr. Ambedkar, for part (b) of the proposed clause 7, substitute the following:

"(b) if he has, within a period of five years from the date of scrutiny of his nomination paper or within such shorter period as to any classes of cases as the Election Commission may by notification in the *Gazette of India* fix, been convicted of a cognizable offence or of an offence involving moral turpitude by a court of competent

jurisdiction in India or a court of similar jurisdiction in British India as it stood before the 15th day of August 1947 or in any other similar court in Indian State before its accession to India or Pakistan; or".

The motion was negatived.

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

In the amendment proposed by Dr. Ambedkar, omit part (f) of the proposed clause 7.

The motion was negatived.

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

In part (b) of sub-clause (1) of clause 7, after the words "has been convicted", insert the following:

"of any offence under the Indian Penal Code involving moral turpitude as illustrated in Explanation below or under any law relating to the offences of black-marketing, profiteering, or tax evasion".

The motion was negatived.

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

In part (b) of sub-clause (1) of clause 7, omit the following:

"or such less period as the Election Commission may allow".

The motion was negatived.

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

To part (b) of sub-clause (1) of clause 7, add the following Explanation:

"Explanation.—For the purposes of this sub-section the following offences shall be deemed to involve moral turpitude, viz., treason, murder, rape, adultery, bigamy or polyandry, misappropriation or embezzlement of public funds of any Government, Public Body or Authority, or Statutory corporation, highway robbery, burglary or theft accompanied by violence, bribery or corruption or receipt of or offer of any illegal gratification to any public servant, office holder, or functionary, black-marketing, profiteering, or tax-evasion."

The motion was negatived.

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

After part (f) of sub-clause (1) of clause 7, insert the following new part:

"(g) if he has been found guilty, either directly or indirectly of

having acted in violation of the provisions of the Constitution; with special reference to the preamble, the Fundamental Rights or Directive Principles of State policy in the Constitution."

The motion was negatived.

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

After part (f) of sub-clause (1) of clause 7, add the following new part:

"(g) if he is deaf and dumb".

The motion was negatived.

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

After part (f) of sub-clause (1) of clause 7, insert the following new parts:

"(g) if he is engaged by the Government of India or the Government of any State to appear, on payment of fees, before any court of law or before any other authority;

(h) if he appears before any court of law or any other authority against the Government of India or the Government of any State except to defend any person charged with a criminal offence other than that of black-marketing or profiteering in a court of law".

The motion was negatived.

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

In part (a) of sub-clause (1) of clause 7, after the words "illegal practice" insert the words "under any of the existing Acts, rules or regulations or".

The motion was negatived.

**Mr. Chairman:** I will now put the amendment of Dr. Ambedkar. The question is:

For clause 7, substitute the following clauses:

"7. *Disqualifications for membership of Parliament or of a State Legislature.*—A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State—

(a) if, whether before or after the commencement of the Constitution, he has been convicted, or has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty, of any offence or corrupt

or illegal practice which has been declared by section 138 or section 139 to be an offence or practice entailing disqualification for membership of Parliament and of the Legislature of every State, unless such period has elapsed as has been provided in that behalf in the said section 138 or section 139, as the case may be;

(b) if, whether before or after the commencement of the Constitution he has been convicted by a court in India of any offence and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years, or such less period as the Election Commission may allow in any particular case, has elapsed since his release;

(c) if, having been nominated as a candidate for Parliament or the Legislature of any State or having acted as an election agent of any person so nominated, he has failed to lodge a return of election expenses within the time and in the manner required by or under this Act, unless five years have elapsed from the date by which the return ought to have been lodged or the Election Commission has removed the disqualification;

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

(e) if, he is a director or managing agent of or holds any office of profit under, any corporation in which the appropriate Government has any share or financial interest;

(f) if, having held any office under the Government of India or the Government of any State or under the crown in India or under the Government of an Indian State, he has, whether before or after the commencement of the Constitution, been dismissed for corruption or disloyalty to the State unless a period of five years has elapsed since his dismissal.

7A. *Savings.*—(1) Notwithstanding anything in section 7—

(a) a disqualification under clause (a) or clause (b) of that section shall not, in the case of a

[Mr. Chairman]

person who becomes so disqualified by virtue of a conviction or a conviction and a sentence and is at the date of the disqualification a member of Parliament or of the Legislature of a State, take effect until three months have elapsed from the date of such disqualification, or if within these three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of;

(b) a disqualification under clause (c) of that section shall not take effect until the expiration of two months from the date by which the return of election expenses ought to have been lodged or of such longer period as the Election Commission may in any particular case allow;

(c) a disqualification under clause (d) of that section shall not, where the share or interest in the contract devolves on a person by inheritance or succession or as a legatee, executor or administrator, take effect until the expiration of six months after it has so devolved on him or of such longer period as the Election Commission may in any particular case allow;

(d) a person shall not be disqualified under clause (d) of that section by reason of his having a share or interest in a contract entered into between a public company of which he is a shareholder but not a director holding an office of profit under the company or a managing agent and the appropriate Government;

(e) a person shall not be disqualified under clause (e) of that section by reason of his being a director unless the office of such director is declared by Parliament by law to so disqualify its holder;

(f) a disqualification under clause (e) of that section shall not, in the case of a director, take effect where the law making any such declaration as is referred to in clause (e) of this section in respect of the office of such director has come into force after the director has been chosen a member of Parliament or of the Legislature of a State, as the case may be, until the expiration of six months after the date on which such law comes into force or of such longer period as the Election Commission may in any particular case allow;

(g) a disqualification under clause (f) of that section may, in the case of any of the candidates for the first elections under this Act, be removed by the Election Commission for reasons to be recorded by it in writing.

7B. *Interpretation, etc.*—(1) In this chapter—

(a) “appropriate Government” means in relation to any disqualification for being chosen as or for being a member of either House of Parliament, the Government of India, and in relation to any disqualification for being chosen as or for being a member of the Legislative Assembly or Legislative Council of a State, the Government of that State;

(b) “public company” means a public company as defined in section 2 of the Indian Companies Act, 1913 (VII of 1913).

(2) For the avoidance of doubt it is hereby declared that where any such contract as is referred to in clause (d) of section 7 has been entered into by or on behalf of a Hindu undivided family and the appropriate Government, every member of that family shall become subject to the disqualification mentioned in the said clause (d); but where the contract has been entered into by a member of a Hindu undivided family carrying on a separate business in course of such business, any other member of the said family having no share or interest in that business shall not become subject to such disqualification.

(3) If any question is raised as to whether a person who, having held any office referred to in clause (f) of section 7, has been dismissed is disqualified under that clause for being chosen as a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State, the production of a certificate issued in the prescribed manner by the Election Commission to the effect that such person has not been dismissed for corruption or disloyalty to the State shall be conclusive proof that he is not disqualified under that clause.”

The motion was adopted.

Mr. Chairman: The question is:

“That clause 7, as amended, stand part of the Bill.”

The motion was negatived.

Clause 7, as amended, was added to the Bill.

**Clause 9.**—(Disqualification for membership of electoral colleges.)

Amendment made:

In clause 9, for the words "subject to any disqualification for membership of Parliament under any of the provisions of this Act" substitute the following:

"disqualified for being chosen as a member of either House of Parliament under any of the provisions of article 102."

—[Dr. Ambedkar]

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

"That clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

**Clause 122.**—(Major corrupt practices)

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

(i) In part (a) (i) of the proviso to sub-clause (2) of clause 122, after the words "injury of any kind", insert the words "including social ostracism and ex-communication or expulsion from any caste or community".

(ii) For sub-clause (6) of clause 122, substitute the following sub-clause:

"(6) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the connivance of a candidate or his agent for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under section 23 or a place fixed under sub-section (1) of section 27 for the poll:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to or from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

*Explanation.*—In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise, and whether used for drawing other vehicles or otherwise."

