

Propaganda for encouraging consumers' resistance against payment of prices higher than the prescribed ones will be intensified and strict action will be taken against any approved shop which indulges in malpractices. The overhauling of the distributive machinery and the intensification of inspection and check, it is expected, will minimise malpractices.

The hon. Members will agree that the West Bengal Government have, for a considerable time, been facing a very difficult and complex situation. In a little more than a month's time the *aus* crop will be reaching the market. It should give some relief. Nevertheless, until the main *aman* crop comes to the market, by the middle of December, the situation will have to be watched carefully. Both the Central and the State Governments are fully alive to the situation and it is hoped that with the co-operation of the people, who seem to fully realise the difficulties of the situation, undue suffering will be avoided.

**Shri A. C. Guha (Barasat):** May I suggest that copies of this statement may be made available at least to the West Bengal Members before the discussion on food is taken up today in the afternoon?

**Mr. Speaker:** Any more copies with the Minister?

**Shri A. P. Jain:** I do not know how many copies would be available. Within the short time available now, it will not be possible to print new copies, but whatever copies are available I am prepared to place at the disposal of the hon. Members from West Bengal.

**Shri Tangamani (Madurai):** This statement is about West Bengal. I have given a similar calling attention notice about Madras, because the imported rice is going to be stopped from 1st October. I do not know what has happened to it.

**Mr. Speaker:** I remember to have admitted it for the 13th. That is my recollection.

## RULES COMMITTEE

### SECOND REPORT

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

"That this House agrees with the Second Report of the Rules Committee laid on the Table of the House on the 7th September, 1957."

In this connection I would like to make some observations also.

This question of some kind of credentials being required from a Member when he comes to take the oath or make a solemn affirmation has been engaging the attention of this House for some time.

As early as 1926, Sir Fredrick Whyte, the First President of the Legislative Assembly, had to observe:

"On the elected Members presenting themselves to take the oath or to affirm, no further authentication of identity is required. This is a lacuna in the Assembly procedure and might be used as a loophole for malpractices."

It was felt even at that time that there was some lacuna in our rules, and some kind of credentials might be required from the Members to be produced when they came here to take the oath or make the solemn affirmation.

In this period since we got our independence we have had two cases here. One was not of a serious nature. In that case, a Member, a gentleman I should say, walked into this House. I was in the Chair. That was also pointed out and also watched him when he was coming in to occupy some seat, and then arrangements had to be made there and then to escort him outside. It was discovered that there was something wrong with his brain. So, no serious notice was taken of that. Anyhow, we made enquiries as to how he had slipped in.

[Sardar Hukam Singh]

The second incident is of recent occurrence when on the 15th July, a Member who claimed that he had become honourable by being elected, just came in. He could give the slip to the members of the Watch and Ward. He came here and sat by me. I tried to question him. Shri Gopalan also felt doubtful as to whether he was a really elected Member, but he refused to be drawn into any conversation. I thought perhaps he did not like to have any conversation with me, but he refused to talk to Shri Gopalan also. He adopted the better course and told us this much only that he was an independent. When I told him that this was not his seat and that this seat had been allotted to the leader of the Communist group Shri Dange, he replied that he had been asked to occupy this seat by the Speaker himself. I did not know at that time. I could not decide whether . . .

**Shri Sinhasan Singh (Gorakhpur):** He said he was asked to occupy the seat by the Speaker himself. What more credential do you want!

**Sardar Hukam Singh:** That was ineffective, it was proved. That was no credential we found out afterwards. I was afraid that Shri Dange had been substituted by another in his party!

I at once asked the Lobby Assistant here to request him that he might move to some seat in the back benches because he was a new man, but that Assistant had to be very polite and apologetic. These employees or these officers of the Watch and Ward, or the Security Officers, have to be very careful.

I think I might mention here that we, Members, are also very sensitive when an enquiry is made. They take strong objection to any question being put by the Security Officer or by the Watch and Ward people. This much I can say, that those officers are polite. They are afraid lest they might touch any tender cord

of hon. Members. They feel nervous as to whether they are doing the right thing, and at that time they are very apprehensive whether some wrath might not fall upon them. They take every precaution. I give them credit that they are discharging their duties quite satisfactorily.

