

made to the peasants by the Parliament are not being implemented in practice; the peasant actually is not given the price. So, these things should be brought to the notice of the Minister and we should have a discussion on it immediately. Otherwise, what is the use of having a discussion when the harvest is finished?

Shri Bade (Khargone): What about the report of the Commissioner for Scheduled Castes and Scheduled Tribes?

Shri Satya Narayan Sinha: About that, I will make a statement next week. About the food situation, Sir, in some form or other, we have been discussing this food question in the House.

श्री गुलशन (भटिंडा) : शैड्यूल्ड कास्ट्स और शैड्यूल्ड ट्राइब्स कमिशन की रिपोर्ट पर डिस्कशन के बारे में कुछ नहीं कहा गया ।

अध्यक्ष महोदय : अभी मंत्री जी ने बतला तो दिया है ।

The Minister of Food and Agriculture (Shri C. Subramaniam): As a matter of fact, there was a discussion on the adjournment motion. After that, in the debate on the Food Corporations Bill also, we had a discussion on that. Every day we cannot be going on discussing the same thing.

Shri Nambiar: When the Kerala discussion was there, the Minister said that the food question as a whole can be discussed separately. That day we discussed only Kerala.

Mr. Speaker: He says, in addition to that subsequently also we have had an opportunity to discuss it.

Shri Ranga (Chittoor): Are we to understand that there will be no further discussion on food?

Mr. Speaker: For the present, that is the position.

Shri Ranga: For the present means, during this session or only next week?

Mr. Speaker: I cannot say. I can ask only about the next week's programme. That he has stated. Whether this food situation is going to be discussed, the answer is, for the present there is no intention to do that.

Shri Ranga: We understand that next week there will be no discussion. That is how we understand it.

Mr. Speaker: He will kindly allow me to proceed further.

12.07 hrs.

REPRESENTATION OF THE
 PEOPLE (SECOND AMENDMENT)
 BILL—Contd.

Mr. Speaker: The House will now resume further consideration of the following motion moved by **Shri Jaganatha Rao** on the 26th November, 1964, namely:—

“That the Bill further to amend the Representation of the People Act, 1951, be taken into consideration.”

The time allotted is one hour.

श्री बड़े (खारगोन) अध्यक्ष महोदय,

अध्यक्ष महोदय : बहुत मुश्किल से कहियेगा ।

श्री बड़े : मुश्किल से क्या मतलब थोड़े से है ? उर्दू समझने में मुझे कठिनाई होती है ।

अध्यक्ष महोदय : मेरी गलती है कि मैंने उर्दू शब्द मुश्किल से इस्तेमाल किया लेकिन मैं क्या करूँ मुझे पहले उर्दू ही पढ़ाई गई थी । लेकिन माननीय सदस्य अब तो समझ ही गये हैं कि बहुत थोड़े में वे अपनी बात कहें ।

श्री बड़े : इस रिप्रजेंटेशन आफ दी पीपल (सैकंड अमेंडमेंट) बिल के जो प्राविजंस हैं वे ठीक हैं और उनके बारे में हमारा कोई विरोध नहीं है लेकिन मैं समझता हूँ कि शासन यह बिल बहुत देर से लाया है। सन् 1957 में जब एलेक्शन हुआ था उस के बाद में एलेक्शन कमिशन ने कहा था कि उनको कोई पावर्स नहीं हैं। इसलिए इस संशोधन बिल के लाने के बजाय अगर गवर्नमेंट कोई एक कम्प्रीहेंसिव बिल लाती तो अच्छा होता। इसमें एलेक्शन एक्सपैसेज के बारे में अभी तक कुछ नहीं दिया गया है। एलेक्शन एक्सपैसेज के बारे में प्राइवेट मेम्बर्स बिल आया हुआ है। इसमें यह नहीं है कि हरिजन और आदिवासियों को अपने एलेक्शन एक्सपैसेज देने के वास्ते बहुत तकलीफ होती है इसलिए अगर कोई एक कम्प्रीहेंसिव बिल आता तो मैं समझता हूँ कि वह बहुत अच्छा होता। इस तरह से पैचवर्क नहीं होना चाहिए और इस तरह से छोटे-छोटे बिल ला कर सदन का समय लेना ठीक नहीं है।

इसके साथ-साथ मुझे यह कहना है कि एक दूसरा प्राइवेट बिल आया हुआ है। उसमें यह मांग की गई है कि स्टेट्स में जो मिनिस्टर्स होते हैं उन मिनिस्टर्स को पहले अपने पदों से त्याग-पत्र देना चाहिए; उसके बाद उन्हें एलेक्शन के लिए खड़ा होना चाहिए। मैं समझता हूँ कि इस तरह के जो छोटे-छोटे पीसमील लेजिस्लेशंस आते हैं उनकी जगह सरकार अगर एक कम्प्रीहेंसिव बिल लाती तो ज्यादा अच्छा होता। एलेक्शन कमिशन ने कहा है कि उनको सिविल कोर्ट्स की पावर्स नहीं हैं इसलिये वह इस डिफिकल्टी के बारे में 1957 से लिख रहे हैं। मेरी समझ में इस तरह का एक छोटा सा संशोधन विधेयक लाने की कोई खास वजह नहीं दिखाई पड़ती है। बाकी इस बिल के प्राविजंस का जहां तक ताल्लुक है मैं उनका समर्थन करता हूँ और चाहता हूँ कि अगर एक कम्प्रीहेंसिव बिल लाया जाता तो ज्यादा अच्छा होता।