**Mr. Chairman:** Amendments moved:

(i) In part (a) (i) of the proviso to sub-clause (2) of clause 122, after the words "injury of any kind", insert the words "including social ostracism and ex-communication or expulsion from any caste or community".

(ii) For sub-clause (6) of clause 122, substitute the following sub-clause:

"(6) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the connivance of a candidate, or his agent for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under section 23 or a place fixed under sub-section (1) of section 27 for the poll:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to or from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

*Explanation.*—In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise, and whether used for drawing other vehicles or otherwise."

**Dr. Ambedkar:** I also beg to move:

(iii) For the Explanation to part (8) of clause 122, substitute the following:

"Explanation.—For the purposes of this clause—

(a) a person serving under the Government of India shall not

[Dr. Ambedkar]

include any person who has been declared by the Central Government to be a person to whom the provisions of this clause shall not apply;

(b) a person serving under the Government of any State shall include a patwari, chaukidar, dafedar, lamberdar, zaildar, shanbagh, karnam, talati, talari, patil, village munsif, village headman or any other village officer, by whatever name he is called, employed in that State whether the office he holds is a whole-time office or not, but shall not include any person (other than any such village officer as aforesaid) who has been declared by the State Government to be a person to whom the provisions of this clause shall not apply."

Mr. Chairman: Amendment moved:

(iii) For the Explanation to part (8) of clause 122, substitute the following:

"Explanation.—For the purposes of this clause—

(a) a person serving under the Government of India shall not include any person who has been declared by the Central Government to be a person to whom the provisions of this clause shall not apply;

(b) a person serving under the Government of any State shall include a patwari, chaukidar, dafedar, lamberdar, zaildar, shanbagh, karnam, talati, talari, patil, village munsif, village headman or any other village officer, by whatever name he is called, employed in that State whether the office he holds is a whole-time office or not, but shall not include any person (other than any such village officer as aforesaid) who has been declared by the State Government to be a person to whom the provisions of this clause shall not apply."

These are all agreed amendments.

Dr. Deshmukh: I have given notice of an amendment to this agreed amendment.

Mr. Chairman: The point is this. The object of having an adjournment of the House and having a separate meeting to consider the amendments is that the House may be presented with an agreed amendment.

Dr. Deshmukh: Yet the Deputy-Speaker had given time for giving notice of amendments to these agreed amendments, and they are in perfect order.

Mr. Chairman: I do not say that the hon. Member has no right to move his amendment. What I was pointing out was that the very purpose of such committees fails. Why should the House adjourn and convert itself into a committee if amendments are to come up again and the time of the House is to be taken? Certainly, I do not want to deprive the hon. Member of his right to move his amendment.

Dr. Deshmukh: I quite appreciate what you say, Sir, but in this particular case it is an important matter. The position suggested is not only not in consonance with what obtains or what has obtained so far in India but it will also lead to many difficulties. This is a matter of some importance and I, therefore, crave your indulgence and the indulgence of the House. I beg to move:

In the amendment proposed by Dr. Ambedkar, in part (b) of the proposed Explanation to part 8 of clause 122, omit the words "patil, village headman or any other village officer".

I have had a talk with the hon. the Law Minister but he thought that this is unobjectionable. According to him this only refers to canvassing and does not constitute a disqualification for candidature. This is not correct and I take a different view. At least so far as my State is concerned, the patils do not receive any monthly salary. The office is moreover hereditary. Neither under the Local Self-Government Act nor any similar Act, is there any disqualification attached to his candidature, or to his performing any of the duties which are regarded as objectionable according to Dr. Ambedkar's amendment. So far as this provision is concerned, I think it will be banning a large class of people who have had this right which they legitimately claimed and enjoyed so long.

So far as this explanation is concerned, it makes very funny reading—I do not know what meaning one can attach to it. It appears to be not only involved, but also somewhat self-contradictory. This is the wording of part (b) of the explanation:

"(b) a person serving under the Government of any State shall include a patwari, chaukidar, dafedar, lamberdar, zaildar, shanbagh, karnam, talati, talari, patil, village munsif, village headman or any other village officer,

by whatever name he is called, employed in that State whether the office he holds is a whole-time office or not, but shall not include any person (other than any such village officer as aforesaid) who has been declared by the State Government to be a person to whom the provisions of this clause shall not apply."

We are trying to limit the discretion of the State Governments only with regard to these persons and not so far as others are concerned. So far as the position of the patil and village headmen in our parts and also in the State of Bombay is concerned, he is considered entirely distinct from the other office-holders and persons bearing other nomenclatures. From that point of view it will be a great hardship and it will be unjust and unfair if they are to be excluded. As a matter of fact if there is any peasant or farmer leadership in the country, it comes from this class which is known as the 'patil'. They not only come forward as candidates in the various elections, but those are the people who work for the candidates and who are entitled to work. They do not receive any remuneration or salary as we ordinarily understand it. From that point of view I would certainly urge that these words ought to be omitted from here, because this is neither in consonance with what existed so far nor would it be fair having regard to the status and position of the people to disqualify them and bring them under major corrupt practices. Because, under the suggested amendment they are going to be held as being guilty of a major corrupt practice if they contravene the provisions of part (8) of clause 122. I do not know if any person who is a patil could be a candidate or not but if he could be, his brother patils would not be able to help him as they would be held to be guilty of a major corrupt practice. My submission is that that position is neither sound nor healthy nor fair. So I submit that the words "patil", "village headman or any other village officer" ought to be omitted from this clause.

**Mr. Chairman:** Amendment moved:

In the amendment proposed by Dr. Ambedkar, in part (b) of the proposed Explanation to part 8 of clause 122, omit the words "patil, village headman or any other village officer".

**Shri Kamath:** I have got amendments in supplementary list No. 3 to Consolidated List No. 2. I have got several amendments there but I will move only one of them. In Supplementary list

No. 6 to Consolidated List No. 2 also I am moving only one of my amendments. And in supplementary list No. 6 to Consolidated List No. 2 also I have several amendments, but I am moving only one. I am not moving the rest. That is to say, I shall move amendment No. 5 in supplementary list No. 3 to Consolidated List No. 2, amendment No. 3 in supplementary list No. 4 to Consolidated List No. 2, and amendment No. 2 in supplementary list No. 6 to Consolidated List No. 2.

I will take No. 5 in supplementary list No. 3 first. I beg to move:

(i) In part (a) (ii) of the Proviso to part (2) of clause 122, for the words "an object of divine displeasure or spiritual censure", substitute the words "a victim of a divine curse".

**Dr. Ambedkar:** I do not understand the difference between the two.

**Shri Kamath:** Now, Sir, I would like to point out that this apparently has been taken from the English law on the subject and also perhaps from the Indian Penal Code which also borrowed it originally from English law. But in the English law the words used are "spiritual undue influence", and there it is clear because in Christian religion the words "spiritual censure" or "spiritual injury" have got a definite connotation. With regard to this "spiritual undue influence" it was held in England—where certain Roman Catholic priests exercised their religious influence on voters in a manner inconsistent with their religious duties as ministers of religion—it was held to be "undue influence". "A priest may counsel, advise, recommend and point out the true line of moral duty and give his opinion about the candidates, but he may not appeal to superstition of the people he approaches." Now, Sir, India, I am not quite sure in my own mind.....

8 P.M.

**Shri Jawaharlal Nehru:** I do not wish to interrupt, but I am totally unable to follow what is happening in this House. I do not understand the relevance.

**Shri Kamath:** That is due to the time, I suppose. The Prime Minister is tired.

**Shri Jawaharlal Nehru:** May I just point out that I should like to understand, and I am not supposed to be unintelligent.