Even then, some cases have occurred. A recent case had been brought to my notice. It occurred only a few days back. An hon. Member had come here and taken oath. Then he had to go away. After some time, he appeared and he was not known to those officers who were posted there. So when he was just questioned, he took strong objection to that. May be that sometimes the officer may not put the question in such a refined way. We will have to give them allowances for the education that they got and the salary that they are getting. We cannot expect that they would be as refined as other highly paid officers may be. I had a talk with that hon. Member. He had complained that the way in which that question was put offended him.

We shall have to reconcile ourselves. We ought to be thick-skinned and whether an enquiry is made, we ought to answer that, if we want that these precautions should be taken and there should be no recurrence of such an incident as we witnessed on the 15th July. If we have to be careful and if Members have to come here to take the oath, there is no harm if some kind of credentials are needed, and they have to produce them before they are allowed to take oath.

On that day, the Prime Minister just had this observation to make; he said that presentation of credentials by Members before making oath or affirmation should be considered necessary. He also requisitioned the Speaker that he might consider perhaps some amendment of the rules so as to prevent the possibility of such a thing happening in future.

Then this question was brought before the Rules Committee. They took a decision. They have made certain amendments. So far as this Report is concerned, there are only two main amendments: One is that Committees may be authorised to administer oath to the witnesses who appear before them.

The second is about credentials. These credentials are not new things. In the U.S.A. also, credentials are required to be produced by the Members. In the U.K., when a new Member comes in, two Members introduce that Member to the Speaker or to the House. So it is not a new thing. We have to take this precaution.

I also notice that two amendments have been tabled. Perhaps it might be stated that this precaution goes too far. But there should not be any nervousness on that account because 'once bitent, twice shy'. We have to take care because there was a mistake. We might be over-cautious; even then there is no harm.

So this Form has been prescribed. Shri Sinhasan Singh has tabled two amendments. First, he wants modification of the Form as prescribed. He wants to make it more simple than it is. In the first and second paragraphs, it has been said that the Returning Officer shall certify that there was an election, that he has secured a majority of votes; then he has to say that he has been duly elected. Shri Sinhasan Singh's amendment says that only this much might be said that such and such Member has been duly elected to this House.

The second, and perhaps the more serious amendment is that there ought not to be any provision so far as the production of an attested photograph is concerned. That is his main objection, that it is derogatory to the Members, and expensive and irksome to secure a photograph and get it attested by the Returning Officer.

So far as expense is concerned—I am only anticipating; I do not say

that he will take up this line—I think if he has spent thousands of rupees on the election, he would not mind spending 8 annas on his photograph also.

Then there is another thing. I suppose in most of the cases, Members do get themselves photographed when contesting elections. Some copies have to be sent to newspapers as well. Therefore, there cannot be a large majority of them—there may be a few exceptions—who would not have photographs with them. So I think there will be no difficulty in getting them attested by the Returning Officer. They would not feel any trouble so far as that is concerned.

**Mr. Speaker:** Photographs are also required for railway passes.

**Sardar Hukam Singh:** Yes, thank you for that.

**Shri Goray (Poona):** That is done afterwards.

**Sardar Hukam Singh:** If they have them beforehand, there is no harm. Then a copy of a photograph can be appended to the railway pass as well.

Therefore, if photographs are had beforehand, that would be rather more useful and might save them some expense, because of the large number of copies got at that time. So in my opinion, there is no harm, and we should agree. I would request hon. Members to agree to this motion of mine that it may be adopted. It would save us from any chance of malpractices that have occurred in the past.

**Shri Sinhasan Singh:** I beg to move:

(1) That at the end of the motion, the following be added, namely:—

'subject to the following modification, namely:—

"Draft amendments No. 1, 2, 3, 4, 5 and the draft First Schedule shown in Appendix to the First Report be omitted."

[Shri Sinhasan Singh]

(ii) That at the end of the motion, the following be added, namely:—

'subject to the following modification, namely:—

"In the draft First Schedule shown in Appendix to the First Report, for the existing Form 'A' the following form be substituted, namely:—

**Form 'A'**

I,....., Returning Officer..... constituency, do hereby certify that Shri..... has been duly elected to the House of the People from this constituency.

Given under the hand and official seal of the Returning Officer at ..... this..... day of ....., 19.....