श्री यशपाल सिंह (कैराना) : अध्यक्ष महोदय, मैंने जो अमेंडमेंट दी है उसमें मैंने कहा है कि क्लॉज 2, लाइज 16 और 17 में से ये शब्द निकाल दिये जायें :

“subject to any privilege which may be claimed by that person under any law for the time being in force.”

इलेक्शन का जो मामला है यह इलेक्शन कमिशन का है और इस में किसी को भी इस ख्याल से कि वह गवर्नर है या कोई और उच्च अधिकारी या डिगनिटरी है, कोई प्रिविलेजिज हासिल नहीं होनी चाहिये। अगर किसी को प्रिविलेजिज होंगे तो फेयर फील्ड एण्ड नो फेवर वाला सिद्धान्त नहीं चल सकेगा। सब को ईक्वल अपरचुनिटीज हासिल होनी चाहिये। किसी शख्स को भी, चाहे वह कितना भी ऊंचा क्यों न हो, कोई प्रिविलेजिज हासिल नहीं होनी चाहिये। इसी गर्ज से मैंने इन अल्फाज को निकाल देने के लिये अमेंडमेंट दिया है।

Shri S. M. Banerjee (Kanpur): Sir, I rise to support this Bill. I am happy that the lacuna which was there in this particular Act has been removed. As is evident from the Statement of Objects and Reasons of this particular Bill, this question only arose when the case of Shri Biren Mitra came to the notice of the Election Commission. It was then found that the Governor had to come forward to remove that lacuna.

Sir, I welcome all the provisions of this Bill and the intention of this Bill to give more powers to the Election Commission. It is quite clear now that the Election Commission, if they so desire, will ask somebody to appear as witness and it will function as a court. But I want to know from the hon. Deputy Minister, who has very ably piloted this Bill, whether the Election Commission has also taken a serious note of the various discrepancies, irregularities and

Bill

lacunae that were brought to the notice of the Commission by the judgment of the Election Tribunal in the case of the Gonda election. Sir, you remember that when this question arose, one of the Members of this House, Shri Ram Rattan Gupta, was unseated by the Election Commission and my hon. friend, Shri Dandekar was declared elected. At that time also, I know, the Election Commission felt so bitter about certain provisions, because they had no power and they could not ask for certain details. So I would only request the hon. Minister to bear this in mind and consider whether such powers should also be given to the Election Commission so that any candidate or candidates or even a voter or anybody else cannot tamper with an election.

I would like to know only one more thing, before lending my full support to the Bill, and that is, whether it is a fact that a team of government officials was sent from the Centre, either by the Law Ministry or by the Election Commission—I do not know—to Uttar Pradesh just to have investigations into the various allegations made by the Election Commission against certain very important officers connected with the Gonda election. An answer to this is necessary so that we may know that the Government is alive to the problem and wants that elections should be as clean as possible.

The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao): Mr. Speaker, I am grateful to hon. Members who took part in the discussion of this motion. It has been urged yesterday and also today that the Government have been slow in implementing the recommendations of the Election Commission made in Report on Second General Elections held in 1957. May I point out, Sir, these recommendations were in the nature of general observations. Regarding the particular point under discussion, the Election Commission observed that no

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specific provision has been provided for in any of the enactments empowering the Commission to take evidence when it is called upon to give its decisive opinion as to the disqualification of a Member of Parliament or a Member of a State Assembly. Nevertheless the Commission all along held the view that though it was not vested specifically with the powers, it had the inherent powers because no other Act had prohibited it from taking evidence. On that basis it proceeded. Till 31st July 1958, 18 such petitions were referred to the Election Commission for its opinion and in none of the petitions was the Election Commission confronted with a situation that because it had no powers to take evidence it could not decide the issue. For the first time the Election Commission was confronted with such a situation when a petition was referred to it concerning the Chief Minister of Orissa. Then it felt that unless it is armed with the powers to take evidence, call witnesses and examine documents, its decision may not be fair.

Shri Bade: Have they said that on Shri Biren Mitra's case?

Shri Jaganatha Rao: Yes. Immediately they made that specific recommendation,—I read out the penultimate paragraph of the opinion—Government have come forward with an amending Bill. Even after 1958, there are about 26 petitions referred to the Election Commission and two petitions relating to the Union Territories. In none of the Petitions the Election Commission was confronted with this difficulty. This is the first time that he has been confronted with this difficulty and we are now coming forward with this Bill.

Shri Bade: In 1957, there were two such election cases.