**Shri Kamath:** Nobody dare say so. The clause is before the House and if

[Shri Kamath]

the Prime Minister has a copy of the Bill before him, I am sure he will be able to understand what I am saying. If he has not got a copy of the Bill, I hope that a copy will be supplied to him immediately, so that he may be able to follow what I am saying. The list of amendments is also not with him and that deficiency may be removed by supplying him a copy of the amendments also. Now, Sir, you did refer to what you were pleased to call the Committee of the House; I do not know whether that was a Committee of the whole House or an informal meeting of the members of the House but I must say that the way in which the clauses were adopted there, did not leave much time for every amendment to be discussed; only 2 or 3 important issues were taken up, and from day to day there was a lot of wrangling over various matters and there was not enough time left for all amendments to be considered. That is why Dr. Deshmukh and I myself are constrained to move these amendments in the House.

**Mr. Chairman:** May I ask whether this particular amendment was considered or not?

**Dr. Ambedkar:** That amendment was never there.

**Shri Kamath:** That was in the old list. Why do you shut your eyes?

**Dr. Ambedkar:** I am referring to Dr. Deshmukh's amendment.

**Shri Kamath:** As regards Dr. Deshmukh's amendment, I cannot speak for him.

**Shri Santhanam:** May I ask whether speeches at this late hour about obvious things be permitted?

**Shri Kamath:** The Railway Minister is perhaps more intelligent than myself. It may be that they are more obvious to him than they are to me, and certainly the phrases used such as 'spiritual censure' and 'divine displeasure' are not at all so obvious to me as they may be to my hon. friend, Mr. Santhanam. He may have had some communication from the divine, and he might be in a more competent position to tell the House what 'divine displeasure' means, but I am not so fortunately placed.....

**Mr. Chairman:** I do not wish to interrupt the hon. Member but all the same this refers to English law about 'spiritual undue influence etc.' I doubt very much whether they will be quite relevant under the particular circumstances in which we Indians live.

**Shri Kamath:** I am not dilating on that.

**Mr. Chairman:** I may just point out the words of his amendment are quite clear and if he would like me to put this amendment to the House, I would do so.

**Shri Kamath:** There is the other amendment.

**Mr. Chairman:** Let us go to the second.

**Shri Kamath:** I would therefore like to request the hon. Law Minister to clarify to the House what exactly is connoted by 'divine displeasure' and 'spiritual censure'. Suppose a candidate or a voter or an agent tells a voter

“देखे, भगवान तेरा भला नहीं करेगा”

(Look! God will do no good to you), will it be a threat or an attempt to make him believe that he is a victim of divine displeasure? If these words are used:

“ईश्वर तेरा भला नहीं, करेगा”

(God will do no good to you), will it be considered as an offence within the purview of this clause? Unless these points are made clear by the Law Minister, they will lend themselves to all sorts of misconstruction. In India, at any rate, where traditions have grown about 'divine curse', otherwise known as 'shap' शाप, I thought that it is more intelligible, and I think that even to Mr. Santhanam the meaning of the word 'curse' will be more obvious than the meaning of the words 'displeasure' or 'censure'. Mr. Santhanam, I am sure, is conversant obvious than the meaning of the words with Government's displeasure being communicated to officers. I do not know whether this stands on the same footing. The question I would like the hon. Law Minister to consider is whether the phrase 'divine curse' will be more appropriate than the phrase 'spiritual censure or divine displeasure'. That disposes of one amendment of mine.

The next one is as regards social boycott and excommunication. My amendment was in point of time prior to Dr. Ambedkar's and he has incorporated it in his subsequent amendment. As far as its place is concerned I would prefer it to come in the second part. Because, the first part of the clause refers to injury of any kind, I feel that the amendment regarding social ostracism and all that, is not quite proper there and it will be more appropriate in the second part where

we talk of spiritual censure and divine displeasure. It is a mere matter of form anyway, but I am glad he has appropriated my amendment and included it in his own. (*An Hon. Member: Misappropriated.*) I do not use that word, because it may not be palatable to the hon. Minister.

The last amendment is No. 3 in Supplementary List No. 4 to Consolidated List No. 2.

[*MR. SPEAKER in the Chair*]

The last amendment I was moving is in Supplementary List No. 4 to Consolidated List No. 2. I beg to move:

(ii) In part (5) of clause 122, omit, the words "and which he either believes to be false or does not believe to be true".

The clause as it stands does not penalise any statement of fact which is false, but also imposes a condition that a candidate or his agent believes that to be false, or does not believe it to be true. I feel that this is a rather impossible condition to impose. Always, a candidate or his agent may be able to find pretexs or excuses to defend their position. Therefore, it must suffice for our purposes that the statement of fact is false. There should not be any additional condition imposed that a candidate or his agent must believe that to be false or not believe it to be true. This is rather difficult of proof, in practice, and therefore I feel that this should be omitted from the clause.

One last word and I have done. I was referring to a previous amendment with regard to spiritual censure or divine displeasure. I find the clause before us is different from the section as it stands in the Indian Penal Code. In the Indian Penal Code, similar offences are provided for, and that refers to a candidate or voter only. It does not include an agent. Here, we have gone further and included within the purview of this clause the agent as well. I would like to know why the hon. Law Minister thinks that the section of the Penal Code is not sufficient for the purpose and why the agent has also been included in this clause, or clause 122. I therefore move these three amendments of mine and commend them for the acceptance of the House.

**Mr. Speaker:** Amendments moved:

(1) In part (a) (ii) of the Proviso to part (2) of clause 122, for the words

"an object of divine displeasure or spiritual censure", substitute the words "a victim of a divine curse".

(ii) In part (5) of clause 122, omit the words "and which he either believes to be false or does not believe to be true".

**Shri Mallayya (Madras):** Sir, the question may now be put.

**Shri Sarangdhar Das:** Sir, I have an amendment to move and that is No. 99 in the Consolidated List No. 2.

**Shri Santhanam:** Let the amendments of Shri Kamath be disposed of.

**Ch. Ranbir Singh:** I have also to move an amendment.

**Mr. Speaker:** What about the amendments of Dr. Deshmukh and Mr. Kamath?

**Dr. Ambedkar:** I do not accept any of them.

**Shri Sarangdhar Das:** Sir, I have not moved my amendment.

**Mr. Speaker:** He will get an opportunity.

**Dr. Deshmukh:** The amendment of Ch. Ranbir Singh and mine are similar. I want omission of the Patil and Headman and he refers to lambardars.

**Mr. Speaker:** What is the number of the amendment?

**Ch. Ranbir Singh:** No. 119 in the printed list.

**Mr. Speaker:** Very well. Then I shall put it also before the House for being voted upon. I shall take it that Dr. Deshmukh has moved his amendment.

**Dr. Deshmukh:** But why should the right of speech be denied, Sir?

**Mr. Speaker:** The hon. Member represented that the amendments are practically the same.

**Dr. Deshmukh:** No, I beg of you to give me a minute to speak on the amendment of Ch. Ranbir Singh.

**Mr. Speaker:** No, it is not yet placed before the House. The hon. Member said that the two amendments are practically the same.

**Dr. Deshmukh:** No, it is not the same as mine.

**Mr. Speaker:** I now see that my thinking was wrong. Therefore I shall

[Mr. Speaker]

put it later. The hon. Member should not persist like this.

**Dr. Deshmukh:** But, Sir, this is very unfair.

**Mr. Speaker:** Order. order. Will he withdraw that word?

**Dr. Deshmukh:** I am prepared to withdraw it, but I should like to be heard.

**Mr. Speaker:** On what?

**Dr. Deshmukh:** On the misunderstanding that has been created in your Honour's mind.

**Mr. Speaker:** There is no misunderstanding.

**Dr. Deshmukh:** But I may be given a chance to explain.

**Mr. Speaker:** I have already explained the position. There is no misunderstanding.

**Dr. Deshmukh:** With all due deference, Sir, you have not looked at the amendments.

**Mr. Speaker:** Order. order. I have not decided anything yet, and the hon. Member has at least to be patient with me. As I said, I understood him as saying that the amendments are similar, that amendment No. 119 was practically the same as his own. But that is wrong I find.