OFFICIAL SEAL RETURNING OFFICER. . . . .Constituency"

When I saw this motion and the amendments, it shocked my very nerves, as to how far we are proceeding to dishonour the Members of this Honourable House. Reference was made to a photo being attached to the identity card-cum-railway pass. When this system was also introduced, it rather struck me as strange. But then this idea was there that there should be an identify card so that Members might not be checked here and there, and they may be allowed to pass. So long as it was only for that purpose, I did not oppose it. when both were mixed—identity card-cum-railway pass. Now, after the Member comes here, he takes oath and is declared a Member. If this identity card were to be signed when the Member is declared elected by the Returning Officer and then and there a photo is attached, the matter will be quite different. But to have a credential attested by the Returning Officer is something very derogatory to the very honour of all the Members of the House.

Could we expect our Prime Minister, when he is declared elected, to go through this process? I know the most of the Members are not present at the time of the counting. They will be somewhere else. But this procedure, if adopted by the House, will compulsorily make all the Members present there, howsoever they may be busy otherwise. They would have to get their photo and signature attested before they can come to take oath here. This is a procedure which not only puts Members to shame but in the case of important personalities, to go to the Returning Officer and get their photo and signature attested is something which I cannot imagine.

**Shri Nath Pai (Rajapur):** The Prime Minister is also an M.P. first. He is just a common citizen.

**Shri Sinhasan Singh:** If the House feels that it is all right, it can pass it. But what I am saying is this. Here you have got the election agent. He does all your work on your behalf. You may not be present there.

Article 99 does not provide for any credentials being presented. In the Rules of Procedure which we are making under article 118 of the Constitution, we cannot do something which is not given by the Constitution itself. So far as I understand, the Rules of Procedure only relate to the conduct of the business in the House and not to the matter of taking oath which is provided for in the Constitution. Article 99 prescribes how he will take oath. That says:

"Every member of either House of Parliament shall, before taking his seat, make and subscribe before the President, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule".

It nowhere states that the Member will present his credentials before he

is allowed to take oath. What are we doing now? By rules of procedure, we will not allow him to take oath unless he presents his credentials. So, we are doing something which the Constitution does not say. You cannot by the Rules of Procedure do something which the Constitution does not envisage.

**Mr. Speaker:** If an outsider comes what is to happen?

**Shri Sinhasan Singh:** There were only two mistakes that have occurred in this House; one long ago and the other recently. For that every Member of the House is going to be penalised

**Mr. Speaker:** What is the harm?

**Shri Sinhasan Singh:** Because one non-member could get ingress to the House and took the oath you are doing this. There is already a penalty provided in article 104 and if there is any person who is not a Member but takes his seat, he has to pay a fine of Rs. 500/-. That is already there in article 104.

**Mr. Speaker:** Only if it is discovered. The other day we might not have noticed it.

**Dr. Ram Subhag Singh:** If a Member previously, it was the practice for the Secretary to read out the names of the persons who are to take the oath. On that day his name was not read out.

**Mr. Speaker:** Assuming that his name had been read out and that man said that he was so and so, what is to happen?

**Dr. Ram Subhag Singh:** If a Member takes the oath without his name being read out, we do not know who is the Member that is going to be called to take the oath.

**Mr. Speaker:** Even if the names are read out here and if the man had said that he was one of the 48 names that were read out, what would happen?

**Shri Sinhasan Singh:** It won't possibly happen; it would not be possible for anybody to do that, when

two or three names are being called by the Secretary. (Interruption)

**Dr. Ram Subhag Singh:** The names and constituencies should be read.

**Shri Sinhasan Singh:** This would not happen because when the Secretary reads 5 names and there is a sixth man, he would have been detected. Anyhow the man would have been detected. As the Deputy-Speaker pointed out there was a question put to him and that particular man's behaviour was odd.

**Mr. Speaker:** The hon. Member has tabled an amendment to this. He does not want to do away the credentials; he has given another form of credentials.

**Shri Sinhasan Singh:** Sir, that is only a form which is there under the Representation of the People Act. The Returning Officer has to declare a person elected and he sends that declaration to the Parliament Secretariat. A copy of the same declaration he may give to the Member also. No new credentials are required if that is accepted; that is so under the American system. There also it is only meant for the Senators and not for the representatives of the people, and the credentials is given by the Governor of the State and not by the Returning Officer. The credential is addressed to the President and not to the Secretary. Even there the photo and the signature (attested) is not required. You are humiliating us by asking us to put the photo and have the signature attested by the Returning Officer. That is my objection. (Interruption.)