Shri Jaganatha Rao: I have before me the report of the Election Commission published in 1958. Nowhere is it stated that he was confronted with this situation. This is the first time that it was brought to our notice

[Shri Jaganatha Rao]

and we have come forward with this Bill.

Regarding bringing a comprehensive Bill about election law, may I submit that unless there is a recommendation from the Election Commission Government cannot come forward with a Bill. Take, for instance, the question of election expenses. All the political parties should have a discussion with the Election Commission, they should come to an arrangement with the Election Commission and then the Election Commission should make a report to the Government, because under article 324 the superintendence, direction and control of elections is vested in the Election Commission. Therefore, it is the Election Commission which has to be approached by political parties in respect of all matters concerning elections.

Mr. Speaker: But that article does not preclude Government from bringing in an amendment to the election law.

Shri Jaganatha Rao: I do not mean to suggest that the Government cannot do it. But he is the authority who looks into these questions and the political parties should have full discussion with him before any such step is taken.

Mr. Speaker: I agree with him there.

Shri Jaganatha Rao: Regarding the point raised by Shri Yashpal Singh, I am unable to accept his amendment for the omission of the clause "subject to any privilege which may be claimed by that person under any law for the time being in force". It only means that under the Evidence Act, sections 122 to 127 and 129 to 131, certain privileges can be claimed by the witnesses as regards production of documents, official records or privileged communication between the legal adviser and the client. Therefore, we cannot clothe the Election Commission with more powers than an ordinary civil court. A civil court

cannot compel a witness because these sections are there. The Election Commission cannot have greater powers.

Mr. Speaker: The question is:

"That the Bill further to amend the Representation of the People Act, 1951, be taken into consideration."

The motion was adopted.

Mr. Speaker: We will now take up clause by clause consideration.

Clause 2.—*Insertion of new Chapter and sections after section 145.*

Shri Yashpal Singh (Kairana): I beg to move:

Page 2, lines 16 and 17,—

omit "subject to any privilege which may be claimed by that person under any law for the time being in force," (1).

Mr. Speaker: I will put the amendment to the vote of the House.

Amendment No. 1 was put and negatived.

Mr. Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri Jaganatha Rao: I beg to move:

"That the Bill be passed".

Mr. Speaker: Motion moved:

"That the Bill be passed".

Shri Bade: On page 3, section 146C says:

"No suit, prosecution or other legal proceeding shall lie against the Commission or any person acting under the direction of the Commission in respect of anything which is in good faith done

or intended to be done in pursuance"

"intended to be done" is a very wide term. I think the Government ought to explain it.

Mr. Speaker: The hon. Member did not move any amendment during the second reading and now he is suggesting some changes in the Bill. It is too late. Now, the question is:

"That the Bill be passed".

The motion was adopted.

12.40 hrs.

WAREHOUSING CORPORATIONS (SUPPLEMENTARY) BILL

The Deputy Minister in the Ministry of Food and Agriculture (Shri D. R. Chavan): Sir, on behalf of Shri C. Subramaniam, I beg to move:

"That the Bill to supplement the provisions of the Warehousing Corporations Act, 1962, be taken into consideration."

The hon. Members are aware that the Agricultural Produce (Development and Warehousing Corporations) Act of 1954 provided for the establishment of a National Co-operative Development and Warehousing Board; Central Warehousing Corporation; and a State Warehousing Corporation in every State. But the House is aware that as a result of the transfer of the National Co-operative Development and Warehousing Board to the Department of Co-operation in the Ministry of Community Development and Co-operation and that of the Central Warehousing Corporation to the Department of Food under the Ministry of Food and Agriculture, it was felt that since the two bodies looked after two different objectives, there was no need to tie them together and that they should be bifur-

cated into two independent organisations by two separate Acts.

Accordingly in 1962, the Agricultural Produce (Development and Warehousing Corporations) Act, 1954 was repealed and the two separate Acts, that is, the National Co-operative Development Corporation Act, 1962 and the Warehousing Corporations Act 1962, were passed by Parliament establishing a National Co-operative Development Corporation in place of the Board for looking after co-operative development work and the Central Warehousing Corporation for carrying on storage and warehousing work.

The Warehousing Corporation Act, 1962, came into force on 19th March 1963, when the Central Warehousing Corporation was formally re-established under this Act.

The functions of the Central Warehousing Corporation, by and large remained the same as under the old Act of 1956, but the scope of its activities was enlarged by the inclusion of notified commodities which the Central Government may, by notification in the Official Gazette, declare to be notified commodities for the purposes of this Act, being a commodity with respect to which Parliament has power to make laws by virtue of Entry 33 in List III in the Seventh Schedule of the Constitution.

Even after the inclusion of the above mentioned notified commodities, there were persistent demands from various Government and private organisations for storage of other commodities in the warehouses such as tobacco, lac, wool etc. which could not be stored under the existing provisions of the Act, as these articles fell outside the ambit of Entry 33 of the Concurrent List.

The Ministry of Agriculture and the institutions like the Indian Council of Agricultural Research, the Central Lac Committee etc. and then the Ministry of International Trade and other export promotion organisations have been pressing the Warehousing Corporation to come to the