**Dr. Deshmukh:** That is not correct.

**Mr. Speaker:** So I say. According to him I was wrong. According to me, I was only saying what I understood.

**Dr. Deshmukh:** Would you have the goodness to read the two amendments?

**Mr. Speaker:** At present it is premature for me to read it. Will the hon. Member not try to understand what I am saying? I say when he represented the matter about his amendment, I was under the impression that he said that he wanted me to believe that it was the same. Now I understand from him that it is not the same. On the understanding that the amendment was the same with a little change here or there, I said I might put that also to the vote. Now that he says it is a different amendment, I am not putting that to the House at present. We will see later on as to how the amendment stands. I am now putting the amendment of Dr. Deshmukh, and that of Mr. Kamath to the House. I need not read it.

**Dr. Deshmukh:** I wish you had given me time

**Mr. Speaker:** The hon. Member is persisting unnecessarily. The question is:

In the amendment proposed by Dr. Ambedkar, in part (b) of the proposed Explanation to Part 8 of clause 122, omit the words "patil, village headman or any other village officer".

The motion was adopted.

**Mr. Speaker:** I will now put Mr. Kamath's amendments.

**Shri Kamath:** I would like you to put the amendment No. 5 in Supplementary List 3 to clause 122 only. The other I will withdraw.

The amendment was, by leave, withdrawn.

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

In part (a) (ii) of the Proviso to part (2) of clause 122, for the words "an object of divine displeasure or spiritual censure", substitute the words "a victim of a divine curse".

The motion was negatived.

**Mr. Speaker:** Now let me take stock of the amendments and the position about the clauses. Clause 122 is under discussion.

I would like to know which amendments are going to be moved. I will take down the names who want to move the amendments. Shri Sarangdhar Das and Ch. Ranbir Singh.

**Shri Sarangdhar Das:** I beg to move:

In part (6) of clause 122, omit the words "with the connivance of a candidate or his agent".

I do not want to take much of the time of the House, at this late hour. I have gone through the Law Minister's amendments which compel me to say that although we want free elections we are enacting a law which, when scrutinized, implies that we connive at or oblige candidates and their friends to employ their motor transport for conveying the voters. Most of us who come from the countryside know very well that all through the year the villagers walk daily 10, 20 and more miles on their own business. They do not need any motor transport. But how is it that we are so solicitous that on the election day they must have a motor drive? No doubt in one clause it is said that a candidate or his agent cannot convey the electors in a motor vehicle. But at the same time in another clause it is said that the electors themselves can club together and use a motor transport to the polling booth. It is well known that someone, either the candidate or his supporters, will so arrange that the electors can have

the motor transport and they will say that they are spending out of their own pocket. It is not easy to prove who paid for it. Therefore in order to prevent further demoralisation of the community, particularly in the elections, I have always maintained that motor transport should be banned altogether and that is why I have suggested that in this clause the words "with the connivance of a candidate or his agent" be omitted. "The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person for the conveyance of any elector to or from any place for the purpose of recording his vote" will remain. Without the words "with the connivance of a candidate or his agent" anyone who uses a motor vehicle or hires it to convey the electors to the polling booth will be, it is easy to say, committing an offence. He cannot say that he is not doing it with the connivance of any candidate or his agent, because the connivance of any candidate will not be easy to prove. By taking out the words I have suggested, it becomes perfectly clear that it will be impossible for anyone to convey the voters to a polling booth in a vehicle.

The next amendment I have given notice of is to delete the proviso. I beg to move:

Omit the proviso to part (6) of clause 122.

I had given notice of this amendment to delete the proviso in the Bill saying:

"Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to or from the polling station shall not be deemed to be a corrupt practice under this clause."

This proviso is right under sub-clause (6) of clause 122.

**Shri Santhanam:** His point is met by Dr. Ambedkar's new amendment because all mechanically-propelled vehicles have been excluded from this proviso. Therefore, a substantial part of his point has been met already.

**Shri Sarangdhar Das:** I do not agree. If my amendments are accepted then all the involvements in the Law Minister's amendment should go. Motor transport should be entirely banned. That is my amendment to the Bill as amended by the Select Committee. It is a very radical amendment.

Sir, I do not want to say much about my amendment. I could have spoken at length on it but I do not wish to detain the House for very long. I know Mr. Santhanam is very glad when I say that, but the principal point is that we know very well that the great majority of the people are walking miles and miles every day and when we are solicitous that on election day they will have an election ride, we are putting a temptation in front of them which they will take, namely the temptation of a free ride. And then we are shielding that by various clauses, that they can do it themselves that they can take the sick people, or people who are maimed—behind all that cover we are encouraging corruption and bribery. Therefore, as it remains it will not be a free and fair election. It will be an election only for candidates who are rich or for those candidates who are supported by rich people because those rich interests will, if the candidate is elected, get some benefit out of his being a Member of Parliament or of a State legislature. Then only those two categories of people will come to these legislatures and not the poorer classes of people who really are the representatives of those dumb millions.

Sir, I commend my amendment to the House.

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

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

In part (6) of clause 122, omit the words "with the connivance of a candidate or his agent".

The motion was negatived.

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

Omit the proviso to part (6) of clause 122.

The motion was negatived.

**श्रीचरी रत्नदोर सिंह :** I beg to move:

In the Explanation to part (8) of clause 122, omit the words "chaukidar, dafedar, lambardar, zaildar".

अध्यक्ष महोदय, यहां हमारे लायक दोस्त श्री ठाकुर दास बैठे हुये हैं। यह पंजाब के नम्बरदार हैं। तो यह मेम्बरी के लिये तो लड़े हो सकेंगे लेकिन अगर इन्होंने मेरे इलाके में जा कर मेरे लिये कुछ कह दिया तो मैं दिसक्वालीफाइ (disqualify) हो जाऊंगा। यही नहीं, पंजाब के अन्दर कई मिनिस्टर आज

[बीधरी रनबीर सिंह]

भी हैं, जो सिटिंग मेम्बर (sitting members) हैं और नम्बरदार हैं। जहां तक पंजाब असेम्बली (assembly) का ताल्लुक है उस के काफ़ी ऐसे मेम्बर हैं जो नम्बरदार हैं। मेरा दावा है कि नम्बरदार को किसी तरह से भी सरकारी मुलाजिमों के खाते में दाखिल नहीं किया जा सकता। जो कुछ उन को मिलता है वह तो कमीशन (commission) के तौर पर मिलता है। बहुत से और भी आदमी हैं जो गवर्नमेंट से कमीशन के तौर पर कुछ पाते हैं पर उन को डिसक्वालीफाइ नहीं किया जाता है। इस हालात में मेरा निवेदन है कि इन शब्दों को निकाल दिया जाय।

(English translation of the above speech)

Ch. Ranbir Singh: I beg to move:

In the Explanation to part (8) of clause 122, omit the words "chaukidar, dafedar, lambardar, zaildar".

Sir, here is our able friend Shri Thakur Das sitting among us. He is a lambardar of Punjab, and so he can himself stand for the membership of any legislative body; but if, perchance, he were to visit and speak anything for me in my constituency then I would be disqualified. Not only this much but also we find that in Punjab today there are several ministers who are sitting members as well as lambardars. So far as the Punjab Assembly is concerned, a large number of its members are lambardars I can challenge that a lambardar can in no way be included in the category of Government servants. Whatever he receives, it can only be called his commission. There are several other persons as well who receive payments from the Government in the form of commission but they are not disqualified. Under these conditions my submission is that these words should be omitted.

Dr. Ambedkar: I do not accept the amendment.