This procedure also offends the Constitution. It differentiates between two kinds of Members. You are amending only Rule 5 of the Rules of Procedure and this rule says.....

**Mr. Speaker:** It is necessary to elaborate the point? I will put the question whether the House wants the photo or not.

**Dr. Ram Subhag Singh:** You may put it. The photo is derogatory. We

[Dr. Ram Subhag Singh]

should not introduce a new procedure or practice.

**Shri Sinhasan Singh:** What is there in the Representation of the People Act is enough; there need not be this photo. If I am permitted, I will read the American form also.

**Mr. Speaker:** He has said enough about his amendment.

**Shri Sinhasan Singh:** It also classifies the Members in two categories. Rule 5 of the Rules of procedure relates only to those Members who have not already taken their oath under article 99. That is, after a general election, everybody has to take oath here. But this rule only says:

'A member who has not already made and subscribed an oath or affirmation, in pursuance of Article 99 of the Constitution, may do so at the commencement of a sitting of the House, or at any other time of the sitting of the House, as the Speaker may direct... (Interruption).

My submission here is that the photo and the signature should be done away with. What I have suggested is very simple. It reads:

"I,....., Returning Officer, .....constituency, do hereby certify that Shri ..... has been duly elected to the House of the People from this constituency.

Given under the hand official seal of the Returning Officer at... ..this.....day of ....., 19..."

This is in conformity with the declaration required under the Representation of the Peoples Act that so and so has been declared elected, and a copy of which is sent to Parliament. He may be given a copy of this declaration, which may serve as a credential if you are bent upon having credentials. I submit that no credentials need be insisted upon and every hon. Member should be believed and our honour should be saved at any cost.

**Mr. Speaker:** If an hon. Member has to swear to an affidavit, would he not go before a magistrate?

**Shri Sinhasan Singh:** That everybody will have to do.

**Shri P. C. Bose (Dhanbad):** The amendment is intended to overcome a delicate situation that may arise.... (Interruption).

**Mr. Speaker:** Hon. Members should not go on interrupting like this.

**Shri P. C. Bose:** The amendment is intended to overcome a delicate situation that may arise in case somebody comes and poses himself to be a Member. That I quite realise. But, supposing, even after getting the certificate from the Returning Officer one Member loses it or it is stolen on the way, what would happen to him when he comes over here? Will he be kept outside and will he have to go back to the Returning Officer and get the certificate again? By that time the Returning Officer might have died. What is the position. The other side of the picture should also be considered. I quite understand that we want to avoid an imposter coming here.

**Mr. Speaker:** What if he loses his railway ticket before he gets into the train?

**Shri P. C. Bose:** That also can be provided for in the amendment that if any such Member comes in he must be allowed on being identified by two other old Members. Something like that should be provided; otherwise, the situation may be difficult.

**Shri Thimmaiah (Kolar—Reserved—Sch. Castes):** Instead of insisting on the photo and the signature after the election is over, you can as well amend the Representation of the People Act and say that the photo along with the attested signature should be filed along with the nomination paper so that, after the elections, the Returning Officer can send the photo and the attested signature here. That will serve the purpose.

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

**Shri Shree Narayan Das (Darbhanga):** I would like to say something, Sir.

**Mr. Speaker:** I have heard enough.

**Shri Punnoose (Ambalapuzha):** Sir, it is a very important matter and once you pass it you cannot get out of it. To go to the Returning Officer and to ask this thing to be certified by him is rather an undignified way of doing that. There must be some sort of identification. As was suggested, even when our nomination papers are filed, at that time the photo may be taken and sent to the Returning Officer and that may be compared. But to go to the Returning Officer and ask him to sign it is not good.

There will be a lot of difficulties on that particular day when the results are declared the Returning Officer might be there. Sometimes, it so happens that the Returning Officer comes to that place from 100 or 200 miles away. But for a Member to go there before he starts for Delhi to get this done would mean a lot of difficulty. Let him be introduced by another Member of the House. Where is the difficulty in that?

**Mr. Speaker:** How is he to be identified—the man who first comes here?

**Shri Naushir Bharucha (East Kandesh):** Even the security measures proposed are not new. There are defects and they can be circumvented. In the first place, it is presumed they that the returning officers' signature cannot be forged.

**Mr. Speaker:** Everything in the world can be done.

**Shri Naushir Bharucha:** That is why, Sir, I tell you. Instances occurred in the Bombay Legislative Assembly. I was handed over a certified copy of a court's order with the forged signature of the Presidency Magistrate and the seal of the Court. On the basis of that, I asked certain questions in the Assembly. The hon.