Shri Shiv Charan Lal: Sir, I think it my duty to bring a very important fact to the notice of the House. Lambardar is put in the category of government servants and under section 122 if he canvasses for anyone he will be guilty

of a major offence. In the Uttar Pradesh lumberdar is not a government servant at all. He is a co-sharer in a village. Suppose there are ten co-sharers in a village: they would appoint one man as lumberdar under the Revenue Act to collect the revenue and pay it to the Government. In the Uttar Pradesh he does not get anything from the Government. He gets only 5 per cent. from the co-sharers, not from the Government.

I may in this connection tell the House that at least 25 per cent. of the members of the District Congress Committees in the U.P. are lumberdars in one village or the other. I am a lumberdar of four mahals. All through I have been a non-cooperator, but nobody dismissed me. Under the present provision I cannot canvass for anyone. I am a member of the Provincial Congress Committee. I cannot go anywhere and canvass for any of the members of the Provincial Assembly or for myself. I presume this has been put in by mistake, because in no way is a lumberdar a government servant. I, therefore, appeal to the hon. the Law Minister to delete the words lumberdar, about whom I am quite certain—at least in the U.P.—that he is not a government servant.

Pandit Kunzru: I strongly support the previous speaker. Lumberdar in the United Provinces is a non-official; he gets nothing from the Government. He only takes the trouble of realising the land revenue from the whole village of which he is a co-sharer. For this he is going to be penalised. He is a non-official, as good a non-official as any Member of this House. Yet, my hon. friend the Law Minister is arbitrarily going to declare him to be an official. Is there a grain of justice in all this? It is the highest injustice that a lumberdar in the U.P. should be called an official. It is an insult to him.

Shri Satish Chandra (Uttar Pradesh): I support the previous three speakers. I myself happen to be a lumberdar. I have about ten villages in my zamindari and for each of them I am supposed to be the lumberdar. Fortunately there is no co-sharer in most of them. I may be the owner of the entire village, but because I pay the land revenue to the Government I am called a lumberdar according to government revenue terminology. I have never imagined in my life that I am a government servant or that I am in any official capacity connected with Government. Anybody who has to deposit land-revenue in the government treasury is known as lambardar in

Uttar Pradesh. I do not know what is the system in other States. But in Uttar Pradesh any person who deposits land revenue in the government treasury either solely on his own behalf or on behalf of his co-sharers in the village is known as lambaradar. I do not know, in what sense exactly this word is inserted here. But if the word lambaradar here means a zamindar who is responsible for the payment of land-revenue in Uttar Pradesh or elsewhere, it must be omitted.

**Dr. Ambedkar:** I would like to say a word about this. I do not quite understand why my friend Pandit Kunzru got into temper over this. He was a Member of the Select Committee. This clause was introduced by the Select Committee. It was a unanimous clause. All the Members of the Committee represented their different States. I can speak with authority, say, for instance, about Bombay or about Madhya Pradesh. I cannot speak with authority with regard to the other States. These names and categories of people were introduced by the Select Committee, by Members from the different States who knew what they were talking about. At any rate I take it that they knew what they were talking about. I did not include it on my own responsibility and I do not know how he charges me with the sort of thing about which he gave an utterance. (*Interruption.*) I have not done it. It was done by the Select Committee. The Punjab Members, the U.P. Members, they were all present and they said that lambaradar should be included. I never included the lambaradar on my own. But if the view of the House is that the lambaradar is in no sense an official, I am quite prepared to omit it. But they must take the responsibility. I cannot take the responsibility. I have not examined the revenue laws of different States to find out if the lambaradar is an official or not. If the view of gentlemen here who can speak with authority about their States is that lambaradar is not an official, I have no objection to omit it. I have no interest in this.

**Shri Jawaharlal Nehru:** My hon. colleague has more or less explained the position. We are not wedded to this long list of appellations half of which I have never heard of in my life. These were given by the Select Committee and they were adopted. We are perfectly prepared now or at the third reading to go through the list very carefully in consultation with Members and to take out such of them as ought not to be there.

श्री नट्टु: इसी तरह पाटिल जी है।

[**Shri Bhatt:** 'Patil' stands in a similar position.]

**Dr. Ambedkar:** It will be possible to find out from the various States whether any of them are government officials. But with regard to patil I can say that I know it—and nobody knows more about patils than I do.

**Dr. Deshmukh:** You do not know about Madhya Pradesh.

**Dr. Ambedkar:** I know about Madhya Pradesh also.

Some Hon. Members rose—

**Mr. Speaker:** We are now prolonging discussion of a point which deserves consideration but which can be disposed of by mutual goodwill and compromise in no time. What I would suggest therefore to the Law Minister, if the House agrees and he agrees, is that we cannot settle just at the moment as to whether the lambaradar should be taken out or the patil should be taken out or other persons should be taken out. After all, as the hon. the Leader of the House has stated, these are various appellations by which these people are known. Members may informally discuss the matter. It is more or less a matter of form really and it may be taken up after two or three days when we take the Bill for third reading.

**Dr. Ambedkar:** It can be reserved till then.

**Mr. Speaker:** It need not even be reserved for that purpose. They can pass this clause. They are only formal matters and not matters of substance, the substantial thing being that, a government official holding an office of profit should not be there. I do not think we need take time over these things.

**Dr. Ambedkar:** What interest have I against the lambaradar? I am not a lambaradar.

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

**Dr. Ambedkar:** I am an inferior village officer, if you want to call me under the Watan Act in Bombay.

**Dr. Deshmukh:** On a point of order, may I know what will happen now because you hurriedly put my amendment to vote and it was rejected by the House. Now that better sense is dawning on the House and everybody. I am grateful for the speech of my hon. friend.....

**Mr. Speaker:** The hon. Member is spoiling his own case by saying that better sense is prevailing in the House. That is not the way of compromise, of a peaceful settlement of affairs.

[Mr. Speaker]

Perhaps the House may agree to delete all these things but still maintain the word 'patil' to prove that its sense was correct. (*Interruption.*) If a difficulty arises, we shall see. The procedure is all intended for better work in the House and not for hampering really what is good. However, I shall put the amendment to the House.

**Ch. Ranbir Singh:** Sir, in view of the assurance given by you and the hon. Law Minister, I beg to withdraw my amendment.

**Mr. Speaker:** Order, order. I have not yet put the amendment to the House really speaking. There is no case of withdrawal. If the hon. Member does not press it, I will not put it to the House. Also there is no assurance by the Chair in this respect. The Chair merely made a suggestion. So I do not put the amendment to the House.

**Shri J. R. Kapoor:** What would be the fate of this clause 122? Would it be held over?

**Dr. Ambedkar:** It will be passed and reopened.

**Mr. Speaker:** As the hon. Law Minister said so far as the names of these minor officers are concerned, they would be retained, but not in the substance, the substance being that any person who is holding an office of profit under Government must be disqualified. If there is any officer whose name has been wrongly included, that name must get out.

**Shri R. K. Chaudhuri:** What I wanted to say was this: In Assam the removal of disqualification Act has been passed after this Constitution came into force, i.e., after 1950. Under it the village headmen are entitled to stand as candidates. It will be an anomalous position if a village headman can stand as a candidate but he cannot help any other candidate in the time of elections. How are you going to meet the situation? The removal of disqualification Act has been passed after the Constitution came into force, removing all disqualifications of headmen or chowkidars or by whatever name he may be called. Under that Act he is entitled to stand but under the provisions of this clause, he will not be entitled to canvass for any other candidate.

**Shri Santhanam:** He will not be entitled to stand.

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

In part (a) (i) of the proviso to sub-clause (2) of clause 122, after the

words "injury of any kind", insert the words "including social ostracism and ex-communication or expulsion from any caste or community".

The motion was adopted.

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

For sub-clause (6) of clause 122, substitute the following sub-clause:

"(6) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the connivance of a candidate or his agent for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station prefixed under sub-section (1) of section 23 or a place fixed under sub-section (1) of section 27 for the poll:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purposes of conveying him or them to or from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

*Explanation.*—In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise, and whether used for drawing other vehicles or otherwise."

The motion was adopted.

**Mr. Speaker:** The question is: For the Explanation to part (8) of clause 122, substitute the following:

"*Explanation.*—For the purposes of this clause—

(a) a person serving under the Government of India shall not include any person who has been declared by the Central Government to be a person to whom the provisions of this clause shall not apply;

(b) a person serving under the Government of any State shall include a patwari, chaukidar, dafedar, lamberdar, sardar, shanbagh, karnam, talati, talari,

patil, village munsif, village headman or any other village officer, by whatever name he is called, employed in that State whether the office he holds is a whole-time office or not, but shall not include any person (other than any such village officer as aforesaid) who has been declared by the State Government to be a person to whom the provisions of this clause shall not apply."

The motion was adopted.

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

"That clause 122, as amended, stand part of the Bill."

The motion was adopted.

Clause 122, as amended, was added to the Bill.

**Clause 123.—(Minor Corrupt Practices)**

Amendment made:

For sub-clause (5) of clause 123, substitute the following:

"(5) The systematic appeal to vote or refrain from voting on grounds of caste, race, community or religion or the use of, or appeal to, religious and national symbols, such as, the national flag and the national emblem, for furtherance of the prospects of a candidate's election."

—[Dr. Ambedkar]

**Mr. Speaker:** There is no other amendment, I think.

**Shri Kamath:** I have two amendments, Nos. 5 and 6 in Supplementary List No. 4 to Consolidated List No. 2. I am moving No. 5 only. I move:

In part (1) of clause 123, for the words, figures and brackets "clause (1) to (8)", substitute the words, figures and brackets "clauses (1) to (6), and clause (8)".

That is to say, sub-clause (7) of clause 122 as applied to sub-clause (1) clause 123 be deleted. The House will see that sub-clause (7) of clause 122 refers to incurring or authorising by a candidate or his agent, in contravention of employment of any person by a candidate or his agent, in contravention of this Act or any rule thereunder. Part 1 of clause 123 refers in an omnibus fashion to any act specified in sub-clauses 1 to 8 of clause 122. The other sub-clauses of clause 122 are easily applicable to anybody else; but clause (7) refers definitely to only a candidate or his agent while the other clauses refer to any other person

besides the candidate or agent. Unless some sort of modification is made with regard to the wording, I do not know how we can bodily apply this clause 7 as it is in clause 122 to part (1) of clause 123. I wish the draftsman would pay some attention to this to see whether it could not be modified so as to bring within its purview any person besides a candidate or his agent.

**Dr. Ambedkar:** I shall look that matter up.

**Shri Kamath:** If the draftsman will look into it, I would not press it.

**Mr. Speaker:** He may look into it. The question is:

"That clause 123, as amended, stand part of the Bill."

The motion was adopted.

Clause 123, as amended, was added to the Bill.

**Clause 124.—(Illegal practices)**

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

To sub-clause (1) of clause 124, add the following:

"Explanation.—Any such expenses as aforesaid incurred or authorised by any institution or organisation for the furtherance of the prospects of the election of a candidate supported by such institution or organisation shall not be deemed to be expenses incurred or authorised within the meaning of this clause."

**Mr. Speaker:** Amendment moved:

To sub-clause (1) of clause 124, add the following:

"Explanation.—Any such expenses as aforesaid incurred or authorised by any institution or organisation for the furtherance of the prospects of the election of a candidate supported by such institution or organisation shall not be deemed to be expenses incurred or authorised within the meaning of this clause."

**Shri Kamath:** I beg to move:

In part (2) of clause 124, omit the words "of any building".

I raised this point in the Select Committee, but it was not considered at any length and not much attention was paid to it. I would state my difficulty precisely and briefly.

It is very common for parts of the same building to be put to different uses and to be leased to different per-

[Shri Kamath]

sons. It is likely that in one part of the building there may be a wine shop or intoxicating drinks might be served. If the clause stands as it is, and if it is enacted in that form, an agent who holds a meeting in any part of that building will be committing an offence. I know of some buildings in Madhya Pradesh where the lower floor is converted into a wine or liquor shop and the upper floor has been leased out to certain persons or to students or to other people for different purposes. Can a meeting be held on the top floor of the building?

**Dr. Ambedkar:** There is no such fear at all.

**Shri Kamath:** But it is open to doubt and I would like the hon. Minister to omit the words "of any building" and thus avoid difficulties which it may be difficult to solve. The wording may be reconsidered so that the matter may be placed beyond the shadow of a doubt.

**Mr. Speaker:** Amendment moved:

In part (2) of clause 124, omit the words "of any building"

Pandit Kunzru wanted to say something?

**Pandit Kunzru:** I was going to submit that the amendment proposed by Dr. Ambedkar is of a very serious character and we ought to be given, in fairness time to consider it fully and to propose amendments to it. A mere persual of the amendment shows that it will have a vital effect on many provisions of the Bill, and will seriously alter the balance between candidates of different parties. I suggest, therefore that we should be given time to consider this amendment. This is the only clause after all, that has not been passed and nothing will be lost and everything will be gained, I think, if we are given more time to consider it and propose amendments to this provision.

**Dr. Ambedkar:** The position is quite clear. There is nothing which need give rise to any doubt. As a matter of fact, some people had doubts as to what kinds of expenditure may be included in the election expenses and it is this sort of provision that I was able to think of in order to remove their doubts. If my friend has any other suggestion to make, I would like to hear.

**Mr. Speaker:** What about Shri Kamath's amendment?

**Dr. Ambedkar:** About the words "of any building" there need be no doubt. The words need not be omitted. There is no doubt about the matter at all.

**Shri Kamath:** This point was not discussed fully and it was added only at the last moment.

**Shri R. K. Chaudhuri:** Sir, I have to move my amendment No. 153 for dropping sub-clause (3) of clause 124.

**Mr. Speaker:** He may move it.

**Shri Santhanam:** It may be put separately. Part 3 may be put separately instead of moving it and making a speech.

**Dr. Ambedkar:** My amendment may be put.

**Mr. Speaker:** At the time of voting I shall see to it.

**Shri R. K. Chaudhuri:** I beg to move:  
"Omit part 3 of clause 124."

My object in doing so is that issuing of any circular, placard or poster having a reference to election which does not bear on it the names and address of the publisher and printer is an illegal practice. Supposing it happens that a notice says 'vote for so and so' and there is no name of printer or publisher, for that reason it will be an illegal practice. It will entail a disqualification for a period of six years under section 139.

**Mr. Speaker:** If I mistake not, such provisions do occur in the election rules even to-day.

**Dr. Ambedkar:** Yes, there is nothing new.

**Shri R. K. Chaudhuri:** This entails a very serious consequence. If it will not do any harm to anybody, it should not be an illegal practice. It was argued by somebody that there may be certain circulars containing defamatory statements against a candidate. I submit that proceedings may be taken against them under Section 500 of the Indian Penal Code. There is sufficient punishment awarded there but why should an innocent candidate be penalized, if some persons without his knowledge publish a circular saying 'vote for so and so' on the day of election and that would entail in the election being invalidated and his being punished with disqualification.

**Pandit Thakur Das Bhargava:** I wish to say that I do not think that we are in a position to delete this clause but all the same there is great force in the argument advanced by my friend Mr. R. K. Chaudhuri that if a person does

this sort of thing, it should not affect the candidate unless the candidate has knowledge of it or he is conniving at it. It would be better to make it illegal under Section 124.

In regard to Section 99, this should not have any effect on the candidate. This was the general view in the meeting wherein this question was considered. I would therefore request that section 99 should be open for consideration later.