Minister of Commerce and Industry, who was then the Chief Minister, pointed out that the whole thing was forged. If people can go to that length only for the purpose of inducing members to put questions in the legislatures, what is the guarantee that the signature of the returning officer or his seal will not be forged?

It is also presumed that the Secretary knows the signatures of all the 500 returning officers. He will have, first of all, to call for the specimen signatures. The whole thing is cumbersome I propose that the matter be referred back to the Rules Committee in the light of the discussions to consider the whole thing afresh.

**Shri S. Ghose (Burdwan):** There is also a legal question that comes to my mind. The returning officer is governed by the Representation of the Peoples Act. How can we compel to put his signature?

**Sardar Hukam Singh:** I hope that we can agree to the suggestion made by Shri Bharucha. There would be no opposition. I find that we are divided on that.... (*Interruptions*). I am one of those who moved it. A division would be there even then. But, I think that such a motion should not be decided on division. The House should not take a decision when there is a such difference of opinion. I really like the proposal of Shri Bharucha and it may be sent back to be considered there. We can call those hon. Members who have strong opposition to it and discuss it. Then we can come to an agreed solution. The Rules Committee is not insistent that this must be carried through. So, it may be considered there and there is no harm. If that is the opinion of the House, it may be taken. At least I feel that such a question should not be decided by taking votes.

**Shri Naushir Bharucha:** May I move formally, now? I beg to move:

"That the proposal regarding presentation of credentials by Members be referred back to the Rules Committee."

**Mr. Speaker:** I shall put it to the vote of the House, if that is the desire of the hon. Members. The question is:

"That the proposal regarding presentation of credentials by Members be referred back to the Rules Committee".

*The motion was adopted.*

**Mr. Speaker:** So far as the other rule is concerned, witnesses appear before the Select Committees. The Select Committees and other Committees such as the Estimates Committee and the Public Accounts Committee have got a right to administer oaths to them. I shall now put the amendment to rule 272. The question is:

For rule 272, the following rule shall be substituted, namely:—

"272. (1) A Committee may administer oath or affirmation to a witness examined before it.

(2) The form of the oath or affirmation shall be as follows:

'I, A. B., do swear in the name of God solemnly affirm that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.'

*The motion was adopted.*

**Mr. Speaker:** So, now this is adopted. The other one is referred back to the Rules Committee for further investigation and report. The House will now take up the other matter.

#### FORWARD CONTRACTS (REGULATION) AMENDMENT BILL

**The Minister of Industry (Shri Manubhai Shah):** Sir, I beg to move:

"That the Bill further to amend the Forward Contracts (Regulation) Act, 1952, as passed by Rajya Sabha, be taken into consideration."

Sir, before dealing with the specific provisions of the Bill, it would be

useful to recount in brief the background of the matter. Forward markets play a useful part in moderating price fluctuations, and providing hedging or insurance facilities to producers and traders concerned with a commodity. However, such markets also sometimes lend themselves to the danger of speculation and manipulation, which may, in fact, exaggerate price fluctuations and render the markets unsuitable for the purpose of hedging. It is, therefore, essential to regulate forward markets with a view to preserving and enhancing their utility and preventing undesirable speculation and manipulation. The Forward Contracts (Regulation) Act is intended to serve the above purpose. The Act was passed in 1952, and Chapters II and VI thereof came into force in the whole of India (except the State of Jammu and Kashmir) on the 24th August, 1953. The Act provides for the application of its regulatory provisions to specified areas and commodities, and for the recognition of associations through which only forward contracts are permitted to be entered into in such specified areas and commodities. Of course this does not deal generally with the non-transferable specific delivery contracts unless stipulated so by the Forward Markets Commission. The Act also provides for the establishment of the Forward Markets Commission for advising Government in respect of all matter arising out of the administration of the Act and for performing such other duties and exercising such other powers as may be assigned to it. The Forward Markets Commission was accordingly established in September, 1953.

The commodities in which forward trading is at present regulated under the Act are: cotton, groundnut, groundnut oil, castorseed, cotton seed, linseed, coconut oil, pepper and turmeric. The regulation extends to the entire country. 12 associations have so far been recognised at different centres in the country for regulating forward trading in the several commodities mentioned above. Some of the associations