**Dr. Ambedkar:** That may be considered.

**Mr. Speaker:** That means this clause may be put as it is.

9 P.M.

**Pandit Kuzru:** I strongly oppose the amendment put forward by Dr. Ambedkar. You will see from the amendment that what it proposes is not that a party would carry on general propaganda in favour of its candidate, but that a party should be free to do what it can in support of particular candidates. That a party should in a general way, support its own candidates is recognized everywhere but that it should support particular candidates and that the expenditure incurred by it not on carrying on general election propaganda but in support of a particular candidate should not be shown in the return of the election expenses of that candidate raises a very important issue. Suppose that Parliament passes a law fixing the maximum amount of expenditure that can be incurred in an election by any candidate; a Party with large funds at its disposal, may be able to set this provision at naught. If it is allowed not merely to carry on general propaganda but to incur expenditure in connection with the election of individual candidates, then it can make itself responsible for canvassing on behalf of that candidate. It can issue posters and leaflets on behalf of him and it can go so far as to put the candidate himself under no necessity of spending anything. When the time comes for submitting the return of his election expenses, this candidate will only have to say that he had incurred no expenditure. Suppose the limit fixed by law is Rs. 5,000 but the party may incur any amount of expenditure, for it is not to be shown in the return of election expenses. I ask whether this is a fair proceeding. Is this what this House desires or does it only desire that a party should be in a position to carry on election propaganda in support of the candidate set up by it? Consider for a moment the

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position of these persons who belong to a party that has very scanty resources at its disposal. The candidates of this party only will be subject to the law prescribing the maximum amount of expenditure that can be incurred by any candidate in connection with his election. Again, if it is desired to place any party in a position to spend any amount of money on the election of its candidates, then no limit to expenditure should be prescribed for candidates of any party and the submission of election expenses becomes a meaningless thing. Why should a return of election expenses have to be submitted in this way and why should a candidate or his election agent be declared disqualified from standing as a candidate for any legislature in that case? In England too the rights of the various parties to incur expenses in connection with their propaganda is recognised. But the expenditure incurred in support of any particular candidate is, according to the exposition of Dr. Ambedkar, to be shown in the return of the election expenses of that candidate. Is there any reason why we should follow a separate practice here? It is obvious that it will give rise to graft and that it affects vitally many provisions of this Bill. That is why I ask, Sir, that the debate on this clause should be postponed so that we should be given more time to examine it and to put forward any amendments that we might think would secure the desired result without leading to a highly undesirable situation.

**Mr. Speaker:** Does the hon. Minister want to say anything?

**Dr. Ambedkar:** I have nothing to add to what I have said.

**Mr. Speaker:** Then I will put the amendments to vote. I will first put Mr. Kamath's amendment. The question is:

In part (2) of clause 124, omit the words "of any building".

The motion was negatived.

**Mr. Speaker:** Then there is an amendment of Mr. R. K. Chaudhuri for deletion of paragraph 3.

**Shri R. K. Chaudhuri:** I think that is accepted?

**Dr. Ambedkar:** No, no. I do not accept it.

**Shri R. K. Chaudhuri:** Then I want leave of the House to withdraw it.

**Mr. Speaker:** I have not placed it before the House, so it falls through. Then I have to put to vote Dr.

[Mr. Speaker]

Ambedkar's amendment. The question is:

To sub-clause (1) of clause 124, add the following:

"Explanation.—Any such expenses as aforesaid incurred or authorised by any institution or organisation for the furtherance of the prospects of the election of a candidate supported by such institution or organisation shall not be deemed to be expenses incurred or authorised within the meaning of this clause."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 124, as amended, stand part of the Bill."

The motion was adopted.

Clause 124, as amended, was added to the Bill.

Clauses 132, 139 and 150

Mr. Speaker: Then there are clauses 132, 139 and 150. There are no amendments to these, so I will put them together. The question is:

"That clauses 132, 139 and 150 stand part of the Bill."

The motion was adopted.

Clauses 132, 139 and 150 were added to the Bill.

Clause 167.—(Power to make rules)

Mr. Speaker: Now there is the amendment of Dr. Ambedkar to clause 167.

Dr. Ambedkar: I have moved it already. There was some criticism about it and I should like briefly to explain my position with regard to that.

With regard to this clause two or three questions were raised. One was with regard to an officer who had been transferred from the constituency in which his name had appeared in the register to some other place. The question was: what provision was going to be made for his voting? The second question was with regard to a candidate who goes from one State to another State for the purpose of seeking election. There also, the same question was raised. Finally, there was the question with regard to a candidate who is moving in his own constituency for the purpose of canvassing and who is not present or who is not likely to be present at the polling booth where he is entitled to vote.

I asked the draftsman; the draftsman thinks that it is unnecessary to make a provision in this particular clause in my amendment because there is ample room in the general provision contained in clause 167 for making rules to cover all these cases. Therefore, it will be possible for the Election Commissioner under the rules to deal with these cases by rules and it is unnecessary to make any amendment here.

Shri Ethirajulu Naidu: I would like to mention clause 59 which deals with this particular matter. Would the Law Minister consider the advisability of making an amendment to clause 59? That clause refers to, "Special Procedure for voting by certain classes of persons."

Dr. Ambedkar: No, that is a separate clause altogether pertaining to those who are outside the country.

Shri Kamath: A reply is due to the amendment moved by me regarding the rules to be laid before Parliament.

Dr. Ambedkar: With regard to that the position is this. As everybody in the House knows, we are trying to do our level best to have the elections in November-December. Now, if the procedure suggested by my hon. friend Mr. Kamath, that the rules shall be placed on the table of Parliament and that they shall not have operative force unless and until Parliament has approved them, is adopted, it is quite clear that we may not be able to achieve the purpose we have in view, namely that the elections should take place in November-December. On that ground alone it seems to me rather difficult to accept the amendment that he has moved. But if he would be content with the assurance that Government will place the rules before Parliament, I am prepared to give that undertaking.

Shri Kamath: After they are placed before Parliament, will Parliament be competent to modify them?

Dr. Ambedkar: I cannot give a categorical answer to that also—I feel some difficulty. It is this. Supposing, for instance, Government does take action under any rules that are framed and subsequently Parliament alters it. Then, what would happen to action already taken under the rules as framed? Therefore it would be very difficult to tie down the hands of Government by any such condition as Mr. Kamath proposes.

**Shri J. R. Kapoor:** May I move an amendment to clause 167. I beg to move:

After part (g) of sub-clause (2) of clause 167, insert the following new part (gg):

**Mr. Speaker:** Order, order. What is the No. of the amendment.

**Shri J. R. Kapoor:** I gave notice of it some time back.

**Mr. Speaker:** I am not waiving any further notice.

**Shri J. R. Kapoor:** I am inclined to think that this may perhaps be accepted by the hon. Minister.

**Dr. Ambedkar:** If it relates to contract, it has already been defined in the Contract Act.

**Mr. Speaker:** Is Government prepared to accept the amendment?

**Dr. Ambedkar:** I cannot accept any amendment now.

**Shri Kamath:** If my amendment is negatived will it mean that Government will not place the rules before the House?

**Dr. Ambedkar:** I have already said that Government will always be prepared to place it before the House.

**Shri Kamath:** If that assurance is given, I will not press my amendment.

**Mr. Speaker:** Mr. Kamath wishes to have leave of the House to withdraw his amendment.

The amendment was, by leave, withdrawn.

**Mr. Speaker:** Now I will put Dr. Ambedkar's amendment. The question is:

After part (c) of sub-clause (2) of clause 167, insert the following:

"(cc) the manner in which votes are to be given by a presiding officer, polling officer, polling agent or any other person, who being an elector for a constituency is authorised or appointed for duty at a polling station at which he is not entitled to vote;"

The motion was adopted.

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

"That clause 167, as amended, stand part of the Bill."

The motion was adopted.

Clause 167, as amended, was added to the Bill.

### New Clause 34A

**Pandit Thakur Das Bhargava:** I beg to move:

After clause 34, insert the following new clause:

"34A. (1) Any candidate aggrieved by an order accepting or rejecting the nomination paper of the candidate shall be entitled to file an appeal to the District Judge of the District in whose jurisdiction the scrutiny of the nomination papers took place within four days of the passing of the order. The copy of the order shall accompany the petition of appeal if obtained or may be filed before the appeal is heard.

(2) The District Judge shall follow the procedure prescribed for hearing the appeals in the Code of Civil Procedure Act of 1908 and pass his final orders within fifteen days of the date of order either accepting or rejecting the nomination paper.

(3) The District Judge shall forthwith send a copy of his order to the Returning Officer who shall immediately publish the same as prescribed under section 36.

(4) The decision of the District Judge shall be final and shall not be questioned subsequently by any election petition or otherwise."

In the original Bill this was the proposal of Dr. Ambedkar himself that so far as nomination is concerned it ought to be finalised and no election to petition should be allowed on the basis that at the time of nomination no proper order of acceptance or rejection was made. This is in keeping with the general sense of the House also. All the Members perhaps without exception want this, so that after the polling takes place and a person goes through the election no question may arise when the nomination may again be questioned. Before so many expenses are incurred and everything is gone through we should see that the nomination is finalised. I have therefore given a set of rules under clause 34A whereby the nomination may be finalised and there may be no election petition in regard to the proper acceptance or rejection of a nomination.

I may submit that this is not the only place where we find such a provision. In municipal elections, etc., etc., we have got a similar provision. I therefore humbly beg to submit that it is in the interests of all concerned and in the interests of economy also that the nomination should be regarded as final and should be finalised before an election takes place. By virtue of this provision there is sufficient time

[Pandit Thakur Das Bhargava]

Some people have said that there is not sufficient time. Fifteen days' time is good time in which oral evidence can be taken and other formalities gone through. If this is finalised, then, so far as the candidates are concerned, so far as the Government is concerned, all will be benefited by it. There will be economy also.

Dr. Ambedkar: I am very sorry that I have to oppose this amendment. As my friend, Pandit Bhargava said, it was I who first set in motion the idea of dividing the election into two parts, one relating to nomination and the other relating to actual poll. The Select Committee, however, without considering the matter came to the conclusion that that procedure should not be adopted. They found that there may not be sufficient time for a candidate whose nomination has been challenged on the ground that he is disqualified to produce evidence within the stated time in order to get a decision in his favour. At this very meeting, I think, Members will remember that the Chief Election Commissioner was present; he was specially called to discuss this matter and he expressed himself opposed to this idea of having the nomination finalised before the election started. Thereafter I have also consulted him and he is absolutely of the opinion that elections would be delayed considerably if this procedure was adopted. Now, we are all agreed that the elections should take place in November-December, no matter what happens, and as the responsibility is cast upon the Election Commission to carry through this programme, it is rather very difficult for me to override the view that the Chief Election Commissioner has taken on that ground. I am sorry to say that I cannot accept the amendment, but I should like to say one thing to the House, namely that this law which we are making is not a law to be for ever. If we are not able to adopt this particular amendment for the present election, there is nothing to prevent us from having it introduced in this Act at a later stage, so that the new procedure may be followed in the next election. This law can be amended, added and subtracted from. For the moment in view of the fact that we are all determined to have the elections in November-December, it seems quite impossible to introduce any such measure which may produce a dilatory effect.

Mr. Speaker: Do I put the amendment to the House then?

Pandit Thakur Das Bhargava: My amendment may be put to the House.

Mr. Speaker: The question is:

After clause 34, insert the following new clause:

"34A. (1) Any candidate aggrieved by an order accepting or rejecting the nomination paper of the candidate shall be entitled to file an appeal to the District Judge of the District in whose jurisdiction the scrutiny of the nomination papers took place within four days of the passing of the order. The copy of the order shall accompany the petition of appeal if obtained or may be filed before the appeal is heard.

(2) The District Judge shall follow the procedure prescribed for hearing the appeals in the Code of Civil Procedure Act of 1908 and pass his final orders within fifteen days of the date of the order either accepting or rejecting the nomination paper.

(3) The District Judge shall forthwith send a copy of his order to the Returning Officer who shall immediately publish the same as prescribed under section 36.

(4) The decision of the District Judge shall be final and shall not be questioned subsequently by any election petition or otherwise."

The motion was negatived.

Clause 1.—(Short Title)

Prof. K. T. Shah: I beg to move:

Re-number clause 1 as sub-clause (1) of that clause and add the following sub-clause as sub-clause (2):

"(2) This Act shall be translated into the principal languages of India as prescribed by the Constitution, and shall be published in every State of the Union in its regional language or languages as well as in the national language of the Union and English, within six weeks of its enactment into law:

Provided that all technical terms as defined or used in this Act shall be in Hindi with English equivalents in brackets in each case and that they shall be the same in all regional languages with their equivalents wherever available in brackets in each regional language.

At this late hour, I do not wish to keep the House long on this subject. This amendment is self-explanatory. This Act is intended for the masses to regulate their voting. If the masses do not understand it, a great miscarriage of

justice might take place. Therefore, I suggest that the language of the people should be adopted wherever possible. If difficulty is raised with regard to many of the technical terms in this Act having definite standardised meaning in the English language which may not be available in the local languages, I suggest that the English equivalents may be used in brackets along with the terms in the regional languages. I trust the House will accept the amendment.

**Dr. Ambedkar:** I have great sympathy with this amendment and I have no doubt that the various State Governments will take into consideration the suggestion contained in this amendment. But, I cannot see how I can agree to put it in the statute itself. Therefore, I must oppose it.

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

Re-number clause 1 as sub-clause (1) of that clause and add the following sub-clause as sub-clause (2):

"(2) This Act shall be translated into the principal languages of India as prescribed by the Constitution, and shall be published in every State of the Union in its regional language or languages as well as in the national language of the Union and English, within six weeks of its enactment into law:

Provided that all technical terms as defined or used in this Act shall be in Hindi with English equivalents in brackets in each case and that they shall be the same in all regional languages with their equivalents wherever available in brackets in each regional language."

The motion was negatived.

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

"That clause 1 stand part of the Bill".

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

**Mr. Speaker:** Now, the House will have to adjourn.

**Shri Kamath:** Before the House adjourns for the day, may I make a submission. Sir? You were pleased to suggest a little while ago, in the afternoon, that the Question-hour tomorrow may be dropped. I would suggest and request you to so arrange this particular matter that in case the House sits on the 8th of June, the Question list for tomorrow might be transferred to that date. If that would be agreeable to you and to the House, I would request you to accept the suggestion and transfer tomorrow's list to the 8th June.

**Mr. Speaker:** Let me first find out as to what he means by this proposal. Is it the idea that the House tomorrow sits from 9-30 instead of 8-30?

Several Hon. Members: Yes.

**Mr. Speaker:** His proposal comes to this that the list of questions for tomorrow should be taken up on the 8th June if at all the House is sitting on that date.

**Shri Sidhva:** There is one point. Suppose the House does not sit on the 8th; the answers will at least form part of the record. Therefore you take a risk in transferring them to the 8th.

**Shri Kamath:** If the House does not sit on the 8th, they may be treated as unstarred questions for the day. There is no risk.

**Mr. Speaker:** If tomorrow these questions are not answered and if the 8th is not reached as a sitting day for this House, the result of the postponement will be that the written answers will go into the proceedings.

**Shri Sidhva:** Will not?

**Mr. Speaker:** Will go into the proceedings. But, I would request hon. Members not to prolong the debate further just to have the Question-hour on the 8th.

The House may now adjourn and re-assemble at 9-30 tomorrow.

The House then adjourned till Half Past Nine of the Clock on Tuesday, the 29th May, 1951.